NO. 42011-2-II

IN THE COURT OF APPEALS, DIVISION TWO
OF THE STATE OF WASHINGTON

JULIE SHORT, Appellant,

v.

BATTLEGROUND SCHOOL DISTRICT and ROCHONNE BRIA,
Respondents.

APPELLANT'S OPENING BRIEF

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I. INTRODUCTION

Julie Short, the Plaintiff below, has appealed the trial court's order granting summary judgment to Defendants on all of Ms. Short's claims.

Ms. Short was employed in 2007 and 2008 by Defendant Battle Ground School District as the assistant to the District's public information officer/communications director, Kelly O'Brien. Defendant Rochonne Bria was Superintendent of the Battle Ground School District throughout Ms. Short's employment.

Ms. Short is a devout member of a Christian church and ascribes to beliefs that are founded in the Bible. Lying is contrary to her Christian beliefs.

In February 2008, Ms. Bria directed Ms. Short not to share with Ms. O'Brien planning information for the grand opening dedication of Amboy School, a new school in the Battle Ground School District. When Ms. Short asked Ms. Bria how she was supposed to withhold the information from her supervisor, with whom she had been planning the event, Ms. Bria told Ms. Short to lie to Ms. O'Brien. When Plaintiff objected to this direction that she lie in violation of her religious beliefs, Ms. Bria told her that she was "not going to get through this and be honest," and that she "would have to make a choice."

After Ms. Bria ordered Ms. Short to lie, and Ms. Short refused to do so, Defendants made Ms. Short's working conditions increasingly intolerable. Approximately one month after Defendants had ordered Ms. Short to lie, she was constructively discharged.

Plaintiff brought suit against Defendants, and alleges three causes of action: 1) Defendants discriminated against Ms. Short on the basis of her religious beliefs in violation of RCW 49.60; 2) Defendants failed to accommodate Plaintiff's religious beliefs, also in violation of RCW 49.60; and 3) Defendants retaliated against Plaintiff because Plaintiff objected to the discrimination by Defendants, in violation of RCW 49.60.

The evidence presented by Plaintiff to the trial court created genuine issues of material fact on each of Plaintiff's causes of action. Accordingly, the Court should not have granted Defendants' motion for summary judgment.

Plaintiff clearly and unequivocally testified that Dr. Bria directed Ms. Short to lie to Kelly O'Brien, her direct supervisor:

> Q To the best of your recollection, can you tell me what words Superintendent Bria spoke that caused you to conclude that she was telling you to be dishonest?
>
> A She told me: Make something up, lie.

CP 168. Ms. Bria was aware of Ms. Short's religious beliefs. And, Ms. Short specifically informed Ms. Bria that the superintendent's directive conflicted

with those beliefs. Nonetheless, Ms. Bria did not waver from her order that Ms. Short lie in violation of her religious beliefs.

Defendants argued below that Plaintiff did not show that Defendants failed to accommodate Ms. Short's religious beliefs, because Plaintiff acknowledged that, during the time that she was employed, she was able to and did perform her job without lying. However, Defendants overlook the fact that the reason Ms. Short was able to perform her duties without lying was because, when she was faced with a directive to lie, Ms. Short resigned rather than comply with Superintendent Bria's order that Ms. Short violate her religious convictions.

On February 21 or 22, 2008, Superintendent Bria ordered Plaintiff to lie to her supervisor, Kelly O'Brien, when Ms. O'Brien inquired about the upcoming Amboy School dedication. Ms. O'Brien had been integrally involved in planning up to that date, guaranteeing that Ms. O'Brien would inquire into the event status as the date approached. Following the order from Superintendent Bria, Ms. Short was on leave from work for most of the period until her employment ended on or about March 20, 2008. Thus, there were no occasions where Ms. Short was required to carry out Dr. Bria's order that Ms. Short lie to Kelly O'Brien. CP 172. The critical factor for Plaintiff's failure to accommodate claim is that, in spite of Ms. Short's objections, at no point between February 21, 2008 and Ms. Short's

constructive termination on March 20, 2008 did Dr. Bria relent in demanding that Plaintiff lie to her supervisor.

Plaintiff engaged in protected activity and objected to Dr. Bria's order that she lie. Plaintiff produced substantial evidence that shows that because Ms. Short refused to carry out Dr. Bria's order, she was retaliated against and constructively discharged by the Battle Ground School District.

For these reasons, Plaintiff presented substantial evidence that created genuine issues of material fact on all of her claims. The trial court's order granting Defendants' motion for summary judgment should be reversed.

