

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRITTANY CARVALHO,

Plaintiff,

v.

Case No: 2:17-cv-362-FtM-99CM

HOSPMAN, LLC,

Defendant.

ORDER¹

This matter comes before the Court on Defendant's Motion for Partial Summary Judgment as to Count I ([Doc. 43](#)) filed on December 12, 2017. Plaintiff filed a Response ([Doc. 47](#)) on January 8, 2018.

Plaintiff is currently proceeding on a two-count Amended Complaint. ([Doc. 19](#)). Defendant seeks summary judgment as to Count I, which alleges violations of the Pregnancy Discrimination Act of 1978. Plaintiff does not oppose the request for the entry of judgment as to Count I, but does contest Defendant's request for attorney's fees and costs at this time because the case remains ongoing as to Count II, which alleges violations of the Family Medical Leave Act.

Having reviewed the filings and given Plaintiff's non-opposition, the Court will grant Defendant's request for judgment in its favor as to Count I. Because this case remains ongoing as to Count II, the Court will delay the entry of judgment as to Count I until the conclusion of the case. The Court agrees that any request for attorney's fees and costs

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at this juncture is premature. Defendant may renew such a request at the conclusion of the case.

Accordingly, it is now

ORDERED:

(1) Defendant's Motion for Partial Summary Judgment as to Count I ([Doc. 43](#)) is **GRANTED**. Judgment is granted in Defendant's favor as to Count I.

(2) Defendant's request for attorney's fees and costs as to Count I is **denied without prejudice**.

DONE and **ORDERED** in Fort Myers, Florida this 9th day of January, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record