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28United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STACEY MOODY,

No. C-08-1864 MMC

Plaintiff,

**ORDER GRANTING DEFENDANT
GAINES'S MOTION FOR PARTIAL
SUMMARY JUDGMENT; VACATING
HEARING**

v.

COUNTY OF SAN MATEO, LAURENCE
GAINES, RON SALAZAR,

Defendants

Before the Court is defendant Laurence Gaines's ("Gaines") Motion for Partial Summary Judgment, filed September 30, 2009. Plaintiff Stacey Moody ("Moody") has lodged opposition,¹ to which Gaines has replied. Having read and considered the papers filed in support of and in opposition to the motion, the Court deems the matter suitable for decision on the parties' respective submissions, VACATES the hearing scheduled for November 6, 2009, and rules as follows.

In her complaint, Moody alleges that while she was employed by the County of San Mateo, she was "without provocation assaulted and battered" by Gaines (see Compl. ¶ 11), and that Gaines "harassed [her] by habitual sexual comments" (see Compl. ¶ 30). Based on said allegations, Moody alleges, as against Gaines, a federal claim for sexual harassment in violation of Title VII, as well as state law claims for battery and for intentional

¹Plaintiff's administrative motion to file her opposition under seal is pending.

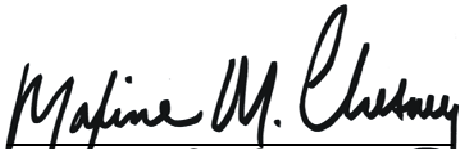
1 and negligent infliction of emotional distress. By the instant motion, Gaines seeks
2 summary judgment on the Title VII claim only.

3 In particular, Gaines argues, a plaintiff may not proceed with a sexual harassment
4 claim under Title VII against an individual who is not an employer. The Court agrees, and
5 finds Moody's arguments to the contrary without merit. See Craig v. M&O Agencies, Inc.,
6 496 F.3d 1047, 1053, 1058 (9th Cir. 2007) (holding district court properly granted summary
7 judgment in favor of supervisor on sexual harassment claim brought under Title VII; stating,
8 "We have long held that Title VII does not provide a separate cause of action against
9 supervisors or co-workers").

10 Accordingly, the motion for partial summary judgment is hereby GRANTED.

11 **IT IS SO ORDERED.**

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13 Dated: October 23, 2009

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15 MAXINE M. CHESNEY
16 United States District Judge
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