

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-11162

JACKIE LADAPO,

Plaintiff-Appellant,

versus

CITY OF DALLAS,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(3:96-CV-1791-G)

August 31, 1998

Before REAVLEY, DAVIS and DUHÉ, Circuit Judges.

PER CURIAM:*

The summary judgment in favor of the City of Dallas is reversed because the affidavit and deposition of the plaintiff raise an issue of sexual harassment by a co-worker so severe and pervasive as to create an abusive working environment and alter the conditions of her employment, and also raise an issue that the supervisor and higher management of the City were informed of the harassment but failed to take remedial action. See Faragher v. City of Boca Raton, 118 S.Ct. 2275, 2283-84(1998); Jones v.

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Flagship International, 793 F.2d 714, 719-20 (5th Cir. 1986),
cert. denied, 479 U.S. 1065 (1987). Plaintiffs proof is that her
co-worker made consistent remarks about the inferior place of
women, referred to his and her body parts, tried to get her to go
with him and spend the night when he could make her feel good –
all despite her insistence that he stop that offensive conduct.
And her proof is that her verbal and written protests to her
supervisors achieved no protection for her from this abuse. When
the employment difficulties finally reached the stage of the
conference in the office of the manager of the administrative
support services of the city department in November, plaintiff
testifies that the city supervisors refused to allow her to
discuss Oglesby's sexual harassment even though plaintiff tried
to do so several times.

Furthermore, assuming the truth (as we must) of her
statements of fact, and the falsity of the contradictions by her
supervisors and those responsible for the decision not to give
her the permanent employee position, an issue of pretext and
retaliation is raised.

These issues must be resolved by further proceedings.

JUDGMENT REVERSED; CAUSE REMANDED.