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9 AMERICAN MEDICAL RESPONSE, INC.

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
12 FRESNO DIVISION

13 KAREN SCHELLER,

14 Plaintiff,

15 v.

16 AMERICAN MEDICAL RESPONSE, INC., a
17 foreign corporation, CINDY WOOLSTON, an
18 individual, and DOES 1-25, inclusive,

19 Defendants.

Case No.: 1:08-CV-00798-OWW-DLB

**ORDER RE: PLAINTIFF KAREN
SCHELLER'S MOTION FOR
SUMMARY JUDGMENT (DOCKET NO.
43) AND DEFENDANT AMERICAN
MEDICAL RESPONSE, INC.'S MOTION
FOR SUMMARY JUDGMENT
(DOCKET NO. 49)**

Date: November 23, 2009

Time: 10:00 a.m.

Courtroom 3

Hon. Oliver W. Wanger, District Judge

Complaint Filed: February 20, 2008

Trial Date: January 20, 2010

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23 Plaintiff Karen Scheller moved for summary adjudication on her first cause of action,
24 for disability discrimination, only. (Docket No. 43.) Plaintiff argues that she has established a
25 prima facie case of discrimination and no triable issues of fact remain as to: (1) AMR's refusal
26 to engage in the interactive process; and (2) AMR's failure to accommodate Plaintiff's
27 disability.

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1 Defendant American Medical Response, Inc., moved for summary judgment or, in the
2 alternative, summary adjudication of all six causes of action. (Docket No. 49.) Specifically,
3 AMR argues that Plaintiff's discrimination claim fails because she could not perform the
4 essential functions of her job, with or without a reasonable accommodation. AMR also asserts
5 that Plaintiff was accommodated pursuant to her leave of absence and that AMR met its
6 "interactive process" obligations. AMR also asserts other arguments on the other causes of
7 action.

8 The cross-motions were fully briefed, and the Court heard oral argument. (Docket Nos.
9 44-48, 50-56, 58 (Supporting Documents); 60-71 (Oppositions); 75-82 (Replies); 88-89
10 (Supplemental Briefing)).

11 Now, therefore, good cause appearing and for the reasons set out in full in the
12 Memorandum Decision re: Plaintiff Karen Scheller's Motion for Summary Judgment and
13 Defendant American Medical Response, Inc.'s Motion for Summary Judgment, Docket No. 90
14 (July 28, 2010), the Court rules as follows:

15 1. AMR's motion for summary adjudication on the first claim for disability
16 discrimination under the Fair Employment and Housing Act ("FEHA") is DENIED.

17 2. Plaintiff and AMR's motions for summary adjudication regarding the alleged
18 failure to accommodate Plaintiff's disability under the FEHA are DENIED.

19 3. Plaintiff and AMR's motions for summary adjudication regarding the alleged
20 failure to engage in the interactive process under the FEHA are DENIED.

21 4. AMR's motion for summary adjudication on Plaintiff's second claim for age
22 discrimination under the FEHA is GRANTED.

23 5. AMR's motion for summary adjudication on Plaintiff's third cause of action for
24 wrongful termination is GRANTED.

25 6. AMR's motion for summary adjudication on Plaintiff's fourth cause of action
26 for retaliation in violation of the FEHA is GRANTED.

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1 7. AMR's motion for summary adjudication on Plaintiff's fifth claim for breach of
2 contract and sixth claim for breach of the implied covenant of good faith and fair dealing is
3 GRANTED.

4 8. AMR's motion on Plaintiff's request for punitive damages is RESERVED for
5 motion in limine.

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9 IT IS SO ORDERED.

10 Dated: August 13, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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