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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BERNADETTE REED,

No. C 09-5237 MHP

Plaintiff,

MEMORANDUM & ORDER

v.

Re: Plaintiff's Motion to Amend Complaint

UBS SECURITIES, LLC,

Defendant.

Plaintiff Bernadette Reed brought this action against defendant UBS Securities, LLC alleging various causes of action. Now before the court is plaintiff's motion to amend her complaint to allege retaliation-based causes of action. The court finds this motion suitable for decision without oral argument. Civil L.R. 7-1(b).

Plaintiff seeks to allege a claim for retaliation under both federal and California laws. She has received a right-to-sue letter from the EEOC with respect to her federal claim. Defendant does not oppose the amendment with respect to the federal claim; however, for reasons substantially similar to its motion to dismiss, Docket No. 20, defendant argues plaintiff should not be allowed to assert a claim under California's Fair Employment and Housing Act ("FEHA"). *See* Docket No. 38 (Opposition).

On August 3, 2010, the court denied defendant's motion to dismiss plaintiff's FEHA claims. Docket No. 40 (Order). For substantially the same reasons, plaintiff's motion to amend her complaint is granted. Plaintiff should now proceed to obtain a right-to-sue letter from the DFEH with respect to her retaliation claim under state law, and amend her complaint accordingly.

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For the foregoing reasons, plaintiff's motion to amend is GRANTED. If plaintiff intends to proceed with her retaliation claim under FEHA, she should obtain a right-to-sue letter from the DFEH and amend her complaint within sixty (60) days of the date of the filing of this order.

IT IS SO ORDERED.

Dated: August 13, 2010



MARILYN HALL PATEL
United States District Court Judge
Northern District of California