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feeds of professional 3.19 latest version, all of the evidence presented by the parties in the light most favorable to the non-moving party, and we will affirm the trial court if we conclude that there is any legitimate basis on which the court may have reached its decision. Id. 12 The requirement that the nonmoving party provide some evidence of age discrimination to avoid summary judgment was established by a three-part analysis in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973). The first two prongs are (1) the employee must establish a prima facie case of discrimination; and (2) the employer must then articulate a legitimate nondiscriminatory reason for its actions. The third step of the McDonnell Douglas framework is for the plaintiff to be able to rebut the employer's articulated reason by presenting evidence that the employer's justification is pretextual. See Hill v. E.I. Du Pont de Nemours & Co., 923 F.2d 165, 168 (10th Cir. 1991). 13 At the outset, we note that when an employer offers an explanation for a decision and the employee produces substantial evidence that the explanation is pretextual, the court does not have to address the question of whether the employee actually established the prima facie case because that issue is moot. See Barber v. CSX Distrib. Servs., 68 F.3d 694, 701 (3rd Cir. 1995). At this point, the court must consider whether a reasonable fact-finder could determine that the reasons given by the employer for the action were not the real reasons, but a pretext for discrimination. Id. 14 We turn to the question of whether Mr. Strecker produced sufficient evidence of pretext so as to preclude summary judgment for the defendant. He concedes that he has no direct evidence of age discrimination but argues that the jury could infer that age was the true reason behind the discharge. The crux of his argument is that he was demoted by the defendant and then discharged, and that a reasonable fact-finder could infer that the defendant's articulated reasons for the discharge were pretextual. 15 The evidence presented in support of the defendant's proffered justification for the termination, as stated in the February 8, 1996, letter, was that: 1) Mr. Strecker did not return to the defendant's employment and did not make any effort to find other employment; 2) he was not eligible for rehire; 82157476af

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