

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

BROOKE MAHNKEN,

Plaintiff,

v.

**NATIONAL CATASTROPHE
RESTORATION, INC.,**

Defendant.

Case No. 10-1429-CM

MEMORANDUM AND ORDER

Defendant National Catastrophe Restoration, Inc. (“NCRI”) seeks summary judgment as to plaintiff Brooke Mahnken’s claims against it (Doc. 55). Plaintiff alleges that defendant terminated her employment because plaintiff was pregnant. Defendant claims that no genuine issue exists as to whether defendant knew of plaintiff’s pregnancy at the time it terminated her employment. Defendant also contends that no genuine issue exists as to whether NCRI treated plaintiff less favorably than similarly situated employees. Finally, defendant alleges that plaintiff has failed to produce evidence rebutting NCRI’s proffered legitimate, non-discriminatory reasons for plaintiff’s termination.

Summary judgment is appropriate if the moving party demonstrates that there is “no genuine issue as to any material fact” and that it is “entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). In applying this standard, the court views the evidence and all reasonable inferences therefrom in the light most favorable to the nonmoving party. *Adler v. Wal-Mart Stores, Inc.*, 144 F.3d 664, 670 (10th Cir. 1998) (citing *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)).

After reviewing the evidence, the court concludes that defendant's motion for summary judgment must be denied. Genuine issues of fact remain as to whether defendant knew that plaintiff was pregnant when it terminated her employment, whether defendant treated other similarly situated employees more favorably than plaintiff, and whether defendant's proffered reasons for terminating plaintiff were pretextual. Accordingly, the court determines that summary judgment is not warranted.

IT IS THEREFORE ORDERED that Defendant National Catastrophe Restoration, Inc.'s Motion for Summary Judgment (Doc. 55) is denied.

Dated this 3rd day of August, 2012, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge