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United States District Court  
For the Northern District of California

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

SANDRA COVINGTON,  
Plaintiff,

No. C 12-04688 WHA

v.

DEPARTMENT OF SOCIAL SERVICES,  
Defendant.

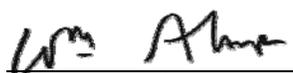
**ORDER REQUESTING  
SUPPLEMENTAL BRIEFING**

Defendant Department of Social Services has filed a motion for summary judgment, set for hearing on May 8, 2014. In connection with that motion, the undersigned judge is aware that certain claims in the amended complaint are brought under California’s Fair Employment and Housing Act (*i.e.*, unlawful race discrimination, hostile work environment harassment, and retaliation). Of note, the Department appears to be a California state agency, and has raised the affirmative defense of sovereign immunity in its answer (Dkt. No. 25 at 7).

Our court of appeals has held that “the Eleventh Amendment bars [a plaintiff’s] FEHA claim in federal court” against a state agency. *Freeman v. Oakland Unified Sch. Dist.*, 179 F.3d 846, 847–48 (9th Cir. 1999); *see also Burks v. California Highway Patrol*, 2 F. App’x 887, 888 (9th Cir. 2001). Accordingly, counsel are requested to please file supplemental briefing, no longer than **THREE PAGES PER SIDE**, to address the effect of *Freeman* on plaintiff’s FEHA claims here. This supplemental briefing is due no later than **12 PM ON MAY 2, 2014**.

**IT IS SO ORDERED.**

Dated: April 29, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE