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3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
5 AT SEATTLE

6 DESIREE A. MONTAGUE,

7 Plaintiff,

8 v.

9 SAFEWAY INC., et al.,

10 Defendants.

C17-1241 TSZ

MINUTE ORDER

11 The following Minute Order is made by direction of the Court, the Honorable  
12 Thomas S. Zilly, United States District Judge:

13 (1) Defendants' Motion to Dismiss, docket no. 8, is GRANTED in part and  
14 DENIED in part. The Court is satisfied that the Complaint for Damages, docket no. 1  
15 (the "Complaint"), alleges sufficient facts to state a claim for Violation of the Americans  
16 with Disabilities Act, 42 U.S.C. § 12111, *et seq.*, and the Washington Law Against  
17 Discrimination, RCW 49.60.180(2). *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555  
18 (2007). Plaintiff's remaining claims for Violation of Title VII of the Civil Rights Act of  
19 1964 (Complaint at ¶¶ 40–46) and Wrongful Discharge (*id.* at Complaint at ¶¶ 56–59) are  
20 dismissed without prejudice and with leave to amend no later than April 6, 2018.<sup>1</sup>

21 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
22 record.

23 Dated this 7th day of March, 2018.

William M. McCool

Clerk

s/Karen Dews

Deputy Clerk

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22 <sup>1</sup> The Court notes that Plaintiff has not made clear why Defendant Sedgwick Claims  
23 Management Services, Inc., might be liable under either of these theories.