Lee Kent Hempfling, Pro Se
11329 E. Caballero St.
Mesa, AZ 85207
480-332-1535

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH CAROLINA

Lee Kent Hempfling, Plaintiff, vs. L.M. Communications Of South Carolina Inc.,, A Kentucky Corporation, , L.M. Communications II Of South Carolina Inc.,, A Kentucky Corporation, Defendants	Case No**.: 2:04-01373-23BG** **PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56 and for the reasons set forth in the attached Memorandum, Plaintiff hereby moves the Court for the entry of Summary Judgment on Plaintiff's behalf.

As set forth more fully in the accompanying Memorandum; There is no genuine dispute as to any material fact, Defendants had created a hostile work environment, Defendants have offered mere denials, Defendants have offered multiple pretexts for discharge, Defendants have been shown in the General Manager's own voice to have not settled on a pretext a few days after the discharge, Defendants have acted with malice and with reckless indifference to the federally protected rights of an aggrieved individual and that the Plaintiff is entitled to a judgment as a matter of law.

Plaintiff further moves that if Summary Judgment is not rendered in his favor for all of the relief prayed for, that the Court grant Plaintiff partial Summary Judgment and ascertain what material facts are actually and in good faith controverted, and thereupon make an order specifying the facts that appear without substantial controversy and directing such further proceedings in the action as are just.

Dated this 31st day of October, 2004

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PROOF OF SERVICE

The undersigned hereby certifies that he deposited in the United States Mail at Apache Junction, Arizona a true and correct copy of the foregoing in an envelope with a minimum of First Class postage fully prepaid and plainly addressed to:

Greg Horton

Buist Moore Smythe and McGee

PO Box 999

Charleston, SC 29402

On this 1st day of November, 2004.

Lee Kent Hempfling, Pro Se