
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

SARA KING-FLITTON,

Plaintiff,

vs.

**DAVIS SCHOOL DISTRICT and
BECKY BOUVANG,**

Defendants.

ORDER

Case No. 1:14CV97DAK

Judge Dale A. Kimball

This matter is before the court on Defendant Becky Bouvang's Motion to Dismiss, filed September 24, 2105. As of the date of this Order, Plaintiff has not opposed Defendant's motion even though the time for doing so has passed. On October 23, 2015, Defendant filed a Request to Submit the motion for decision. Plaintiff has not responded to the Request to Submit.

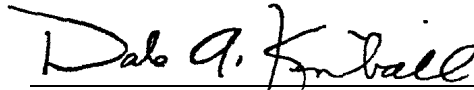
Based on the facts and law set forth in Defendant Bouvang's motion, the motion is GRANTED. Plaintiff's Title VII hostile work environment and retaliation claims are dismissed against Defendant Bouvang because personal capacity suits against individual supervisors are inappropriate under Title VII." *Haynes v. Williams*, 88 F.3d 898, 901 (10th Cir. 1996). In addition, Plaintiff's third cause of action for sexual harassment and retaliation under the Utah Anti-Discrimination Act ("UADA") is dismissed because the UADA does not provide a private cause of action. Utah Code Ann. § 34A-5-107(15); *Buckner v. Kennard*, 99 P.3d 842, 852 (Utah 2004); *Blauer v. Dept. Workforce Servs.*, 2014 UT App 100, ¶ 6 n.2.

Moreover, the court grants Plaintiff's Motion to Dismiss for failure to respond. *See*

DUCivR 7-1(d) (“Failure to respond timely to a motion may result in the court’s granting the motion without further notice.”).

DATED this 3rd day of November, 2015.

BY THE COURT:

A handwritten signature in black ink, reading "Dale A. Kimball". The signature is written in a cursive, flowing style. The first name "Dale" is written with a large, prominent "D". The middle initial "A." is written in a smaller, more compact script. The last name "Kimball" is written with a large, prominent "K" and a long, sweeping tail that extends to the right.

DALE A. KIMBALL

United States District Judge