II. ASSIGNMENTS OF ERROR AND ISSUES PERTAINING THERETO

A. Assignments of Error.

1. The trial court erred when it granted Defendants' motion for summary judgment on Plaintiff's claim for discrimination on the basis of her religious beliefs in violation of RCW 49.60.180.

2. The trial court erred when it granted Defendants' motion for summary judgment on Plaintiff's claim for failing to accommodate Plaintiff's religious beliefs in violation of RCW 49.60.180.

3. The trial court erred when it granted Defendants' motion for summary judgment on Plaintiff's claim that Defendants retaliated against

Plaintiff for Plaintiff having engaged in protected activity, in violation of RCW 49.60.210.

B. Issues Pertaining to Assignments of Error.

1. Did Plaintiff present substantial evidence to the trial court that created genuine issues of material fact regarding Plaintiff's claim of religious discrimination, thus making the trial court's granting of summary judgment erroneous?

2. Did Plaintiff present substantial evidence to the trial court that created genuine issues of material fact regarding Plaintiff's claim for failure to accommodate Plaintiff's religious beliefs, thus making the trial court's granting of summary judgment erroneous?

3. Did Plaintiff present substantial evidence to the trial court that created genuine issues of material fact regarding Plaintiff's claim for retaliation, thus making the trial court's granting of summary judgment erroneous?

III. STATEMENT OF THE CASE

A. Procedural History.

Plaintiff filed her complaint in Clark County Superior Court on August 24, 2009. CP 1-4. On March 5, 2010, the trial court granted Plaintiff's Motion for Leave to Amend the Complaint. CP 5-6. Plaintiff's

amended complaint substituted a claim for retaliation in violation of RCW 49.60.210 for Plaintiff's claim for wrongful termination in violation of public policy.

On November 1, 2010, Defendants filed their motion for summary judgment. CP 22-23. Plaintiff responded to the motion, Defendants submitted a reply, and on January 11, 2011, the trial court issued a letter decision granting Defendants' motion in its entirety. CP 261. The formal Order Granting Defendants' motion for summary judgment was entered on March 21, 2011. CP 262-264. Plaintiff timely filed a Notice of Appeal to this Court on April 14, 2011. CP 265-270.

B. Statement of Facts.

During the relevant period in 2007 and 2008, Plaintiff Julie Short was employed by Defendant Battle Ground School District ["the District"] as the assistant to the District's Public Information Officer/ Communications Director, Kelly O'Brien. CP 174. Defendant Rochonne Bria was the District's Superintendent throughout Ms. Short's employment. *Id.*

In February 2008, Ms. Bria called Ms. Short into her office and inquired into the then-ongoing preparations for the grand opening dedication of Amboy school, which Ms. Short and Ms. O'Brien had been spearheading for a matter of months. CP 176. Ms. Short reported to Ms.

Bria regarding such details as the invitations, plaques, and refreshments. *Id.* Ms. Bria then instructed Ms. Short not to share this planning information with Ms. O'Brien. Ms. Short asked Ms. Bria how she was supposed to withhold the information from her supervisor, with whom she had been planning the event. Ms. Bria responded, "Make something up, lie." CP 168.

Ms. Short is a devout member of a Christian church and ascribes to beliefs that are founded in the Bible. Lying is contrary to her Christian beliefs. Ms. Short had previously informed Ms. Bria in November 2007 that her sincere Christian beliefs prohibited her from lying. CP 170. Plaintiff requested that, if Ms. O'Brien asked her about the Amboy planning, Ms. Short be permitted to either direct Ms. O'Brien to Ms. Bria or to tell Ms. O'Brien that Ms. Bria had asked Ms. Short not to share the requested information with Ms. O'Brien. CP 176. Ms. Bria flatly refused both requests. *Id.* Further, when Ms. Short told Ms. Bria again that her Christian beliefs did not permit her to lie, Ms. Bria did not respond that she did not expect Ms. Short to lie. *Id.* Rather, Ms. Bria told Ms. Short that she was "not going to get through this and be honest," and that she would "have to make a choice." CP 175.

