

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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STEPHEN BEIGHTLER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 2:07-cv-02532-DV
	)	
	)	
SUNTRUST BANKS, INC.	)	
	)	
Defendant.	)	

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ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

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The plaintiff, Stephen Beightler, filed a complaint on August 13, 2007, against the defendant, SunTrust Banks, Inc. ("SunTrust"), alleging that SunTrust discriminated against him during its hiring process. Beightler's complaint contains allegations of sexual harassment, defamation, intentional infliction of emotional distress, and negligence. Specifically, Beightler alleges that one of SunTrust's vice presidents conditioned an offer of employment on Beightler's willingness to perform sexual favors. Now before the court is Beightler's motion for summary judgment as to all counts. The parties have consented to the jury trial of this matter before the undersigned United States Magistrate Judge. For the following reasons, Beightler's motion for summary judgment is DENIED.

ANALYSIS

A. Summary Judgment Standard

Under Rule 56(c) of the Federal Rules of Civil Procedure,

summary judgment is proper "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." FED. R. CIV. P. 56(c); see also *LaPointe v. United Autoworkers Local 600*, 8 F.3d 376, 378 (6th Cir. 1993); *Osborn v. Ashland County Bd. of Alcohol, Drug Addiction & Mental Health Servs.*, 979 F.2d 1131, 1133 (6th Cir. 1992) (per curiam). The party that moves for summary judgment has the burden of showing that there are no genuine issues of material fact at issue in the case. *LaPointe*, 8 F.3d at 378. This may be accomplished by pointing out to the court that the nonmoving party lacks evidence to support an essential element of its case. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *Street v. J.C. Bradford & Co.*, 886 F.2d 1472, 1479 (6th Cir. 1989).

In response, the nonmoving party must go beyond the pleadings and present "significant probative evidence" to demonstrate that "there is [more than] some metaphysical doubt as to the material facts." *Moore v. Philip Morris Cos.*, 8 F.3d 335, 340 (6th Cir. 1993); see also *LaPointe*, 8 F.3d at 378. "[T]he mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment; the requirement is that there be no *genuine* issue of *material* fact." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48 (1986);

*LaPointe*, 8 F.3d at 378.

In deciding a motion for summary judgment, "this [c]ourt must determine whether 'the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law.'" *Patton v. Bearden*, 8 F.3d 343, 346 (6th Cir. 1993) (quoting *Anderson*, 477 U.S. at 251-52). The evidence, all facts, and any inferences that may permissibly be drawn from the facts must be viewed in the light most favorable to the nonmoving party. *Anderson*, 477 U.S. at 255; *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Patton*, 8 F.3d at 346; *60 Ivy St. Corp. v. Alexander*, 822 F.2d 1432, 1435 (6th Cir. 1987). However, to defeat a motion for summary judgment, "[t]he mere existence of a scintilla of evidence in support of the [nonmovant's] position will be insufficient; there must be evidence on which the jury could reasonably find for the [nonmovant]." *Anderson*, 477 U.S. at 252; *LaPointe*, 8 F.3d at 378. Finally, a district court considering a motion for summary judgment may not weigh evidence or make credibility determinations. *Anderson*, 477 U.S. at 255; *Adams v. Metiva*, 31 F.3d 375, 379 (6th Cir. 1994).

B. Disputed Material Facts

In the present case, there are multiple disputed material facts. Beightler's motion for summary judgment is essentially a narrative that restates the elements and allegations contained in

his complaint. In support of his motion, Beightler has attached multiple documents, including items such as a transcript of a tape recording allegedly evidencing the sexual harassment and various emails between himself and SunTrust. In order to be considered as evidence supporting a motion for summary judgment, the attached documents must be attached to an affidavit that "both identifies and authenticates each document." *AT&T Corp. v. Overdrive, Inc.*, No. 1:05CV1904, 2006 WL 3392746, at \*3 (N.D. Ohio Nov. 21, 2006) (citing *Stuart v. Gen. Motors Corp.*, 217 F.3d 621, 635 n.20 (8th Cir. 2000); *Carmona v. Toledo*, 215 F.3d 124, 131 (1st Cir. 2000); *Klein v. Manor Healthcare Corp.*, Nos. 92-4328, 92-4347, 1994 WL 91786, at \*6 (6th Cir. March 22, 1994)). Beightler has attached no such affidavit, thus making the attached documents unauthenticated and inadmissible for consideration upon summary judgment.

In addition, SunTrust's answer to the complaint contains denials of essential elements to Beightler's case. (*Compare* Compl. ¶ 9 (alleging Beightler was offered the job based on his willingness to perform sexual favors), *with* Answer ¶ 9 (denying that Beightler's offer of employment was conditioned upon his performance of sexual favors).) SunTrust specifically denies that it offered Beightler employment conditioned upon sex, and it further denies that it defamed him, intentionally caused him emotional distress, or was negligent in any way. (Answer ¶¶ 13-18, 55-57, 59-60, 62.) Because Beightler has not presented any

properly authenticated evidence that supports the allegations in his complaint and SunTrust has denied all the material allegations against it, he has failed to carry his burden of establishing that there is no genuine issue of material fact. Accordingly, Beightler's motion for summary judgement must be denied.

CONCLUSION

For the reasons stated above, Beightler's motion for summary judgment is DENIED.

IT IS SO ORDERED this 24th day of March, 2008.

s/ Diane K. Vescovo  
DIANE K. VESCOVO  
UNITED STATES MAGISTRATE JUDGE