

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 14, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PAUL KIZA WAUSA,

Plaintiff,

v.

DAVENPORT GRAND HOTEL,

Defendant.

No. 2:18-cv-00008-SAB

**ORDER GRANTING
DEFENDANT'S 12(B)(6)
MOTION TO DISMISS
PLAINTIFF'S ADA, GINA AND
ADEA CLAIMS WITH
PREJUDICE**

Before the Court is Defendant's 12(b)(6) Motion to Dismiss Plaintiff's ADA, GINA and ADEA Claims With Prejudice. ECF No. 25. The motion was heard without oral argument. Defendant is represented by Keller Allen and Mary M. Palmer. Plaintiff is proceeding pro se.

Plaintiff Paul Kiza Wausa is bringing suit against his former employer, Defendant Davenport Grand Hotel. He is alleging claims under Title VII, the Americans with Disabilities Act ("ADA"), the Genetic Information Non-Discrimination Act ("GINA") and the Age Discrimination in Employment Act (ADEA).

Defendant moves to dismiss the ADA, GINA, and ADEA claims for failure to obtain a Notice of Right to Sue, which is a prerequisite to filing a claim in court under the ADA, GINA, and the ADEA. 42 U.S.C. § 2000e-5(f)(1) (Race, ADA, ADEA); 42 U.S.C. § 2000ff-6 (GINA); 29 C.F.R. § 1601.28(a)(1) and (e)(1). It

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1 appears that Plaintiff obtained a Right to Sue letter with regard to his claim of
2 racial discrimination. Because Plaintiff has not alleged that he filed a claim with
3 the EEOC regarding his claims under the ADA, GINA, and ADEA, these claims
4 are dismissed.

5 In the alternative, Plaintiff has failed to allege sufficient facts to support his
6 ADA, GINA, and ADEA claims, and these claims are dismissed. Previously,
7 Plaintiff has been given leave to amend his Complaint and he has failed to cure the
8 deficiencies. As such, these claims are dismissed with prejudice

9 Accordingly, **IT IS HEREBY ORDERED:**

10 1. Defendant's 12(b)(6) Motion to Dismiss Plaintiff's ADA, GINA and
11 ADEA Claims With Prejudice, ECF No. 25, is **GRANTED**.

12 2. Plaintiff's Motion to Grant Plaintiff's Claims under the ADA, GINA and
13 ADEA, with Prejudice, ECF No. 32, is **DENIED**.

14 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
15 and forward copies to counsel.

16 **DATED** this 14th day of August 2018.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

23 Stanley A. Bastian
24 United States District Judge
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