

action; (3) at the time, the employer knew that plaintiff had a relative or associate with a disability; (4) the adverse employment action occurred under circumstances raising a reasonable inference that the disability of the relative or associate was a determining factor in the employer's decision. Den Hartog v. Wasatch Acad., 129 F. 3d 1076, 1085 (10th Cir. 1997).

Summary judgment is appropriate if the pleadings, depositions, answers to interrogatories, and admissions on file, together with any affidavits, show no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c); accord Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247 (1986); Vitkus v. Beatrice Co., 11 F.3d 1535, 1538-39 (10th Cir. 1993). In the reply brief in support of her motion, plaintiff concedes that defendant has demonstrated a genuine issue of material fact whether it knew that plaintiff's husband was disabled when plaintiff applied for a job. See Reply In Support Of Plaintiff's Motion For Partial Summary Judgment (Doc. #39), filed November 19, 2009 at 3. The Court therefore finds that plaintiff is therefore not entitled to summary judgment.

IT IS THEREFORE ORDERED that plaintiff's Motion For Partial Summary Judgment (Doc. #24), filed October 2, 2009 be and hereby is **OVERRULED**.

Dated this 19th day of March, 2010 at Kansas City, Kansas.

s/ Kathryn H. Vratil
KATHRYN H. VRATIL
United States District Judge