

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SUZETTE TIPPITT,
Plaintiff,
v.
TESORO REFINING & MARKETING
COMPANY LLC, et al.,
Defendants.

Case No. [14-cv-03893-RS](#)

**ORDER FOR ADDITIONAL BRIEFING
AND CONTINUING SUMMARY
JUDGMENT HEARING**

In their motion for summary judgment, defendants contend that this action is time-barred in its entirety through the operation of regulations promulgated by the California Department of Fair Employment and Housing (“DFEH”). Those regulations provide:

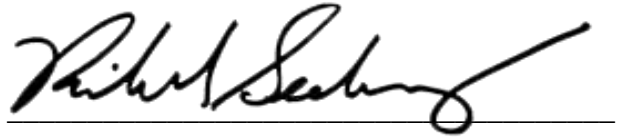
- (d) The department shall amend closed employment discrimination complaints as requested by complainants or their counsel.
- (e) When the department amends a closed complaint, the department shall neither reopen the complaint nor make an administrative determination on the validity, retroactivity, or merits of the amendment.
- (f) When a closed complaint is amended by the department, the original filing date and right-to-sue notice shall remain in effect, as shall the original statute of limitations for filing a private lawsuit. Cal. Code Regs. tit. 2, § 10022(d)-(f) (emphasis added).

The parties are hereby ordered to prepare and submit additional briefing addressing in more detail whether the above provisions operate to bar plaintiff’s claims of gender discrimination. The parties’ briefing shall specifically address whether the DFEH has authority to define the statute of limitations established by California Government Code § 12965(b) in the manner apparently contemplated by the regulations. On or before **July 24, 2015**, each party shall file a brief of no more than five pages addressing the foregoing issues. The hearing on defendants’ motion for summary judgment is hereby continued to **August 13, 2015 at 1:30 PM**.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: July 6, 2015



RICHARD SEEBORG
United States District Judge