

HONORABLE LONNY R. SUKO

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DONNA MANCHESTER,

Plaintiff,

v.

ASOTIN COUNTY, ASOTIN COUNTY
BOARD OF COMMISSIONERS,
ASOTIN COUNTY SHERIFF'S
DEPARTMENT, ASOTIN COUNTY
JAIL, and WAYNE WEBER in his
official and personal capacities,

Defendants.

NO. CV-07-001-LRS

**ORDER ON CROSS MOTIONS
FOR SUMMARY JUDGMENT**

THIS MATTER coming before the court upon defendant county's motion for summary judgment and defendant Weber's motion for summary judgment (Document 10) and plaintiff's motion for partial summary judgment (Document 16), and the court having 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)
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11 4. Plaintiff's statement of material facts. (Document 15)

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

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

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

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

17 9. Affidavit of Jim Griffin. (Document 21)
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19 10. Defendant county's motion to strike affidavits of Jim
20 Griffin and Steve Austin and portions of the affidavit of plaintiff.
21 (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)

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

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

19 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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21. Defendant county's memo in support of motion to strike portions of the affidavit of Darryl G. Hillbrand. (Document 41)

22. Affidavit of Michael James Smith. (Document 43)

23. Second Affidavit of Donna Manchester. (Document 45)

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

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

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

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

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

IT IS HEREBY ORDERED that defendant county's motion for summary judgment be and is granted in part and denied in part.

IT IS HEREBY ORDERED that defendant Weber's motion for summary judgment be and is granted.

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2 IT IS HEREBY ORDERED that plaintiff's motion for partial
3 summary judgment be and is denied.
4

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

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

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

21 IT IS FURTHER ORDERED that plaintiff's claim for violation of
22 42 U.S.C. § 1983 be and is dismissed with prejudice.
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2 IT IS FURTHER ORDERED that the court declines the exercise
3 of jurisdiction on plaintiff's breach of contract claim, unfair labor
4 practices claim, and other state law claims, if any, which may be
5 pending before the Washington State Public Employment Relations
6 Commission and in one or more of the state courts of Washington.
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8 The court, as part of its review of the record herein, having
9 considered only those parts of the plaintiff's and defendants'
10 affidavits which are admissible under the Federal Rules of Evidence,
11 defendants' motions to strike (documents 22, 23, 36, 37 and 40) are
12 DENIED as moot.
13

14 DONE IN OPEN COURT this 17th day of April, 2008.
15

16 s/Lonny R. Suko

17 _____
HON. LONNY R. SUKO, JUDGE
18 UNITED STATES DISTRICT COURT

19 Presented by:

20 JERRY MOBERG & ASSOCIATES
21

22 s/ James E. Baker
JAMES E. BAKER, WSBA No. 9459
23 Attorney for defendants