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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

KAREN HARRIS,	)	Case No.: 1:12-cv-001664-LJO-JLT
	)	
Plaintiff,	)	ORDER GRANTING PLAINTIFF’S MOTION FOR
	)	CLARIFICATION
v.	)	
	)	(Doc. 78)
BEAR VALLEY COMMUNITY SERVICES	)	
DISTRICT, et al.,	)	
	)	
Defendants.	)	
	)	

On October 16, 2013, the Court granted Defendant’s motion to dismiss the third and fourth causes of action in Plaintiff’s Second Amended Complaint for her failure to exhaust administrative remedies prior to pursuing her claims for retaliation and wrongful termination of violation of Cal. Labor Code § 1102.5. (Doc. 77). Plaintiff seeks clarification of the Court’s order, asserting her third cause of action for wrongful termination in violation of public policy was based not only upon Cal. Labor Code § 1102.5, but also Title VII and FEHA. (Doc. 78).

Defendant moved only for dismissal of the third cause of action for Plaintiff’s failure to exhaust administrative remedies under the California Labor Code. No argument was presented regarding Title VII or FEHA, and the Court did not discuss these grounds for dismissal of Plaintiff’s third cause of action. Consequently, Plaintiff’s third cause of action survives to the extent it relies upon Title VII and FEHA.

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Based upon the foregoing, **IT IS HEREBY ORDERED:**

1. Plaintiff's motion for clarification is **GRANTED**;
2. Plaintiff's third cause of action for wrongful termination is **DISMISSED** only as to its reliance upon a violation of Cal. Labor Code § 1102.5;
3. Plaintiff's third cause of action survives to the extent it is based upon alleged violations of Title VII and FEHA.

IT IS SO ORDERED.

Dated: November 4, 2013

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE