

NOTICE OF ENTRY
(SUPREME COURT RULE 74.03)

In The 33rd Judicial Circuit Court, Mississippi County, Missouri

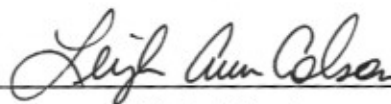
HARRIET SMALL V TGRC THE GATES CORP.

CASE NO : 06MI-CV00575-0

To: CARY SCHWIMMER
ATTORNEY AT LAW
1933 EXETER, SUITE 5
GERMANTOWN TN 38138

YOU ARE HEREBY NOTIFIED that the court duly entered the following:

<u>Filing Date</u>	<u>Description</u>
09-Jun-2008	Summary Judgment Order Order Granting Defendant's Motion for Summary Judgement. Filed By:DAVID ANDREW DOLAN



Clerk of Court

CC: File
CARY SCHWIMMER
KENNETH C MCMANAMAN
MARY LOUISE D. GRIFFITH

Date Printed : 09-Jun-2008

CIRCUIT COURT OF MISSISSIPPI COUNTY
AT CHARLESTON, MISSOURI

Harriet Small,)
)
 Plaintiff,)
)
 v.)
)
 TGRC The Gates Corporation,)
)
 Defendant.)

Case No. 06MI-CV00575-01

FILED
JUN 09 2008
CIRCUIT COURT
MISSISSIPPI COUNTY, M

ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

This matter came before the Court on June 4, 2008 on Defendant's Motion for Summary Judgment, at which time the Court heard oral argument of both counsel. After considering Defendant's Motion, Statement of Uncontroverted Facts, and supporting Memorandum, Plaintiff's responses to those pleadings, Defendant's replies to Plaintiff's responses, and the oral arguments of counsel, the Court hereby orders as follows in accordance with its oral ruling from the bench on June 4, 2008:

1. The undisputed facts surrounding Plaintiff's resignation show that she cannot prove a constructive discharge. Because Plaintiff is unable to prove constructive discharge, it is unnecessary for the Court to reach the question of whether any alleged constructive discharge was due to Plaintiff's age, gender or allegedly being regarded as having a disability.

2. Accordingly the Court finds that there is no genuine issue as to any material fact and that Defendant is entitled to judgment in its favor as a matter of law.

3. Defendant's Motion for Summary Judgment is hereby granted.

4. Defendant may file its Motion for Sanctions Pursuant to MRCP 55.03(c), previously served on Plaintiff's counsel. That motion will be heard by telephone at a date and time to be determined.

5. This is a final and appealable Order.



David A. Dolan
Circuit Court Judge

Date: June 9, 2008