

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 97-20026  
Summary Calendar

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TERESA JO BRIMMERMAN

Plaintiff-Appellant,

VERSUS

THE HERTZ CORPORATION

Defendant-Appellee.

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Appeal from the United States District Court  
For the Southern District of Texas  
H-95-CV-4522

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November 25, 1997

Before DUHÉ, DEMOSS and DENNIS, Circuit Judges.

PER CURIAM:\*

Appellant sued her former employer claiming she was subjected to a sexually hostile work environment, retaliated against because she complained of sexual harassment, and that Hertz intentionally inflicted emotional distress upon her. Hertz moved for summary judgment which the district court granted. On appeal Appellant contends that issues of fact precluded summary judgment. We disagree and affirm.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We review de novo.

Assuming without deciding that Appellant has established that she belongs to a protected group (which is not denied), was subjected to harassment which was sex based and that it affected the conditions of her employment, there is no issue of fact that Hertz took prompt and effective remedial action. Brimmerman complained sometime in early October, and Hertz took action on October 19, and no sexual harassment occurred thereafter. The fact that thereafter some of her other co-workers were unfriendly toward her is of no moment in this litigation. Hertz' action was prompt and effective. No issues of material fact remain.

AFFIRMED.