

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

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MARTINA FRANCIS,

Plaintiff,

v.

COUNTY OF SAN MATEO, a municipal corporation; DEPARTMENT OF HEALTH ADMINISTRATION, a department of County of San Mateo; and FAMILY HEALTH SERVICES, a department of County of San Mateo,

Defendants.

No. C 10-04343 CW

ORDER GRANTING DEFENDANT COUNTY OF SAN MATEO'S MOTION TO DISMISS (Docket No. 18) AND DISMISSING STATE LAW CLAIMS WITHOUT PREJUDICE TO REFILING IN STATE COURT

United States District Court
For the Northern District of California

On December 8, 2010, the Court deferred its decision on the motion to dismiss of Defendant County of San Mateo¹ and afforded Plaintiff Martina Francis, who is proceeding pro se, an opportunity to respond to its argument that her claim under Title VII is time-barred. Plaintiff timely filed a response, but disregarded the Court's directions concerning the length and scope of her brief. The County filed a brief in response to Plaintiff's submission.

Plaintiff does not dispute that she received right-to-sue letters from the Equal Employment Opportunity Commission (EEOC) on December 8, 2009 and April 7, 2010. These letters clearly stated that, if Plaintiff intended to sue based on the underlying EEOC charges of discrimination, she was required to do so within ninety days of the date she received the letters. Plaintiff's lawsuit was

¹ The County's motion encompassed the claims against itself and the other named Defendants, which are its subordinate departments.

1 filed on September 24, 2010, well after the ninety-day period had
2 elapsed with respect to both letters.

3 Plaintiff argues that the County should be equitably estopped
4 from asserting a statute of limitations defense. She points to a
5 March 26, 2010 letter that she attributes to the County, which
6 stated,

7 Notice is hereby given that your claim, which was
8 received in the office of the Board of Supervisors on
9 February 4, 2010, was presented to the Board of
Supervisors on March 23, 2010, and rejected in its
entirety by said Board.

10 WARNING: Subject to certain exceptions, you have only six
11 (6) months from the date this notice was personally
12 delivered or deposited in the mail to file a state court
action on this claim. (See [California] Government Code
Section 945.6)

13 Pl.'s Request for Judicial Notice (RJN), Ex. A at 3.² At the time
14 the letter was sent, Plaintiff had an attorney who was assisting
15 her in filing her administrative claims. Supp. Opp'n 3.

16 "Equitable estoppel focuses primarily on the actions taken by
17 the defendant in preventing a plaintiff from filing suit."³ Santa
18 Maria v. Pac. Bell, 202 F.3d 1170, 1176 (9th Cir. 2000). To
19 determine whether the doctrine applies, a court may consider
20 several factors, including: "(1) the plaintiff's actual and

21 _____
22 ² Because the County does not oppose Plaintiff's request for
judicial notice, the Court GRANTS it.

23 ³ In its Order of December 8, 2010, the Court granted
24 Plaintiff leave to argue that the doctrine of equitable tolling
25 should apply. Under that doctrine, a party may ask a court to toll
26 a statute of limitations based on "excusable ignorance of the
27 limitations period" and the lack of prejudice to the non-requesting
party. Santa Maria, 202 F.3d at 1176. Plaintiff did not make such
an argument. Further, Plaintiff cites California law in support of
her argument. However, because a federal statute of limitations is
at issue, federal law applies.

1 reasonable reliance on the defendant's conduct or representations,
2 (2) evidence of improper purpose on the part of the defendant, or
3 of the defendant's actual or constructive knowledge of the
4 deceptive nature of its conduct, and (3) the extent to which the
5 purposes of the limitations period have been satisfied." Id. None
6 of these factors weigh in favor of Plaintiff.

7 Plaintiff asserts that the County's March 26, 2010 letter
8 misled her into believing that she had until September 26, 2010 to
9 file suit on her EEOC charges. If Plaintiff relied on the letter
10 for that point, she did so unreasonably. The letter stated that a
11 claim was presented to the County's Board of Supervisors on
12 February 4, 2010 and that a state court action on that claim had to
13 be filed within six months.⁴ The letter did not state, as
14 Plaintiff asserts, that she had six months to file any civil
15 action. The letter made no mention of Plaintiff's EEOC complaints,
16 did not suggest that it related to them and made no reference to
17 Plaintiff's right to file a suit concerning them in federal court.

18 Further, the deadline to sue on the charges at issue in the
19 December 8, 2009 EEOC letter had elapsed approximately three weeks
20 before the County's letter was apparently sent. Plaintiff cannot
21 reasonably argue that the letter, received after the deadline had
22 passed, prevented her from timely filing suit. And Plaintiff
23 presumably received the April 7, 2010 EEOC right-to-sue letter
24 after she had received the County's letter. It is unreasonable to
25 believe that the County could override in advance a directive

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27 ⁴ Neither the letter nor Plaintiff explains the subject of the
February 4, 2010 claim.

1 contained in a letter sent by a federal commission over a week
2 later.

3 Additionally, there is no evidence that the County had any
4 improper purpose in sending the March 26, 2010 letter. The letter
5 specifically stated that it pertained to Plaintiff's February 4,
6 2010 claim and advised her of her right to initiate a state court
7 action on that claim within six months. It did not purport to
8 relate to her EEOC complaints, nor could it be reasonably construed
9 to encompass them.

10 Plaintiff does not establish that the County should be
11 equitably estopped from asserting that her Title VII claim is time-
12 barred. Accordingly, the Court GRANTS the County's motion to
13 dismiss Plaintiff's Title VII claim. (Docket No. 18.) Although
14 given the opportunity to do so, Plaintiff did not argue that, if
15 granted leave to amend, she could allege facts that support
16 application of the doctrine of equitable tolling. Thus,
17 Plaintiff's Title VII claim is dismissed with prejudice as time-
18 barred.

19 Plaintiff's Title VII claim gave the Court federal question
20 jurisdiction over her action. See 28 U.S.C. § 1331; First Am.
21 Compl. ¶ 1. Because that claim is dismissed, no federal claim
22 remains in her suit and, as a result, the exercise of supplemental
23 jurisdiction over her remaining state law claims is no longer
24 necessary. 28 U.S.C. § 1367(c)(3). The Court declines to exercise
25 supplemental jurisdiction over Plaintiff's state law claims and
26 dismisses them without prejudice to Plaintiff refileing them in
27 state court.

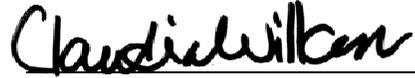
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The Clerk shall enter judgment with respect to Plaintiff's
Title VII claim and close the file.

IT IS SO ORDERED.

Dated: 12/27/2010



CLAUDIA WILKEN
United States District Judge