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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Susan Childress,

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No. CV-09-1355-PHX-FJM

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Plaintiff,

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ORDER

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vs.

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Scottsdale Healthcare Corp., et al.,

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Defendants.

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The court has before it defendant Scottsdale Healthcare Corporation’s motion to dismiss (doc. 6). Plaintiff has not responded and the time for doing so has expired. See LRCiv 7.2(c).

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Plaintiff originally filed this action in state court, alleging state law claims of wrongful termination and defamation arising out of termination of her employment by defendants. After plaintiff’s claims were dismissed as untimely, plaintiff filed an amended complaint, asserting age discrimination under the Age Discrimination in Employment Act, 29 U.S.C. § 626(b) (“ADEA”). The action was removed to this court on June 24, 2009. Defendants now move to dismiss the complaint, contending that the ADEA claim is time-barred.

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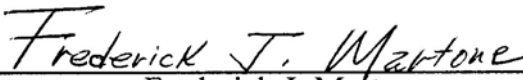
Under LRCiv 7.2(i), if a party “does not serve and file the required answering memoranda, . . . such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily.”

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1 We agree that plaintiff's ADEA claim is time-barred. Therefore, pursuant to LRCiv
2 7.2(i), **IT IS ORDERED GRANTING** defendant's motion to dismiss (doc. 6).

3 Moreover, because the ADEA addresses the conduct of employers only and does not
4 impose liability on individual employees, we also *sua sponte* dismiss claims against the
5 remaining individual defendants. See Miller v. Maxwell's Int'l, Inc., 991 F.2d 583, 588 (9th
6 Cir. 1993). The clerk shall enter final judgment.

7 DATED this 11th day of August, 2009.

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12 Frederick J. Martone
13 United States District Judge
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