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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

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9 Darlene E. Thompson,

10 Plaintiff,

11 vs.

12 Financial Registers, Inc. et al.,

13 Defendants.

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) No. CV-11-382-PHX-GMS

) **ORDER**

17 Pending before the Court is Plaintiff Darlene Thompson’s Motion to Reinstate  
18 Mulholland and Swebe as Defendants and to Reinstate Count Two (“Breach of Contract”).  
19 (Doc. 20). The Court will construe the motion as a motion for reconsideration of its previous  
20 order granting in part Defendants’ motion to dismiss. (Doc. 17). For the reasons stated below,  
21 the motion is denied.

22 **BACKGROUND**

23 The facts in this case and the reasons for the Court’s previous decision are laid out in  
24 the order granting in part and denying in part Defendants’ Motion to Dismiss. (Doc. 17).  
25 Plaintiff now claims that Defendants Mulholland and Swebe were improperly dismissed.  
26 Plaintiff also alleges that her breach of contract claim should not have been dismissed under  
27 the statute of limitations, because Defendants breached a “mediation agreement” not an  
28 “employment contract.”



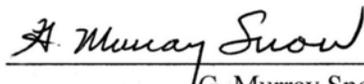
1 broadly, nothing that its scope extends beyond “circumstances under which discharging an  
2 employee may be legally actionable.” *Redhair v. Kinerk, Beal, Schmidt, Dyer & Sethi*, 218  
3 Ariz. 293, 297, 183 P.3d 544, 548 (App. 2008). Plaintiff alleges that her termination was  
4 wrongful and in retaliation for her previous EEO activity. (Doc. 7 at 2–3). The only portion  
5 of the Mediation Agreement that she alleges Defendants breached is the provision stating that  
6 they would not discriminate or retaliate against her for her EEO activity. (*Id.* at 4–6). As  
7 such, even if her claim were not barred by the statute of limitations, recovery would be  
8 complete based on her retaliation claim, as noted in the original order. (Doc. 17).

9 **CONCLUSION**

10 The individual employee defendants and Plaintiff’s breach of contract claim were  
11 properly dismissed.

12 **IT IS THEREFORE ORDERED** that Plaintiff’s Motion to Reinstate Mulholland  
13 and Swebee as Defendants and to Reinstate Count Two (Doc. 20) is **denied**.

14 DATED this 5th day of December, 2011.

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18 G. Murray Snow  
19 United States District Judge  
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