

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

**DIVERSIFIED EDUCATIONAL
TRAINING AND MANUFACTURING
COMPANY, INC., a/k/a “DETAMC”,**

Plaintiff,

v.

Case No. 05-02408-JWL

**THE CITY OF WICHITA
AND ITS REPRESENTATIVES,**

Defendant.

MEMORANDUM AND ORDER

Defendant’s motion to dismiss (doc. 38) for lack of standing due to plaintiff’s alleged failure to plead injury in fact is summarily denied. The Tenth Circuit has made clear that a corporation has standing to assert a discrimination claim under 42 U.S. C. § 1981 based on the race of one of its employees. *Guides, Ltd. v. Yarmouth Group Property Mgmt.*, 295 F.3d 1065, 1071 (10th Cir. 2002)(citations omitted). In that case, the Tenth Circuit went on to affirm compensatory damages awarded to the corporation for lost profits. *Id.* at 1076. The plaintiff in this case seeks economic damages¹ due to discrimination under § 1981; therefore, the court concludes that DETAMC has pled an injury in fact. Furthermore, the court finds the defendant’s motion borderline frivolous. Accordingly, the court summarily denies defendant’s motion to

¹ The court has granted defendant’s motion to eliminate plaintiff’s claim for damages caused by humiliation, mental & physical pain & suffering.

dismiss.

IT IS ORDERED BY THE COURT THAT defendants' motion to dismiss (doc. 38)
is denied.

IT IS SO ORDERED.

Dated this 9th day of February 2007, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge