

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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**DEFENDANT ACME COMPANY'S  
STATEMENT OF MATERIAL FACTS NOT IN DISPUTE**

Defendant Acme Company asserts that the following material facts are not in dispute in this case and support its Motion for Summary Judgment:

1. Plaintiff Jane Doe ("Plaintiff") began working for Acme Company on April 1, 2010, as a customer service representative. (Pl.'s Dep. Tr. at 10-11).
2. At that time, Plaintiff was 46 years old. (Pl.'s Dep. at 3; Ex. A to Def.'s Br., Pl.'s employment application, at 1).
3. Plaintiff's direct supervisor while she was a customer service representative at Acme was George Smith. (Smith Dep. Tr. at 5; Pl.'s Dep. Tr. at 3).
4. Plaintiff received three discipline notices from Acme during the time she was supervised by Smith. (Smith Dep. Tr. at 34-36; Ex. B to Def.'s Br.)
5. The discipline notice issued to Plaintiff on May 24, 2010 stated that Plaintiff left a caller on hold for seventeen minutes, when company standards provide that no caller should be left on hold for more than eight minutes. (Smith Dep. Tr. at 34;

Ex. B to Def.'s Br. at 1-2).

6. The discipline notice issued to Plaintiff on July 1, 2010, stated that Plaintiff left a caller on hold for twelve minutes, when company standards provide that no caller should be left on hold for more than eight minutes. (Smith Dep. Tr. at 35-36; Ex. B to Def.'s Br. at 3-4).
7. Plaintiff also received a discipline notice after she left work early on November 1, 2011. (Smith Dep. Tr. at 36).
8. Neither Smith nor any other supervisors who interacted with Plaintiff at Acme ever made any derogatory remarks to Plaintiff regarding age. (Smith Dep. Tr. at 22-24 & 33; Ward Dep. Tr. at 17-19; Andrews Dep. Tr. at 14-15).
9. Plaintiff was fired by Acme on December 1, 2011. (Smith Dep. Tr. at 40; Ex. C to Def.'s Br., 12/1/11 Termination Notice).
10. Smith was the manager who made the decision to terminate Plaintiff's employment. (Smith Dep. Tr. at 40-41).
11. Smith terminated Plaintiff's employment because, even after having received two disciplinary notices regarding poor customer service, she continued to leave callers on hold for longer time periods than permitted by Acme's standards. (Smith Dep. Tr. at 40-43 & 56-69; Ex. C to Def.'s Br., 12/1/11 Termination Notice).

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