

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DESHURN DONAHUE

CIVIL ACTION

VERSUS

NO. 14-548-JJB

McDONALD'S CORPORATION

RULING AND ORDER

This matter is before the court on a motion by defendant McDonald's Corporation to dismiss for failure to state a claim. Plaintiff, Deshurn Donahue, has filed an opposition. Defendants have filed a reply. There is no need for oral argument.

Defendant moves to dismiss plaintiff's Title VII claims because plaintiff failed to file suit within 90 days of receipt of a right to sue letter. This suit was filed in state court on August 4, 2014. According to the petition, plaintiff received a right to sue letter on May 2, 2014. On the face of the petition, plaintiff failed to timely file the Title VII claims.

Additionally, defendant contends that the claim under the Louisiana Employment Discrimination Law was not filed within the prescriptive period set by La. R.S. 23:303(D). Plaintiff alleges that she was terminated on August 6, 2012. While prescription may have been suspended for six months while her charge was pending before the EEOC, she failed to file suit within a year from that time. See, La. R.S. 23:303(D). Again, her claims are prescribed on the face of the petition. Plaintiff has failed to file any meritorious argument in response to either of defendant's arguments.

Accordingly, the motion (doc. 9) to dismiss is hereby GRANTED.

IT IS ORDERED that this action is hereby DISMISSED.

Baton Rouge, Louisiana, December 8th, 2014.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA