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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DEBORAH HUNTER, Plaintiff, vs. CARL CARELOCK, INTER-CON SECURITY SYSTEMS, INC., Defendants.	Case No.: 2:08-CV-00370-JAM-GGH **ORDER ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** Judge: The Honorable John A. Mendez Date: 9:30am on April 7, 2010 Location: Courtroom 6, 14th Floor

Plaintiff Deborah Hunter brought this action against Defendants Inter-Con Security Systems, Inc. ("Inter-Con") and Carl Carelock alleging, among other things, sexual harassment and retaliation in violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*) and the Fair Employment and Housing Act (Cal. Gov. Code § 12940 *et seq.*). By motion filed on March 10, 2010, Defendants moved for summary judgment on all of Plaintiff's causes of action.

The Court finds that there are genuine issues of material fact on all of Plaintiff's causes of action against Defendant Inter-Con thus precluding summary judgment in favor of Inter-Con. Similarly, there are genuine issues of material fact on Plaintiff's causes of action against Defendant Carelock for sexual harassment and sexually hostile work environment in violation of the California Fair Employment and Housing Act (Cal. Gov. Code § 12940 *et seq*.) (Fifth and Sixth Causes of Action), thus precluding summary judgment in favor of Mr. Carelock on Plaintiff's Fifth and Sixth Causes of Action.

Plaintiff agreed that dismissal of her causes of action arising under Title VII against Mr. Carelock (*i.e.* her First Cause of Action for sexual harassment under Title VII, her Second Cause of Action for sexually hostile work environment under Title VII, and her Third Cause of Action for Retaliation under Title VII) is appropriate.[1] Plaintiff also agreed to dismiss her Seventh Cause of Action against Mr. Carelock for retaliation in violation of the California Fair Employment and Housing Act (Cal.Gov. Code § 12940 *et seq*.) Accordingly, the Court grants summary judgment on Plaintiff's First, Second, Third and Seventh Causes of Action against Mr. Carelock only.

The Court finds that Plaintiff's Ninth Cause of Action for Interference with Employment Relations, which was brought solely against Mr. Carelock, is not a legally viable theory of recovery against Mr. Carelock. *Shoemaker v. Myers*, 52 Cal.3d 1, 23-25 (1990). The Court grants summary judgment on Plaintiff's Ninth Cause of Action against Mr. Carelock.

Based upon the oral arguments of counsel at the hearing on April 7, 2010, the papers submitted in support of and in opposition to Defendants' motion, and all other pleadings and papers filed in this action, IT IS HEREBY ORDERED that

1. Defendants' Motion for Summary Judgment on Plaintiff's First Cause of Action is DENIED as to Defendant Inter-Con and GRANTED as to Defendant Carelock.

2. Defendants' Motion for Summary Judgment on Plaintiff's Second Cause of Action is DENIED as to Defendant Inter-Con and GRANTED as to Defendant Carelock.

[1] Defendants' Motion sought dismissal of the Fourth Cause of Action as against Mr. Carelock on these same grounds; however, Plaintiff's First Amended Complaint did not name Mr. Carelock as a Defendant on the Fourth Cause of Action.

3. Defendants' Motion for Summary Judgment on Plaintiff's Third Cause of Action is DENIED as to Defendant Inter-Con and GRANTED as to Defendant Carelock.

4. Defendants' Motion for Summary Judgment on Plaintiff's Fourth Cause of Action against Defendant Inter-Con is DENIED.

5. Defendants' Motion for Summary Judgment on Plaintiff's Fifth Cause of Action is DENIED as to both Defendants.

6. Defendants' Motion for Summary Judgment on Plaintiff's Sixth Cause of Action is DENIED as to both Defendants.

7. Defendants' Motion for Summary Judgment on Plaintiff's Seventh Cause of Action is DENIED as to Defendant Inter-Con and GRANTED as to Defendant Carelock.

8. Defendants' Motion for Summary Judgment on Plaintiff's Eighth Cause of Action against Defendant Inter-Con is DENIED.

9. Defendants' Motion for Summary Judgment on Plaintiff's Ninth Cause of Action against Defendant Carelock is GRANTED.

10. Defendants' Motion for Summary Judgment on Plaintiff's Tenth Cause of Action against Defendant Inter-Con is DENIED.

11. Defendants' Motion for Summary Judgment on Plaintiff's Eleventh Cause of Action against Defendant Inter-Con is DENIED.

12. Defendants' Motion for Summary Judgment on Plaintiff's Twelfth Cause of Action against Defendant Inter-Con is DENIED.

13. Defendants' Motion for Summary Judgment on Plaintiff's Thirteenth Cause of Action against Defendant Inter-Con is DENIED.

14. Defendants' Motion for Summary Judgment on Plaintiff's Fourteenth Cause of Action against Defendant Inter-Con is DENIED.

Dated: April 21, 2010

/s/ John A. Mendez
The Honorable John A. Mendez
United States District Judge