

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

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No. 04-4330

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

DAVID PEMBERTON,)	
)	
Plaintiff-Appellant,)	
)	
v.)	ON APPEAL FROM THE UNITED
)	STATES DISTRICT COURT FOR THE
DHL WORLDWIDE EXPRESS,)	SOUTHERN DISTRICT OF OHIO
)	
Defendant-Appellee.)	
)	

BEFORE: CLAY, GIBBONS, and GRIFFIN, Circuit Judges.

PER CURIAM.

In this case, which alleges unlawful retaliation, plaintiff David Pemberton appeals an order of the district court granting summary judgment in favor of his employer, defendant DHL Worldwide Express (“DHL”). Plaintiff alleged that defendant fired him in retaliation for relaying another employee’s sexual-harassment complaints and aiding her in her separate lawsuit against DHL. He sued DHL in the United States District Court for the Southern District of Ohio, asserting a retaliation claim under Ohio Rev. Code. § 4112.02(I) and a common-law claim for retaliatory discharge in violation of Ohio public policy. DHL responded that it fired Pemberton for a pattern of poor performance, judgment, and attitude, culminating in his refusal to communicate with his supervisor during a prolonged unapproved absence.

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In granting summary judgment in favor of defendant on both counts, the district court held that the only activity protected under Ohio Rev. Code. § 4112.02(I) was Pemberton's deposition taken in the other employee's case, and ruled that he could not establish a genuine issue as to whether that deposition motivated his termination. The district court also held that Pemberton could not establish that DHL's legitimate reasons for firing him were a pretext for unlawful retaliation. Pemberton appeals.

Having had the benefit of oral argument, and having carefully reviewed the record on appeal, the briefs of the parties, and the applicable law, we affirm. Because the reasoning which supports the judgment has been well articulated by the district court, the issuance of a detailed written opinion by this Court would be duplicative and serve no useful purpose. Accordingly, we affirm the judgment for the reasons set forth in the opinion of the district court.

Affirmed.