

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THOMAS E. MUTZ,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AGERE, INC.	:	
	:	
Defendant.	:	No. 04-5082

MEMORANDUM

Thomas E. Mutz filed this action against his former employer, Agere, Inc. for allegedly illegally denying his right to take leave for a serious health condition, and for retaliating against him for taking leave for that condition. Mutz further alleged that Agere unlawfully terminated him in order to interfere with his attainment of benefit rights. On June 16, 2005, Agere filed a motion for summary judgment on the first two claims, and on July 22, 2005, Agere's motion was granted.

On September 12, 2005, Agere filed a supplemental motion for summary judgment, requesting that the court dismiss Mutz's interference claim under Section 2615 Family Medical Leave Act. 29 U.S.C. §2615(a). In a letter dated September 14, 2005, Mutz directed the court to his filings in response to Agere's initial motion for summary judgment, and declined to submit further support in response to the Second Motion for Summary Judgment.

In the face of no further proffers of fact or law, I find that the findings of fact in

the July 22, 2005 Order are sufficient to defeat Mutz's FMLA interference claim and I grant summary judgment in favor of Agere.

ORDER

AND NOW, this day of September, 2005, upon consideration of Agere, Inc.'s Second Motion for Summary Judgment, Plaintiff's response thereto, and conference with counsel, it is hereby **ORDERED** that said motion is **GRANTED**. The claim under Section 2615(a) of the FMLA is hereby **DISMISSED**. This Order disposes of all Plaintiff's claims.

The Clerk of Court is directed to close this case for statistical purposes.

LAWRENCE F. STENGEL, J.