Ms. Bria's response to Ms. Short's refusal to lie was not in line with a manager requesting that a subordinate maintain an innocent

confidence. First, Ms. Bria tried to induce Ms. Short to lie by stating that she might be eligible for a transfer if she complied with Ms. Bria's request. *Id.* When Ms. Short continued to invoke her religious beliefs and to state that she was not prepared to lie to her supervisor, Ms. Bria indicated that she, not Ms. O'Brien, was Ms. Short's supervisor and told Ms. Short to consult an organizational chart. *Id.* The then-existing organizational chart did not reflect that Ms. Short reported to Ms. Bria. However, later in the day, Ms. Short heard Ms. Bria's assistant instruct another employee to create an organizational chart showing Ms. Bria as Ms. Short's supervisor. *Id.* Ms. Bria then called Ms. Short into her office and showed her the new organizational chart. *Id.* When Ms. Short continued to refuse to lie, Ms. Bria yelled at her, threatening that Ms. Short's reputation would be ruined and that Ms. Bria would appoint a hostile supervisor to conduct Ms. Short's performance evaluation. *Id.*

After Ms. Short had previously told Ms. Bria in November 2007 about her religious beliefs, Ms. Bria made Ms. Short's working conditions increasingly intolerable. For example, Ms. Bria alternated yelling at and threatening Ms. Short with pointedly giving her the silent treatment. CP 177. Ms. Bria also began telling others that Ms. Short was a liar, even calling her a "lying bitch." *Id.*

There was no reason to withhold even from a member of the public, much less from the District's Public Information Officer, the mundane information about which Ms. Short was being required to lie. CP 176. Plaintiff believed that the information about which she was instructed to lie to her supervisor, while not vaguely confidential in nature, was critical to her supervisor's performance. CP 177. Ms. O'Brien's position required her to be aware of the events surrounding the Amboy opening, and Ms. O'Brien had been integral to planning the event over a period of months. CP 177. The instruction to lie therefore indicated to Plaintiff that Defendants sought to withhold information from Ms. O'Brien in order to create a public perception that Ms. O'Brien was failing in her performance of her job duties. CP 177. Ms. Bria had evidenced hostility toward Ms. O'Brien in the past, for example, by stating that she had diagnosed Ms. O'Brien as mentally ill. *Id.* Because the efforts to withhold information from Ms. O'Brien were evidently designed to harm an innocent person, even if Ms. Short *had* been ordered to "maintain a confidence," as Defendants have at times during these proceedings alleged (which she was not), her Christian faith would not have permitted her to do so in this situation. *Id.*

As a result of Dr. Bria's campaign of harassment, intimidation and threats toward Ms. Short, as well as Ms. Short realizing that she would not

be able to continue to do her job without violating her religious beliefs, she felt compelled to resign. She submitted her resignation, which was effective on or about March 20, 2008. CP 98.

IV. AUTHORITY AND ARGUMENT

A. Defendants Did Not Meet Their High Burden of Proving Summary Judgment Was Appropriate.

Summary judgment is appropriate **only** if there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. CR 56(c). A material fact is one upon which the outcome of the litigation depends. ***Eriks v. Denver***, 118 Wn.2d 451, 456, 824 P.2d 1207 (1992). The moving party bears the burden of showing there is no material fact at issue. ***Safeco Insurance v. Butler***, 118 Wn.2d 383, 823 P.2d 499 (1992). Only when reasonable minds can reach but one conclusion may the court grant summary judgment. ***Ruff v. King County***, 125 Wn.2d 697, 704, 887 P.2d 886 (1995). When considering a motion for summary judgment, the trial court must consider all the facts in the light most favorable to the non-moving party, in this case, Plaintiff. ***Sellsted v. Washington Mutual Savings Bank***, 69 Wn. App. 852, 859, 851 P.2d 716 (1993). In addition, the non-moving party is entitled to the benefit of all reasonable inferences. ***Wilson v. Steinbach***, 98 Wn.2d 434, 437, 656 P.2d 1030 (1982).

Summary judgment should rarely be granted to employers in employment discrimination cases such as this one. ***Johnson v. Department of Social & Health Services***, 80 Wn. App. 212, 226, 907 P.2d 1223 (1996); ***Sellsted*** *supra*; ***deLisle v. FMC Corporation***, 57 Wn. App. 79, 84, 786 P.2d 839, *rev. den.* 114 Wn.2d 1026 (1990). "Summary judgment in favor of the employer in a discrimination case is often inappropriate because the evidence will generally contain reasonable but competing inferences of both discrimination and nondiscrimination that must be resolved by the jury." ***Davis v. West One Automotive Group***, 140 Wn. App. 449, 456, 461, 166 P.3d 807 (2007). Here, when the record and inferences therefrom are viewed in the light most favorable to Plaintiff, Defendants' motion for summary judgment should have been denied.

