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17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA

19 WILLIAM H. SWITZER,

Case Number: C 03 4297

20 Plaintiff,

**UPDATED JOINT CASE
 MANAGEMENT STATEMENT AND
 PROPOSED ORDER**

21 vs.

22 COUNTY OF MARIN, BOARD OF
 23 SUPERVISORS OF THE COUNTY OF
 24 MARIN, JAMES FARLEY III individually, and
 25 DOES 1 through 50, inclusive,

Date:
 Time:
 Courtroom: F
 Hon. James Larson

26 Defendants.

27 _____ /
 28
 29 **The parties to the above-entitled action jointly submit this Case Management Statement
 30 and Proposed Order and request the Court to adopt it as its Case Management Order in this
 31 case.**

DESCRIPTION OF THE CASE

1. A brief description of the events underlying the action:

32 Plaintiff SWITZER alleges that during his tenure as an employee with MARIN CENTER AT THE
 33 COUNTY OF MARIN, Defendant COUNTY OF MARIN wrongfully terminated him, discriminated

1 against him on the basis of his race and age, created a hostile work environment, harassed and retaliated
2 against him, including denying him the privileges, terms and conditions of employment afforded to other
3 employees. More specifically, Mr. Switzer was retaliated against for protesting the discrimination of his
4 daughter, a discrimination supported by a finding by the County of Marin.

5 Defendant's Brief Description: Mr. Switzer was employed by the Defendant as an extra-hire Marin
6 Center Utility Worker. "Extra-hire" status means individuals are called to serve on a temporary basis and
7 are willing to work an irregular schedule in an as-needed basis. On or about September 10, 2003, Mr.
8 Switzer confronted his manager, Jim Farley, about the reduction of hours for Extra-hires during the course
9 of a staff meeting and questioned Mr. Farley's leadership, honesty and salary. When asked to leave the
10 meeting, Mr. Switzer resisted the directive. Following this incident, Mr. Farley wrote to Mr. Switzer
11 advising him that his services would not be needed in the future at the Center.

12 **2. The principal factual issues which the parties dispute:**

13 The defendant disputes the following facts: The defendant disputes that plaintiff was subjected to
14 retaliation for complaining about harassment and hostile work environment. Because of Mr. Switzer
15 conduct at a staff meeting the decision not to keep his name on the list of available extra-hire workers was
16 a legitimate consequence of his unjustifiable behavior in the workplace.

17 **3. The principal legal issues which the parties dispute:**

18 Whether Defendants discriminated against Plaintiff because of his race and age.

19 Whether Defendants retaliated against Plaintiff after he protested about harassment.

20 Whether Defendants decision not to utilize the services of Mr. Switzer constituted an adverse
21 employment action.

22 **4. The other factual issues which remain unresolved for the reason stated below and how the**
23 **parties propose to resolve those issues:** None at this time

24 **5. The parties which have not been served and the reasons:** None

25 **6. The additional parties which the below-specified parties intend to join and the intended time**
26 **frame for such joinder:** None

27 **7. The following parties consent to assignment of this case to a United States Magistrate Judge**
28 **for trial:** Plaintiff and defendants

