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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**CALIFORNIA PSYCHIATRIC
TRANSITIONS**

Defendant.

Case No. 1:06-CV-01251-OWW-GSA

**ORDER RE THE EEOC'S MOTION
FOR PARTIAL SUMMARY
JUDGMENT ON CONDITIONS
PRECEDENT AND CALIFORNIA
PSYCHIATRIC TRANSITIONS,
INC.'S MOTION FOR SUMMARY
ADJUDICATION**

1 On May 4, 2009, plaintiff U.S. Equal Employment Opportunity Commission
2 (“EEOC”) filed a motion for summary adjudication on whether it satisfied Title VII’s
3 statutory prerequisites to commence litigation on behalf of Valerie Soares (aka Shaw);
4 Mariel Somera, and similarly situated female employees. (Docket No. (“DN”) 37) On
5 May 4, 2009, defendant California Psychiatric Transitions (“CPT”) filed a motion for
6 summary adjudication asserting that (1) the EEOC’s constructive discharge claim for
7 Mariel Somera is barred; (2) there are no triable issues of facts and the EEOC’s sexual
8 harassment claim for Soares fails as a matter of law; (3) there are no triable issues of fact
9 and the EEOC’s retaliation claim for Soares fails as a matter of law; and (4) the EEOC is
10 precluded from seeking punitive damages on either Soares’s or Somera’s behalf. (DN
11 40)

12 Having considered the parties’ briefs, the exhibits submitted therewith and oral
13 argument, the Court issued its memorandum of decision on August 8, 2009

- 14 • GRANTING the EEOC’s motion for summary adjudication on the issue of the
15 EEOC’s satisfaction of Title VII conditions precedent to bring sexual harassment
16 claims on behalf of Soares, Somera and similarly situated women and the
17 retaliation claim on behalf of Soares;
- 18 • GRANTING CPT’s motion for summary adjudication on the issue of the EEOC’s
19 failure to satisfy Title VII conditions precedent to bring a constructive discharge
20 claim on behalf of Somera; and
- 21 • Because genuine issues of fact exist, DENYING the parties’ motions for summary
22 adjudication on all other issues raised in the motions (*i.e.*, the EEOC’s sexual
23 harassment and retaliation claims on behalf of Soares, and punitive damages
24 claims on behalf of Soares and Somera).

25 Accordingly, the following facts are not genuinely at issue and must be treated as
26 established:

27 (1) In April 2004, the EEOC received from Valerie Soares a timely charge of
28 unlawful employment practice in which Soares alleged that she and other women were

1 sexually harassed by Larry Fuentes during her employment, and that she was fired in
2 retaliation for engaging in a protected activity;

3 (2) The EEOC provided timely notice of the Soares charge to Defendant
4 California Psychiatric Transitions, Inc.;

5 (3) The EEOC conducted a investigation into the allegations contained in the
6 Soares charge sufficient to satisfy the Title VII condition precedent requirement;

7 (4) The EEOC determined that reasonable cause exists to believe that California
8 Psychiatric Transitions, Inc. had discriminated against Soares and similarly situated
9 female employees because of their sex, female, and retaliated against Soares for
10 engaging in a protected activity;

11 (5) The EEOC complied with its conciliation obligations by attempting in good
12 faith to settle the matter prior to bringing suit; and therefore,

13 (6) The EEOC has satisfied the Title VII conditions precedent to a suit alleging a
14 hostile environment because of sex on behalf of Soares and similarly situated aggrieved
15 persons, including Somera, and has satisfied the Title VII conditions precedent to a suit
16 alleging retaliation against Soares; however

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