

in the Circuit Court for the State of Oregon, County of Deschutes on June 23, 2010.

Under ORS § 659A.880, any right to bring a civil action will be lost if the action is not commenced within 90 days of the date of mailing of the right to sue letter from BOLI. Plaintiff instituted this action two days beyond the allowable time for filing. Accordingly, the motion to dismiss is granted.

CONCLUSION

For the reasons stated above, defendant's motion to dismiss (#4) is granted and this action is dismissed.

DATED this 10th day of November, 2010.

s/ Michael R. Hogan
United States District Judge