

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

---

KATHLEEN BREEN, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 05-0654 (PLF)
	)	
ELAINE L. CHAO, SECRETARY OF	)	
TRANSPORTATION, DEPARTMENT	)	
OF TRANSPORTATION, <u>et al.</u> , <sup>1</sup>	)	
	)	
Defendants.	)	

---

ORDER

For the reasons set forth in the Opinion issued this same day, it is hereby ORDERED that defendants' motion for summary judgment [Dkt. 256] is GRANTED in part and DENIED in part; it is

FURTHER ORDERED that defendants' motion for summary judgment is DENIED with respect to plaintiffs' disparate treatment claim under the ADEA, see First Amended Class Action Complaint ¶ 49; it is

FURTHER ORDERED that defendants' motion for summary judgment is GRANTED with respect to plaintiffs' disparate impact claim under the ADEA, see First Amended Class Action Complaint ¶ 50; and it is

---

<sup>1</sup> The First Amended Complaint [Dkt. 3] names Norman Y. Mineta, former Secretary of Transportation, as one of the party defendants. The Court substitutes his most recent successor, Elaine L. Chao, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

FURTHER ORDERED that JUDGMENT is entered for defendants on plaintiffs' disparate impact claim.

SO ORDERED.

DATE: May 26, 2017

/s/ \_\_\_\_\_  
PAUL L. FRIEDMAN  
United States District Judge