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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMAL ANSHASI,
Plaintiff,
v.
DUTY FREE WORLD, INC., et al.,
Defendants.

Case No. 15-cv-03620-HSG
**ORDER GRANTING MOTION TO
DISMISS**
Re: Dkt. No. 12

On May 7, 2015, Plaintiff Jamal Anshasi filed a complaint in San Mateo County Superior Court alleging causes of action for (1) “Hostile environment harassment on the basis of religion and/or national origin in violation of public policy”; (2) “Quid pro quo harassment on the basis of religion and/or national origin in violation of public policy”; (3) “Wrongful discharge in violation of public policy”; (4) “Intentional infliction of emotional distress”; and (5) “California Labor Code violations.” Dkt. No. 1-2. On August 7, 2015, Defendants removed the case to this Court. Dkt. No. 1.

Defendants Duty Free World, Inc. and Alice Wimberly filed the pending motion to dismiss on August 14, 2015. Dkt. No. 12. The Court, in its discretion, finds the matter suitable for resolution without oral argument and therefore VACATES the hearing scheduled for October 8, 2015. *See* Civ. L.R. 7-1(b).


In their motion, Defendants argue that all claims against Defendant Wimberly must be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(2) for lack of personal jurisdiction. Dkt. No. 12. Furthermore, Defendants argue that the first four causes of action against Duty Free World, Inc. must be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim. *Id.* Defendants do not move to dismiss Plaintiff’s

1 fifth cause of action against Duty Free World, Inc. In his opposition, Plaintiff “concedes
2 Defendants’ motion,” except that he asks for leave to amend his third cause of action so that it
3 may be sufficiently pled. Dkt. No. 14 at 1.

4 Based on the parties’ agreement, the Court (1) GRANTS Defendants’ motion to dismiss
5 WITH PREJUDICE as to all claims against Defendant Wimberley; (2) GRANTS Defendants’
6 motion to dismiss WITH PREJUDICE as to Plaintiff’s first, second, and fourth causes of action
7 against Defendant Duty Free World, Inc.; and (3) GRANTS Defendants’ motion to dismiss WITH
8 LEAVE TO AMEND as to Plaintiff’s third cause of action against Defendant Duty Free World,
9 Inc. Plaintiff shall file an amended complaint within 21 days of the date of this Order.

10 **IT IS SO ORDERED.**

11 Dated: September 22, 2015

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13 HAYWOOD S. GILLIAM, JR.
14 United States District Judge

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