United States District Court
Northern District of California

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8   UNITED STATES DISTRICT COURT

9   NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

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12   MARY WHITE,   Case No. 5:16-cv-03362-HRL

13   Plaintiff,

14   v.   **ORDER DENYING DEFENDANT'S**
                                               MOTION FOR SUMMARY JUDGMENT

15   COMMUNITY HEALTH AWARENESS   Re: Dkt. No. 30
    COUNCIL,

16   Defendant.

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18   Plaintiff Mary White sues defendant Community Health Awareness Council (CHAC) for

19 disability discrimination and related violations of the Americans with Disabilities Act and the

20 California Fair Employment and Housing Act; age discrimination under the Age Discrimination in

21 Employment Act, and for wrongful termination in violation of public policy. All parties have

22 expressly consented that all proceedings in this matter may be heard and finally adjudicated by the

23 undersigned. 28 U.S.C. § 636(c); Fed. R. Civ. P. 73.

24   Now before the court is CHAC's motion for summary judgment on all claims for relief.

25 The matter is deemed suitable for determination without oral argument, and the September 12,

26 2017 hearing is vacated. Civ. L.R. 7-1(b). Upon consideration of the moving and responding

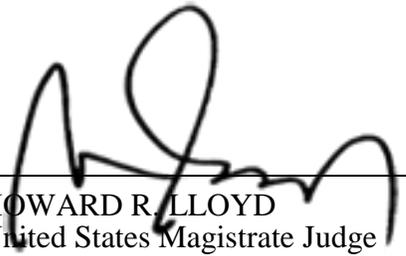27 papers, the court rules as follows:

28   In her opposition papers, plaintiff confirms that she is no longer pursuing her claim for age

1   discrimination. Accordingly, that claim is dismissed.

2   As for the remaining claims and issues in dispute, the court concludes that there are

3   genuine issues of material fact that preclude summary judgment and that more than one inference

4   can be drawn even where there may be undisputed facts. Such matters are for a jury to decide, and

5   defendant's motion for summary judgment therefore is denied.[1]

6   SO ORDERED.

7   Dated: September 8, 2017

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10   HOWARD R. LLOYD
                                          United States Magistrate Judge

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28   [1] At this time, the court expresses no opinion as to an alleged spoliation issue raised by plaintiff. That matter is not properly before this court on this motion.