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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO – CENTRAL DIVISION**

ISABEL VASQUEZ,
Plaintiff,
vs.
MICKEY KASPARIAN; UNITED FOOD &
COMMERCIAL WORKERS LOCAL 135, a
labor union charter; and DOES 1 through 20,
Defendants.

CASE NO. 37-2016-00044511-CU-OE-CTL
**[PROPOSED] ORDER GRANTING
MOTION FOR SUMMARY JUDGMENT
BY DEFENDANTS MICKEY KASPARIAN
AND UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 135**
Assigned for all purposes to:
The Honorable Ronald L. Styn
Dept. C-62
Hearing Date: January 12, 2018
Time: 8:30 a.m.
Department: C-62
Complaint filed: December 19, 2016

The Motion of Defendants Mickey Kasparian and United Food & Commercial Workers Local 135 for Summary Judgment or, in the alternative, for Summary Adjudication of the Issues was heard at the above date and time. Appearing as attorneys were Michael R. Feinberg and Michael D. Four on behalf of the Defendants, and Manuel Corrales, Jr. on behalf of Plaintiff Isabel Vasquez.

After considering the papers filed in support of and in opposition to the Motion, and the oral argument of counsel, the Court finds that Defendants are entitled to judgment as a matter of law under Section 437c of the Code of Civil Procedure.

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IT IS ORDERED that:

- 1. Defendants' Motion for Summary Judgment be granted.
- 2. Judgment be entered in favor of Defendants, and that they recover their costs of suit incurred herein.

There is no triable issue of material fact with respect to the following matters for the reasons indicated:

1. Defendants cannot be held liable to Plaintiff Isabel Vasquez on her First Cause of Action for sexual harassment because this claim is time-barred under Government Code, §12960(d) as she did not file her complaint against the Defendants with the Department of Fair Employment and Housing until December 20, 2016, more than two years after the alleged acts of harassment.

2. Defendants cannot be held liable to Plaintiff Isabel Vasquez on her Second Cause of Action for sexual harassment because her claims that Defendant Kasparian created a hostile work environment by (1) engaging in inappropriate relations with another Local 135 employee and (2) making demeaning comments concerning a President of another UFCW local union are without merit as a matter of law.

3. Defendants cannot be held liable to Plaintiff Isabel Vasquez on her Second Cause of Action for sexual harassment because her time-barred claims that Defendant Kasparian created a hostile work environment by demanding sexual favors from her, even if accepted as true, cannot support a hostile work environment claim against either Kasparian or Local 135.

4. Defendants cannot be held liable to Plaintiff Isabel Vasquez on her Third Cause of Action for failure to prevent discrimination because her claims are without merit as a matter of law.

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5. Defendants cannot be held liable to Plaintiff Isabel Vasquez on her Fourth Cause of Action for failure to prevent discrimination because her claims are without merit as a matter of law.

DATED: _____

HON. RONALD L. STYN
SUPERIOR COURT JUDGE

1 **PROOF OF SERVICE**

2 *Isabel Vasquez vs.*
3 *Mickey Kasparian; et al.*
4 **SDSC Case No. 37-2016-00044511-CU-OE-CTL**

5 Lorena Zamarripa certifies as follows:

6 I am employed in the County of Los Angeles, State of California; I am over the age of
7 eighteen years and am not a party to this action; my business address is 6300 Wilshire
8 Boulevard, Suite 2000, Los Angeles, California 90048-5268. My electronic notification address
9 is lz@ssdslaw.com.

10 On October 4, 2017, I caused the foregoing document(s) described as **[PROPOSED]**
11 **ORDER GRANTING MOTION FOR SUMMARY JUDGMENT BY DEFENDANTS**
12 **MICKEY KASPARIAN AND UNITED FOOD AND COMMERCIAL WORKERS,**
13 **LOCAL 135** to be served upon the person(s) shown below as follows:

14 Daniel M. Gilleon, Esq.
15 Samuel A. Clemens, Esq.
16 The Gilleon Law Firm
17 1320 Columbia Street, Suite 200
18 San Diego, California 92101
19 E-mail: dan@gilleon.com
20 E-mail: sac@mglawyers.com

Manuel Corrales, Jr., Esq.
17140 Bernardo Center Drive, Suite 358
San Diego, California 92128
E-mail: mannycorrales@yahoo.com

21 _____ placing it (them) for collection and mailing on that same date following the ordinary
22 business practices of Schwartz, Steinsapir, Dohrmann & Sommers LLP, at its place of
23 business, located at 6300 Wilshire Boulevard, Suite 2000, Los Angeles, California
24 90048-5268. I am readily familiar with the business practices of Schwartz, Steinsapir,
25 Dohrmann & Sommers LLP for collection and processing of correspondence for mailing
26 with the United States Postal Service. Pursuant to said practices the envelope(s) would
27 be deposited with the United States Postal Service that same day, with postage thereon
28 fully prepaid, at Los Angeles, California, in the ordinary course of business. I am aware
that on motion of the party served, service is presumed invalid if the postal cancellation
date or postage meter date on the envelope is more than one day after the date of deposit
for mailing in the affidavit. (C.C.P. §1013a(3))

29 I sent a copy of the above-described document(s) via e-mail to the individual(s) set forth
above.

30 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

31 Executed on October 4, 2017, at Los Angeles, California.

32 
33 _____
34 LORENA ZAMARRIPA