

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EQUAL EMPLOYMENT OPPORTUNITY	:	
COMMISSION	:	
v.	:	Civil Action No. WMN-02-2175
	:	
BGS TELEMARKETING, INC.	:	

MEMORANDUM AND ORDER

The Equal Employment Opportunity Commission brought this action against BGS Telemarketing, Inc. (BGS) alleging that BGS's supervisors sexually harassed its female employees in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq. Plaintiff also alleges that BGS discharged one of its employees, Grace Hughey, in retaliation for her complaints about this harassing conduct. Plaintiff has now moved for summary judgment on the issue of liability. Paper No. 21. The time for opposing the motion has now passed, and the Court has been informed that BGS does not intend to file any opposition.

The evidence submitted by Plaintiff, which is now undisputed, conclusively demonstrates that BGS's female employees were subjected to severe and pervasive harassment on account of their gender, and that BGS was aware of that harassment but took no measures reasonably designed to prevent that harassment. The evidence submitted by Plaintiff also strongly supports the conclusion that Hugley was terminated

for protesting that unlawful conduct. In the absence of any evidence disputing that of Plaintiff, the Court will grant summary judgment in favor of Plaintiff as to liability on both the hostile environment and retaliation claims. See Smith v. First Union Nat. Bank, 202 F.3d 234, 241 (4th Cir. 2000) (setting out the elements of a hostile environment claim) and Von Gunten v. Maryland, 243 F.3d 858, 863 (4th Cir. 2001) (setting out the prima facie case for retaliation claim).

Accordingly, IT IS this 15th day of August, 2003, by the United States District Court for the District of Maryland,
ORDERED:

1. That Plaintiff's Motion for Partial Summary Judgment, Paper No. 21, is GRANTED;

2. That a telephonic scheduling conference will be held on Wednesday, August 27, 2003, at 9:45 a.m., to be initiated by counsel for Plaintiff, for the purpose of setting a date for a trial at which the amount of damages and other appropriate relief will be determined; and

3. That the Clerk of the Court shall transmit copies of this Memorandum and Order to all counsel of record.

/s/

William M. Nickerson
Senior United States District

Judge