



1 1030, 1035-36 (9th Cir. 2013) (emphasis added). Consequently, the Court has an obligation to assure  
2 itself that it has jurisdiction over Plaintiff’s claims for violations of Title VII and FEHA.

3 To establish subject matter jurisdiction over a Title VII claim, a plaintiff must exhaust her  
4 administrative remedies by filing a timely charge with the EEOC. *Vasquez v. County of Los Angeles*,  
5 349 F.3d 634, 644 (9th Cir. 2004); *see also Sommatino v. United States*, 255 F.3d 704, 707-708 (9th  
6 Cir. 2001) (holding timely exhaustion of administrative remedies is a statutory prerequisite to filing suit  
7 under Title VII, and affirming the dismissal of Title VII claims for lack of jurisdiction); *B.K.B. v. Maui*  
8 *Police Dep’t*, 276 F.3d 1091, 1099 (9th Cir. 2002) (“to establish subject matter jurisdiction over her  
9 Title VII claim, Plaintiff was required to exhaust her administrative remedies”).

10 A plaintiff must file a charge with the EEOC within 180 days after the alleged violation, unless  
11 the complainant initially institutes proceedings with a state or local agency, in which case the EEOC  
12 charge must be filed within 300 days. 42 U.S.C. § 2000e-5(e)(1); *see also MacDonald v. Grace*  
13 *Church Seattle*, 457 F.3d 1079, 1081-82 (9th Cir. 2006). “A claim is time barred if it is not filed within  
14 these time limits.” *AMTRAK v. Morgan*, 536 U.S. 101, 109 (2002). Here, Plaintiff alleged that she filed  
15 a charge with the EEOC, but has not provided information regarding the contents of the charge, or the  
16 date it was filed. (*See* Doc. 4 at 3, ¶ 14.) If the job reassignment occurred beyond the statutory period  
17 applicable to Plaintiff’s EEOC charge, it is not actionable and the Court lacks jurisdiction over the Title  
18 VII claim.

19 Moreover, if the Court lacks jurisdiction over the only remaining cause of action arising under  
20 federal law, it is not clear with the Court should exercise jurisdiction over Plaintiff’s claim for  
21 retaliation in violation of FEHA pursuant to 28 U.S.C. § 1367. Accordingly, supplemental briefing on  
22 the matter of the Court’s jurisdiction is appropriate.

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

- 24 1. Plaintiff’s third, fourth, and fifth claims for relief are **DISMISSED**;
- 25 2. The hearing date of June 30, 2014 is **VACATED**<sup>1</sup>;
- 26 3. The parties **SHALL** file supplemental briefing no later than **July 10, 2014**, addressing

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28 <sup>1</sup> The Court will re-set a hearing on the motion if, after the supplemental briefs are filed, it appears argument may be helpful in determining the motion.

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the issues of the Court's jurisdiction in 10 pages or less including:

- a. Whether Plaintiff's first claim for relief for retaliation in violation in Title VII is time-barred; and
  - b. Whether the Court should maintain jurisdiction over the FEHA claim if it lacks jurisdiction over the Title VII claim.
4. Any briefs in reply **SHALL** be filed by the parties no later than **July 17, 2014**.

IT IS SO ORDERED.

Dated: June 27, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE