

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

Jane Doe,

Plaintiff,

v.

Case No. 14-12345

Acme Company,

Honorable Sean F. Cox

Defendant.

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**PLAINTIFF JANE DOE'S  
COUNTER-STATEMENT OF DISPUTED FACTS**

Plaintiff Jane Doe responds to Defendant Acme Company's "Statement of Material Facts

Not in Dispute" as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Denied. Plaintiff received two, not three, discipline notices from Acme during the time she was supervised by Smith. Plaintiff received the two discipline notices attached as Exhibit B to Def.'s Brief. Plaintiff did not receive a discipline notice from Smith regarding leaving work early on November 1, 2011. Rather, she received only a verbal warning from Smith regarding that incident. (Pl.'s Dep. Tr. at 22-24 & 37).
5. Admitted.
6. Admitted that Plaintiff received the discipline notice dated July 1, 2000. Plaintiff

denies that she did, in fact, leave a caller on hold for twelve minutes on July 1, 2010, as was stated by Smith in the July 1, 200 discipline notice. (Pl.'s Dep. at 22-24 & 27).

7. Denied. Plaintiff did not receive a written discipline notice from Smith regarding leaving work early on November 1, 2011. Rather, she received only a verbal warning from Smith regarding that incident. (Pl.'s Dep. Tr. at 37).
8. Denied. On July 5, 2010, Smith told Plaintiff that "she may be too old to hack it in the fast-paced environment in Acme's customer service department." (Pl.'s Dep. Tr. at 39).
9. Admitted.
10. Admitted.
11. Denied. Smith fired Plaintiff because of her age. (Pl.'s Dep. Tr. at 39, wherein Plaintiff testified that Smith told her "she may be too old to hack it in the fast-paced environment in Acme's customer service department"; Wilson Dep. Tr. at 9-10, wherein Acme employee July Wilson testified that Smith told her Plaintiff was terminated "because the old girl just couldn't hack it here.")

....

Plaintiff contends that the following are material facts as to which there is a genuine issue of material fact for trial:

1. Whether Smith told Plaintiff on July 5, 2010 that "she may be too old to hack it in the fast-paced environment in Acme's customer service department." (Pl.'s Dep. Tr. at 39; Smith's Dep. Tr. at 12-14).

2. Whether Smith told Judy Wilson that Plaintiff was terminated “because the old girl just couldn’t hack it here.” (Wilson Dep. Tr. at 9-10; Smith Dep. Tr. at 14-15).

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