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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAXIMILLIAN SALAZAR III,)
)
) Plaintiff,)
)
) -vs-)
)
) MONACO ENTERPRISES, INC.; and)
) GENE MONACO and MARTI MONACO,)
) Husband and wife and the marital)
) community thereof; and ROGER)
) BARNO and NOELLE BARNO, Husband)
) and wife and the marital)
) community thereof; and STRATEGIC)
) ADVANTAGE, LLC; and STEVE CESARE)
) and JANE DOE CESARE, Husband and)
) wife and the marital community)
) thereof,)
)
) Defendants.)

NO. CV-12-0186-LRS

**ORDER RE SUMMARY JUDGMENT
MOTIONS HEARING**

BEFORE THE COURT, are the following motions: Defendants' [First] Motion For Partial Summary Judgment (ECF. No. 149, previously ECF No. 47 before renewing); Defendants' Second Motion for Partial Summary Judgment (ECF No. 150); and Plaintiff's Motion for Partial Summary Judgment On Defendants' Affirmative Defenses (ECF No. 63). A hearing was held in Yakima on February 20, 2014. William A. Gilbert participated on behalf of the Plaintiff; James B. King participated on behalf of Defendants. The Court having considered the oral and written argument of counsel,

1 enters this Order to memorialize and supplement the oral rulings of the
2 Court. Accordingly,

3 **IT IS HEREBY ORDERED:**

4 1. Defendants' [First] Motion For Partial Summary Judgment, **ECF**.
5 **No. 149**, is **GRANTED**. Plaintiff's common law claim for wrongful
6 termination in violation of public policy is dismissed in light of *Cudney*
7 *v. AlSCO*, 172 Wn.2d 524, 530 (2011) and the arguments made by Defendants
8 and noted on the record. Plaintiff's conspiracy claims under federal and
9 state law were withdrawn by Plaintiff at the hearing and are therefore
10 dismissed.
11

12 2. Defendants' Second Motion for Partial Summary Judgment, **ECF No.**
13 **150**, is **DENIED**. Plaintiff's retaliation claim under 31 U.S.C. § 3730(h)
14 remains, as well as Plaintiff's "Handbook" Employment claim under
15 Washington state law.

16 3. Plaintiff's Motion for Partial Summary Judgment On Defendants'
17 Affirmative Defenses, **ECF No. 63**, is **DENIED** for the reasons stated on the
18 record.
19

20 **IT IS SO ORDERED.** The District Court Executive is directed to enter
21 this Order.

22 **DATED** this 3rd day of March, 2014.

23
24 **s/Lonny R. Suko**

25 _____
26 LONNY R. SUKO
SENIOR U. S. DISTRICT COURT JUDGE