

UNITED STATES COURT OF APPEALS SEP 25 2001

TENTH CIRCUIT

PATRICK FISHER  
Clerk

STEPHANIE FULLICK,

Plaintiff - Appellant,

v.

UNITED STATES BEEF  
CORPORATION, doing business as  
Arby's, a corporation, doing business  
as Arby's Inc.,

Defendant - Appellee.

No. 00-5239  
(D.C. No. 99-CV-871-E(J))  
(N. District of Oklahoma)

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**ORDER AND JUDGMENT\***

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Before **LUCERO** and **McWILLIAMS**, Circuit Judges, and **STAGG**,\*\* District Judge.

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Plaintiff Stephanie Fullick appeals the district court's entry of summary judgment in favor of defendant United States Beef Corporation ("Arby's").

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This Court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

\*\* The Honorable Tom Stagg, District Judge for the United States District Court for the Western District of Louisiana, sitting by designation.

Fullick, an Arby's employee, alleges that she was sexually harassed by another Arby's employee in violation of Title VII of the Civil Rights Act of 1964.

Summary judgment is appropriate if the “pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c). We review the grant of summary judgment de novo, applying the same standard as the district court. See Sims v. Oklahoma ex rel. Dep't of Mental Health & Substance Abuse Servs., 165 F.3d 1321, 1326 (10th Cir. 1999).

Upon careful consideration of the record, the briefs, the district court's order, and applicable law, we conclude that the district court correctly decided this case. Therefore, for substantially the reasons stated in the district court's order of November 6, 2000, we **AFFIRM**.

ENTERED FOR THE COURT

Carlos F. Lucero  
Circuit Judge