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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SHANTELL ORTIZ,

Plaintiff,

v.

LOGISTICARE SOLUTIONS, LLC, a
foreign limited liability company, and
DOES 1-50, inclusive,

Defendants.

Case No. 2:16-cv-01805-MMD-VCF

ORDER


After hearing argument on December 13, 2016, the Court dismissed Plaintiff's two federal disability discrimination and retaliation claims without prejudice and with leave to amend. (ECF No. 29.) Defendant now argues that Plaintiff's Amended Complaint fails to comply with the Court's Order in that it continues to contain boilerplate conclusory allegation that Plaintiff filed her administrative complaint "within 300 days from the last discriminatory act and adverse employment action." (ECF No. 32.) At the December 13, 2016, hearing, the Court found that Plaintiff initiated her complaint with the Nevada Equal Rights Commission ("NERC") by her filing of the NERC intake inquiry form on October 15, 2015 (ECF No. 19-1).¹ (ECF No. 31 at 15-18.) The Court found, however, that the Complaint failed to allege that Plaintiff filed a charge of discrimination within the limitations

¹The Court took judicial notice of this form. (ECF No. 31 at 16.)

1 period—300 days from the last incident of alleged discrimination.² For this reason, the
2 Court granted Plaintiff leave to amend. The Court agrees with Plaintiff that her Amended
3 Complaint complies with the Court’s Order.

4 It is therefore ordered that Defendant’s motion to dismiss (ECF No. 32) is denied.

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6 DATED THIS 4th day of August 2017.

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9 MIRANDA M. DU
10 UNITED STATES DISTRICT JUDGE
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26 _____
27 ²The Complaint alleges that a charge was filed “within 180 days of the commission
28 of the unlawful employment practice alleged herein and/or within 300 days of PLAINTIFF
instituting proceedings with a State or local agency with authority[.]” (ECF No. 1 at 2.)
This allegation is not sufficient for the Court to reasonably infer that Plaintiff has exhausted
her administrative remedies. (ECF No. 31 at 15.)