## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY C. LAKE,	)
Plaintiffs,	
v.	2:04ev764
AK STEEL CORPORATION,	Electronic Filing
Defendant.	)

## ST ORDER OF COURT

AND NOW, this 3 day of August, 2006, upon due consideration of defendant's motion for summary judgement and the parties' submissions in conjunction therewith, IT IS ORDERED that the motion (Doc. No. 14) be, and the same hereby is, denied. Material issues of fact remain. There is more than sufficient evidence for the finder of fact to conclude that a minor infraction that ordinarily would have been handled through a verbal warning or at most a traffic citation was immediately converted into a basis for substance testing, which proved to be negative, and thereafter converted into a basis for discharge, which proved to be unauthorized, due to retaliatory animus.

David Stewart Cercone,
United States District Judge

cc: John W. Murtagh, Jr., Esquire Murtagh and Cahill 110 Swinderman Road Wexford, PA 15090

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