

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-2858

Brenda Cannaliato,

Appellant,

v.

Smith Chevrolet-Oldsmobile-Cadillac
Company,

Appellee.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: March 7, 2002
Filed: March 13, 2002

Before LOKEN, BEAM, and RILEY, Circuit Judges.

PER CURIAM.

Brenda Cannaliato appeals from the district court's adverse grant of summary judgment in her action against Smith Chevrolet-Oldsmobile-Cadillac Company, her former employer. Having reviewed the record, including the deposition transcripts, de novo, see Spangler v. Fed. Home Loan Bank, 278 F.3d 847, 850 (8th Cir. 2002), we believe that the principal witnesses' descriptions of events surrounding Cannaliato's request for medical leave differ materially, and therefore there are enough disputed facts to proceed to trial.

Accordingly, we reverse on the Family and Medical Leave Act claim, and remand for further proceedings. We affirm the grant of summary judgment on the remaining claims as Cannaliato did not address them on appeal. See 8th Cir. R. 47B; United States v. Gonzales, 90 F.3d 1363, 1369-70 (8th Cir. 1996).

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.