

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-7101

September Term, 2000

97cv02745

Filed On: November 16, 2000

[556895]

Patsy King and Harold King,  
Appellants

v.

Washington Hilton Hotel and Towers,  
Appellee

## APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

**BEFORE:** Ginsburg, Tatel, and Garland, Circuit Judges

### J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. P. 36; D.C. Cir. Rule 36(b). It is

**ORDERED AND ADJUDGED** that the district court's judgment filed March 13, 2000 be affirmed. The district court did not abuse its discretion in deeming admitted appellee's statement of material facts attached to its motion for summary judgment. See D.D.C. Local Rule LCvR 7.1(h); Jackson v. Finnegan, Henderson, Farabow, Garrett & Dunner, 101 F.3d 145 (D.C. Cir. 1996). The district court correctly granted appellee's motion for summary judgment. There is no genuine issue of material fact regarding appellee's affirmative defense to the sexual harassment claim, regardless of whether the alleged harasser was a supervisor or a coworker of Ms. King. See Burlington Industrial, Inc. v. Ellerth, 524 U.S. 742 (1998).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam