

1 UNITED STATES DISTRICT COURT

2 Northern District of California

3 JACKIE WRIGHT,

4 Plaintiff(s),

No. C 09-00672 MEJ

5 v.

6 SUMNER REDSTONE,

**ORDER RE SUPPLEMENTAL
BRIEFING BEFORE AUGUST 27,
2009 HEARING**

7 Defendant(s).
_____ /

8 In preparation for the hearing on Defendant's Motion to Dismiss, and in the Alternative for
9 Summary Judgment (Dkt. #11), the Court has reviewed the parties' briefs. The Court hereby
10 **ORDERS** Defendant to submit a supplemental brief, no more than 5 pages in length, addressing the
11 following question:

12 It is undisputed that Plaintiff filed her charge of discrimination with California's DFEH on
13 November 5, 2007. Does Plaintiff's filing of her charge with the DFEH constitute a constructive
14 filing with the EEOC pursuant to the DFEH-EEOC's worksharing agreement, such that it should be
15 deemed timely filed under 42 U.S.C. §2000e-5(e)(1)'s 300-day filing deadline? *See, e.g., Hause v.*
16 *The Salvation Army*, No. CV 07-5249 CAS, 2007 WL 4219450, at *5-7 (C.D. Cal. Nov. 27, 2007);
17 *Davenport v. Bd. of Trustees of the State Ctr. Comm. Coll. Dist.*, Case No. 1:07-CV-00494 OWW,
18 2009 WL 891057, at *11 (March 31, 2009 E.D. Cal.) (citing numerous Ninth Circuit cases
19 recognizing the "constructive filing doctrine"); *McConnell v. Gen. Tel. Co.*, 814 F.2d 1311, 1315-16
20 (9th Cir. 1998) (charge filed with the state agency deemed to have been received by the EEOC as
21 provided in the worksharing agreement). Further, at the point DFEH issued its right-to-sue letter to
22 Plaintiff was Plaintiff's claim deemed constructively filed with the EEOC at that point by virtue of
23 the DFEH-EEOC worksharing agreement? *See id.*

24 Defendant shall file its brief by **5:00 p.m. on August 26, 2009.**

25 **IT IS SO ORDERED.**

26
27 Dated: August 25, 2009

28 _____
Maria-Elena James
Chief United States Magistrate Judge