

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

AUDREY MINTZ DINTINO : CIVIL ACTION  
v. :  
DOUBLETREE HOTELS CORPORATION : NO. 96-7772

MEMORANDUM AND ORDER

Fullam, Sr. J. June , 1998

By Memorandum and Order dated November 14, 1997, I granted summary judgment as to liability, in favor of the plaintiff and against the defendant, on Count III of plaintiff's complaint, which charged violations of the Family and Medical Leave Act, 29 U.S.C. §2601 et seq. ("FMLA"). Plaintiff thereafter voluntarily withdrew Count II of the complaint, which had charged violation of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. ("ADA"). This left for further disposition claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e) et seq. and the Pennsylvania Human Relations Act, 43 P.S. §951 ("PHRA"), set forth in Counts I and IV of the complaint, respectively.

The defendant has filed a motion for reconsideration of the partial summary judgment granted to plaintiff on Count III, the FMLA claim, and the parties have filed cross-motions for summary judgment with respect to the Title VII and PHRA claims.

1. The Motion to Reconsider

Plaintiff's Motion to Reconsider the grant of summary judgment on Count III raises no issues which were not considered at the time the order was entered. The partial summary judgment in favor of plaintiff establishes merely that the defendant did violate the FMLA. No ruling has been made as to the extent or type of damages plaintiff may be awarded on that count. The Motion for Reconsideration will be denied.

2. The Cross-Motions for Summary Judgment on the Remaining Counts

Plaintiff's Title VII and related PHRA claims are based on the assertion that plaintiff was discriminated against on account of her sex, both discrimination triggered by her pregnancy, and because of a work environment which was hostile to women generally. If plaintiff's evidence is accepted as true, she readily makes out a prima facie case under Title VII. Defendant has articulated facially valid non-discriminatory reasons for the adverse personnel actions, but plaintiff's evidence would support an inference of pretext. Although the historical facts may be largely undisputed, the inferences which should properly be drawn from those facts are very much disputed. In short, this case is simply not susceptible to summary disposition. The cross-motions will be denied.

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ORDER

AND NOW, this day of June, 1998, IT IS ORDERED:

1. Defendant's Motion to Reconsider this Court's Order of November 14, 1997 is DENIED.
2. The parties' Cross-Motions for Summary Judgment as to Counts I and IV of the Complaint are DENIED.

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John P. Fullam, Sr. J.