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10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

11	DONNA MANCHESTER,	NO. CV-07-001-LRS
12	Plaintiff,	ORDER ON CROSS MOTIONS
13	v.	FOR SUMMARY JUDGMENT
14	ASOTIN COUNTY, ASOTIN COUNTY	
15	BOARD OF COMMISSIONERS,	
16	ASOTIN COUNTY SHERIFF'S	
17	DEPARTMENT, ASOTIN COUNTY	
18	JAIL, and WAYNE WEBER in his	
	official and personal capacities,	
	Defendants.	

19 THIS MATTER coming before the court upon defendant
20 county's motion for summary judgment and defendant Weber's
21 motion for summary judgment (Document 10) and plaintiff's motion
22 for partial summary judgment (Document 16), and the court having
23 reviewed the files and records including the following:

ORDER ON CROSS MOTIONS FOR
SUMMARY JUDGMENT – 1

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2 1. Defendant Weber's memo in support of defendant
3 Weber's motion for summary judgment of dismissal of claims against
4 him in his individual capacity. (Document 11)
5

6 2. Defendant county's memo in support of motion for
7 summary judgment. (Document 12)

8 3. Defendant county's statement of facts in support of
9 defendant county's motions for summary judgment. (Document 13)

10 4. Plaintiff's statement of material facts. (Document 15)

11 5. Plaintiff's memorandum in support of motion for partial
12 summary judgment. (Document 17)

13 6. Affidavit of Neil P. Cox. (Document 18)

14 7. Affidavit of Donna Manchester. (Document 19)

15 8. Affidavit of Steve Austin. (Document 20)

16 9. Affidavit of Jim Griffin. (Document 21)

17 10. Defendant county's motion to strike affidavits of Jim
18 Griffin and Steve Austin and portions of the affidavit of plaintiff.
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20 (Document 22)

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2 11. Defendant county's memo in support of motion to strike
3 affidavits of Jim Griffin and Steve Austin and portions of the affidavit
4 of plaintiff. (Document 23)
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6 12. Defendant county's response to plaintiff's motion for
7 partial summary judgment. (Document 25)

8 13. Declaration of Wayne Weber. (Document 26)

9 14. Second Affidavit of Steve Austin. (Document 33)

10 15. Affidavit of John Reed. (Document 34)

11 16. Affidavit of William Derbonne (Document 35)

12 17. Defendant county's motion to strike portions of the
13 second affidavit of Steve Austin and portions of the affidavits of John
14 Reed and William Derbonne. (Document 36)

15 18. Defendant county's memo in support of motion to strike
16 portions of the second affidavit of Steve Austin and portions of the
17 affidavits of John Reed and William Derbonne. (Document 37)

18 19. Affidavit of Darryl G. Hillbrand. (Document 39)

20 20. Defendant county's motion to strike portions of the
21 affidavit of Darryl G. Hillbrand. (Document 40)

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2 21. Defendant county's memo in support of motion to strike
3 portions of the affidavit of Darryl G. Hillbrand. (Document 41)
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5 22. Affidavit of Michael James Smith. (Document 43)
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7 23. Second Affidavit of Donna Manchester. (Document 45)
8

9 24. Plaintiff's memorandum in response to defendants'
10 motions for summary judgment. (Document 46)
11

12 25. Plaintiff's second statement of material facts. (Document
13 47)
14

15 26. Affidavit of Neil P. Cox in response to defendants' motion
16 for summary judgment. (Document 48)
17

18 27. Defendant county's reply to plaintiff's memo in opposition
19 to defendant county's motion for summary judgment. (Document 49)
20

21 AND THE COURT having entertained the argument of counsel
22 on March 27, 2008, and the court being fully advised, and good
23 cause appearing; now, therefore:

24 IT IS HEREBY ORDERED that defendant county's motion for
25 summary judgment be and is granted in part and denied in part.
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27 IT IS HEREBY ORDERED that defendant Weber's motion for
28 summary judgment be and is granted.
29

ORDER ON CROSS MOTIONS FOR
SUMMARY JUDGMENT – 4

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2 IT IS HEREBY ORDERED that plaintiff's motion for partial
3 summary judgment be and is denied.
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5 IT IS FURTHER ORDERED that plaintiff's claim for denial of
6 due process under 42 USC § 1983 be and is dismissed with
7 prejudice.
8

9 IT IS FURTHER ORDERED that plaintiff's claims for intentional
10 infliction of emotional distress (i.e., outrage) and negligent infliction of
11 emotional distress be and are dismissed with prejudice.
12

13 IT IS FURTHER ORDERED that plaintiff's gender
14 discrimination claims under 42 USC § 1983 be and are dismissed
15 with prejudice.
16

17 IT IS FURTHER ORDERED that plaintiff's claim for denial of
18 First Amendment free speech rights be and is dismissed with
19 prejudice.
20

21 IT IS FURTHER ORDERED that plaintiff's claim for defamation
22 be and is dismissed with prejudice.
23

IT IS FURTHER ORDERED that the court declines the exercise of jurisdiction on plaintiff's breach of contract claim, unfair labor practices claim, and other state law claims, if any, which may be pending before the Washington State Public Employment Relations Commission and in one or more of the state courts of Washington.

The court, as part of its review of the record herein, having considered only those parts of the plaintiff's and defendants' affidavits which are admissible under the Federal Rules of Evidence, defendants' motions to strike (documents 22, 23, 36, 37 and 40) are DENIED as moot.

DONE IN OPEN COURT this 17th day of April, 2008.

s/Lonny R. Suko

HON. LONNY R. SUKO, JUDGE
UNITED STATES DISTRICT COURT

Presented by:

JERRY MOBERG & ASSOCIATES

s/ James E. Baker

JAMES E. BAKER, WSBA No. 9459
Attorney for defendants

ORDER ON CROSS MOTIONS FOR
SUMMARY JUDGMENT - 6

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