IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

NORMAN VIGIL,

Plaintiff,

v. No. 1:16-cv-00047 KG/KK

NEW MEXICO PUBLIC EDUCATION DEPARTMENT.

Defendant.

PARTIAL SUMMARY JUDGMENT

Having granted, in part, "Defendant's Motion for Summary Judgment Regarding

Plaintiff's Claims of Disability Discrimination and Retaliation Based on the ADAAA and HRA

[Count I and III] and his Common Law Claim of Constructive Discharge ['Primary Summary

Judgment Motion']" (Doc. 84); and, granted, in its entirety, "Defendant's Motion for Summary

Judgment Regarding Plaintiff's Claims of Sex Discrimination [Counts II and III] and Retaliation

Based on The Whistleblower Protection Act [Count IV] ['Second Motion for Summary

Judgment']" (Doc. 86), as explained briefly by the Court in a hearing on March 27, 2018, and

elaborated in a Memorandum Opinion and Order entered simultaneously with this Partial

Summary Judgment,

IT IS ORDERED that:

- summary judgment is entered in Defendant's favor on Count II of Plaintiff's Amended Complaint (Doc. 33), filed May 4, 2016;
- 2. Count II of the Amended Complaint is dismissed with prejudice;

- summary judgment is entered in Defendant's favor on the New Mexico Human Rights Act ("NMHRA") sex discrimination claim in Count III of the Amended Complaint;
- the NMHRA sex discrimination claim in Count III of the Amended Complaint is dismissed with prejudice;
- summary judgment is entered in Defendant's favor on Count IV of Plaintiff's Amended Complaint;
- 6. Count IV of the Amended Complaint is dismissed with prejudice;
- summary judgment is entered in Defendant's favor on Count V of Plaintiff's Amended Complaint; and
- 8. Count V of the Amended Complaint is dismissed with prejudice.

LINITED STATES DISTRICT VIDGE