

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF CONNECTICUT**

ERNEST AFAM OFOEDU,	:	
Plaintiff,	:	
	:	
v.	:	Case No: 3:04cv1707 (PCD)
	:	
ST. FRANCIS HOSPITAL AND	:	
MEDICAL CENTER, CATHERINE	:	
SZENCZY and CAROL SCHUSTER,	:	
Defendants	:	

**RULING ON DEFENDANT’S MOTION TO DISMISS**

On March 28, 2005 Defendants moved to dismiss Plaintiff’s claims for race and color discrimination under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § § 2000e, et seq., for failure to exhaust administrative remedies as to those two claims. Defendants also moved to dismiss Plaintiff’s Title VII claims against Catherine Szency and Carol Schuster for failure to state a claim upon which relief can be granted on the basis that Title VII does not provide for individual liability.

Pursuant to the Supplemental Order [Doc. No. 3], Defendants served copies of the Motion to Dismiss on Plaintiff’s counsel on March 28, 2005. Plaintiff filed a Motion for Extension of Time on April 15, 2005 in which he requested until May 18, 2005 to file his Memorandum in Opposition to Defendants’ Motion to Dismiss. This Court granted Plaintiff’s Motion for Extension of Time on April 20, 2005. Plaintiff failed to file a Memorandum in Opposition and in the absence of such a Memorandum, Defendants filed their Motion to Dismiss with the Court on June 7, 2005. As of this date, Plaintiff has still failed to file a Memorandum in Opposition.

In accordance with the terms of the Supplemental Order,<sup>1</sup> Defendants' Motion to Dismiss [Doc. No. 22] is **granted** absent opposition. Plaintiff's claims of race and color discrimination and his claims against individual Defendants Catherine Szency and Carol Schuster are hereby dismissed.

SO ORDERED.

Dated at New Haven, Connecticut, October 7, 2005.

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/s/

Peter C. Dorsey, U.S. District Judge

United States District Court

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<sup>1</sup> Number 8 of the Supplemental Order provides: "Any motion filed in compliance with this Order without opposition may be granted absent opposition."