

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARY WHITE,
Plaintiff,
v.
COMMUNITY HEALTH AWARENESS
COUNCIL,
Defendant.

Case No. [5:16-cv-03362-HRL](#)

**ORDER DENYING DEFENDANT’S
MOTION FOR SUMMARY JUDGMENT**

Re: Dkt. No. 30

Plaintiff Mary White sues defendant Community Health Awareness Council (CHAC) for disability discrimination and related violations of the Americans with Disabilities Act and the California Fair Employment and Housing Act; age discrimination under the Age Discrimination in Employment Act, and for wrongful termination in violation of public policy. All parties have expressly consented that all proceedings in this matter may be heard and finally adjudicated by the undersigned. 28 U.S.C. § 636(c); Fed. R. Civ. P. 73.

Now before the court is CHAC’s motion for summary judgment on all claims for relief. The matter is deemed suitable for determination without oral argument, and the September 12, 2017 hearing is vacated. Civ. L.R. 7-1(b). Upon consideration of the moving and responding papers, the court rules as follows:

In her opposition papers, plaintiff confirms that she is no longer pursuing her claim for age

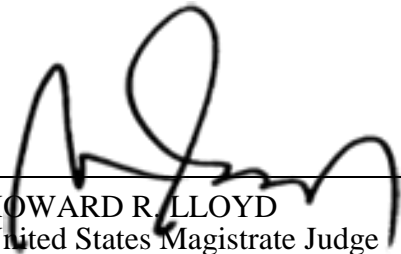
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1 discrimination. Accordingly, that claim is dismissed.

2 As for the remaining claims and issues in dispute, the court concludes that there are
3 genuine issues of material fact that preclude summary judgment and that more than one inference
4 can be drawn even where there may be undisputed facts. Such matters are for a jury to decide, and
5 defendant's motion for summary judgment therefore is denied.¹

6 SO ORDERED.

7 Dated: September 8, 2017

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10 HOWARD R. LLOYD
United States Magistrate Judge

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28 ¹ At this time, the court expresses no opinion as to an alleged spoliation issue raised by plaintiff. That matter is not properly before this court on this motion.