IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

REBECCA LEIGH DEHART, Plaintiff, v. STEVENS-HENAGER COLLEGE, INC., Defendant.	ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT Consolidated Case No. 1:05CV00118 (Formerly Case No 1:05CV00122DAK) Judge Paul G. Cassell

The court, having considered Defendant's Motion for Summary Judgment, Plaintiff

EEOC's Motion for Partial Summary Judgment, and having heard oral argument on February 7,

2007, hereby ORDERS:

(1)   for the reasons set forth by this court during oral argument, Defendant's Motion

for Summary Judgment is denied in its entirety;

(2)   for the reasons set forth by this court during oral argument, (a) Plaintiff EEOC's

Motion for Partial Summary with regard to Defendant's Third Affirmative

Defense (statute of limitations) as it applies to the EEOC's Title VII claims is

granted and the court acknowledges that the parties have agreed that Plaintiffs

may seek backpay under the Equal Pay Act only for the time periods as set forth in

the Act; (b) EEOC's Motion for Partial Summary Judgment with regard to

Defendant's Second Affirmative Defense (laches) is granted, the court, however,

gives leave to Defendant to revisit this issue should Defendant develop evidence

that might support such a defense; and, (c) the EEOC's Motion for Partial

Summary Judgment with regard to Defendant's Fourteenth Affirmative Defense

(doctrine of after-acquired evidence) is denied, the court, however, acknowledges

that this issue may be addressed in a Motion in Limine; and

(3)   pursuant to DUCivR 56-1(f), the EEOC's Motion for Partial Summary Judgment

as to Defendant's First, Fourth, Fifth, Eight, Eleventh, Twelfth, Thirteenth, and

Sixteenth Affirmative Defenses is granted because Defendant failed to respond to

these issues.

SO ORDERED.

DATED this 15th day of February, 2007.

BY THE COURT:

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Judge Paul G. Cassell
United States District Judge