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7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 U.S. EQUAL EMPLOYMENT  
11 OPPORTUNITY COMMISSION,

12 Plaintiff,

13 vs.

14 CONSOLIDATED REALTY, INC.,

15 Defendant.  
16

Case No. 2:06-cv-00681-JCM-LRL

**OBJECTION TO PLAINTIFF'S  
PROPOSED ORDER ON PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT;**

**SUBMISSION OF CONSOLIDATED  
REALTY, INC.'S PROPOSED ORDER**

17 Defendant Consolidated Realty, Inc. objects to the EEOC's proposed Order on Motion for  
18 Partial Summary Judgment submitted on March 4, 2008, because it does not comply with the Court's  
19 instruction at the hearing "to prepare an appropriate order just granting your [the EEOC's] motion as  
20 [to] the seventh affirmative defense, denying it as to the other two." Transcript of February 26, 2008  
21 Hearing at 11:20-24. Consolidated's proposed Order is attached for the Court's consideration.

22 Dated: March 6, 2008.

Respectfully submitted,

23  
24 \_\_\_\_\_/s/  
25 PATRICK HICKS, ESQ.  
26 KARYN M. TAYLOR, ESQ.  
LITTLER MENDELSON, P.C.

27 Attorneys for Defendant  
28 CONSOLIDATED REALTY, INC.

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7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA  
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10 U.S. EQUAL EMPLOYMENT  
11 OPPORTUNITY COMMISSION,

12 Plaintiff,

13 vs.

14 CONSOLIDATED REALTY, INC.,

15 Defendant.

Case No. 2:06-cv-00681-JCM-LRL


**| ORDER ON PLAINTIFF'S  
MOTION FOR PARTIAL SUMMARY  
JUDGMENT**

1 On February 26, 2008, the Court held a hearing on Plaintiff Equal Employment Opportunity  
2 Commission's ("EEOC") Motion for Partial Summary Judgment (Court Doc. #49). The Court has  
3 considered all relevant documents submitted on this issue, including Plaintiff EEOC's moving papers,  
4 Defendant Consolidated Realty's Opposition to Plaintiff's Motion for Partial Summary Judgment  
5 (Court Doc. #50), and Plaintiff EEOC's Reply to Defendant's Opposition (Court Doc. #51).

6 **IT IS SO ORDERED**

7 Having considered the briefs submitted by the parties and having considered the argument made  
8 by the parties at the hearing, the Court hereby GRANTS Plaintiff EEOC's Motion for Partial Summary  
9 Judgment as to the Seventh Affirmative Defense of Failure to Exhaust Administrative Remedies and  
10 DENIES Plaintiff's Motion as to the Third Affirmative Defense of Statute of Limitations and as to the  
11 Eleventh Affirmative Defense of Conditions Precedent.

12 **IT IS SO ORDERED** this 7<sup>th</sup> day of March, 2008.

13  
14   
15 **UNITED STATES DISTRICT COURT JUDGE**

**PROOF OF SERVICE**

I am a resident of the State of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 3960 Howard Hughes Parkway, Suite 300, Las Vegas, NV 89169.5937. On March 6, 2008, the following document(s) were served on the party(ies) below:

**OBJECTION TO PLAINTIFF’S PROPOSED ORDER ON PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT;**

**SUBMISSION OF CONSOLIDATED REALTY, INC.’S PROPOSED ORDER**

X By **CM/ECF Filing** – with the United States District Court of Nevada, a copy of the Court’s notification of e-filing is **attached** to the hard copy for either faxing, mailing, overnight delivery, and/or hand-delivery.

By **United States Mail** – a true copy of the document(s) listed above for collection and mailing following the firm’s ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at Las Vegas, Nevada addressed as set forth below.

By **Facsimile Transmission** – the transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is **attached** to the hard copy. The names and facsimile numbers of the person(s) served are as set forth below.

By **Overnight Delivery** – by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.

By **Hand-Delivery** – a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

Anna Y. Park, Esq.  
Peter F. Laura, Esq.  
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
255 East Temple Street, 4th Floor  
Los Angeles, CA 90012

P: 213-894-1082  
F: 213-894-1301

Attorneys for Plaintiff

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 6, 2008, at Las Vegas, Nevada.

\_\_\_\_\_/s/\_\_\_\_\_  
MARINA GUERRERO

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