

SUPERIOR COURT FOR THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

TONI GAMBLE,

Plaintiff,

v.

CITY OF SEATTLE, a municipal corporation,

Defendant.

NO. 15-2-10231-1 SEA

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT  
CITY OF SEATTLE'S MOTION FOR  
SUMMARY JUDGMENT**

THIS MATTER came before the Court for hearing on July 14, 2016, and the Court considered:

- a. Defendant City of Seattle's Motion for Summary Judgment;
- b. Declaration of Duncan E. Manville in Support of City Light's Motion for Summary Judgment, and its exhibits;
- c. Declaration of Jon Trout in Support of City Light's Motion for Summary Judgment, and its exhibits;
- d. Declaration of Terry Borden Regarding Hiring Process 2014-00219;
- e. Declaration of Stephen Crume Regarding Hiring Process 2012-01567;
- f. Declaration of Gary Dasalla Regarding Hiring Process 2014-00639;
- g. Declaration of Mathew McCudden Regarding Hiring Process 2012-02131;
- h. Declaration of Richard Moralez Regarding Hiring Process 2014-00322;

- 1 i. Declaration of John Nierenberg Regarding Hiring Processes 2012-01387 and  
2 2014-00754;
- 3 j. Declaration of Benjamin Rushwald Regarding Hiring Process 2014-01164;
- 4 k. Declaration of David Wernli Regarding Hiring Processes 2012 (No #), 2012-  
5 01530, 2012-01990, 2012-02166, 2013-00424 and 2013-00891;
- 6 l. Declaration of Bernard Ziemianek Regarding Hiring Process 2013-1201;
- 7 m. Plaintiff's First Amended Response in Opposition to Defendant's Motion for  
8 Summary Judgment;
- 9 n. Declaration of Toni Gamble in Support of Plaintiff's Response in Opposition to  
10 Defendant's Motion for Summary Judgment, and its exhibits;
- 11 o. Declaration of John Sheridan in Support of Plaintiff's Response in Opposition to  
12 Defendant's Motion for Summary Judgment, and its exhibits;
- 13 p. Defendant City of Seattle's Reply in Support of Motion for Summary Judgment;
- 14 q. Reply Declaration of Duncan E. Manville in Support of City Light's Motion for  
15 Summary Judgment, and its exhibits; and; and
- 16 r. The pleadings and records herein.

17 The Court heard oral argument from the parties on July 14, 2016, is familiar with the  
18 files and pleadings in this matter, and is fully advised.

19 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

20 Defendant City of Seattle's Motion for Summary Judgment is GRANTED IN PART  
21 and DENIED IN PART. All of plaintiff's remaining claims, including without limitation any  
22 claim related to her age, are dismissed with prejudice and without cost to City Light except as  
23 specifically noted below:

24 A. Claims for Disparate Treatment Discrimination. Plaintiff may only maintain her  
25 claim that City Light engaged in disparate treatment discrimination by (1) hiring Mr. Rushwald  
26 and not Ms. Gamble as an Out-of-Class Electrical Service Engineer in May 2012, and (2)  
27 hiring Mr. Rushwald and not Ms. Gamble as a permanent Electrical Service Engineer in

1 December 2012 (position no. 2012-01990) based on her allegations that her extensive use of  
2 leave and/or her gender was a substantial factor in these hiring decisions in violation of the  
3 WLAD.

4 B. Claims for Hostile Work Environment. Plaintiff may only maintain her claim  
5 that City Light engaged in a hostile work environment based on her extensive use of leave or  
6 gender in violation of the WLAD.

7 C. Claims for Retaliation. Plaintiff may only maintain her claim that City Light  
8 retaliated against her based on her allegations that her extensive use of leave and/or gender was  
9 a substantial factor in one or more retaliatory actions in violation of the WLAD.

10 Dated this 14<sup>th</sup> day of July, 2016.

11 [E-signature on the following page]

12 \_\_\_\_\_  
13 THE HONORABLE KEN SCHUBERT  
14 KING COUNTY SUPERIOR COURT JUDGE  
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King County Superior Court  
Judicial Electronic Signature Page

Case Number: 15-2-10231-1  
Case Title: GAMBLE VS CITY OF SEATTLE ET AL

Document Title: ORDER ON DEFENDANT'S MSJ

Signed by: Ken Schubert  
Date: 7/15/2016 9:00:00 AM

A rectangular box containing a handwritten signature in black ink. The signature is cursive and appears to read 'K Schubert'.

Judge/Commissioner: Ken Schubert

This document is signed in accordance with the provisions in GR 30.

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