To withstand a summary judgment, a plaintiff initially need only make a *prima facie* showing. ***McDonnell Douglas v. Green***, 411 U.S. 792, 93 S.Ct. 1817 (1973); ***Hill v. BCTI Income Fund-I***, 144 Wn.2d 172, 23 P.3d 440 (2001). The plaintiff's burden at the *prima facie* stage "is not onerous." ***Johnson v. DSHS***, 80 Wn. App. 212, 228, 907 P.2d 1223 (1996) (quoting ***Texas Dep't of Community Affairs v. Burdine***, 450 U.S. 248, 253-55, 101 S. Ct. 1089, 1094, 67 L. Ed. 2d 207 (1981)). These "McDonnell Douglas factors" are flexible and are subject to modifications appropriate to the individual situation. ***Grimwood v. University of Puget***

Sound, 110 Wn. App. 355, 363, 753 P.2d 517, 520 (1988); ***Sellsted v. Washington Mutual Savings Bank***, 69 Wn. App. 852, 858, 851 P.2d 716 (1993).

After the plaintiff establishes her *prima facie* case, the burden of production shifts to the defendant, who must offer a legitimate, non-discriminatory reason for any adverse actions. ***Hill v. BCTI Income Fund-I***, 144 Wn.2d at 181. If the employer meets that burden, the plaintiff has an opportunity to demonstrate that the employer's asserted reason for the adverse action is not the true reason, but is pretext for discrimination. *Id.* at 182. Presentation of a *prima facie* case coupled with evidence sufficient to disbelieve the employer's alleged reason typically will suffice to defeat summary judgment. *Id.* at 185.

B. Ms. Short Presented Substantial Evidence Showing that Defendants Discriminated Against Plaintiff on the Basis of Her Religion.

Washington law prohibits an employer from discriminating against its employees on the basis of religious belief. RCW 49.60.180. A religious discrimination plaintiff may satisfy her prima facie burden either by following the ***McDonnell Douglas*** burden-shifting regime or by providing direct evidence of religious discrimination. ***Noyes v. Kelly Services***, 488 F.3d 1163, 1168 (9th Cir. 2007).

In the present case, Plaintiff presented substantial direct evidence of religious discrimination by Defendants. First, Ms. Short had discussed her religious beliefs with regard to the prohibition on lying with Defendant Bria back in November 2007. CP 170. Thus, Superintendant Bria was well aware of Ms. Short's religious beliefs when Plaintiff objected to Defendant Bria's order to lie to Ms. Short's supervisor, expressly stating that her Christian religious convictions prevented her from doing so. CP 175. Ms. Bria's response evidenced a clear hostility toward Ms. Short's expression of her religious beliefs.[1] *Id.* Ms. Bria responded that Ms. Short was "not going to get through this and be honest." *Id.* Ms. Bria also told Ms. Short that she would "have to make a choice" – presumably between her religious beliefs and her continued employment. *Id.*

Under RCW 49.60.180(2), the elements of a prima facie case of religious discrimination are as follows: (1) The employee has a religious belief that conflicts with an employment requirement; (2) the employee informed the employee of the conflict; and (3) the employee was discharged because of his or her refusal to comply with the requirement. ***Hyatt v. Walker Chevrolet***, 120 Wn.2d 57, 64, 837 P.2d 618 (1992).

[1] Dr. Bria's attitude toward Ms. Short's initial mention of her religious beliefs likewise evidenced significant hostility. *See supra* at 8.

Ms. Short presented evidence to the trial court that established the elements of the prima facie case: (1) Ms. Short had a bona fide religious belief against lying which conflicted with an employment requirement that she lie. (2) Ms. Short had informed Superintendent Bria that lying would violate Ms. Short's religious beliefs. CP 181-182; 183-184. Plaintiff also presented evidence that she was presented with an employment requirement that she lie. Plaintiff described this in her response to Defendants' Interrogatory No. 4:

> However, Bria later reiterated that nothing discussed in the meetings was to be shared with anyone, especially O'Brien. When Plaintiff asked whether she could tell O'Brien that Bria had wanted to talk to her about the Amboy dedication, Bria said no. When Plaintiff asked, then, if she could refer O'Brien to Bria with questions about the meeting, Bria said absolutely not. Finally, Plaintiff asked how Bria wanted her to respond if O'Brien asked about the meeting. Bria told Plaintiff to "Make something up. Lie." Plaintiff told Bria that her goal was to come to work each day, do a good job, and be honest along the way. The Superintendent responded that Plaintiff couldn't "get through this and be honest. There's no way. You have to make a choice."

CP 186-187.

This interchange between Ms. Short and Defendant Bria also establishes the second element of the prima facie case, which is that Ms. Short informed the employer of the conflict.

Defendants argued below that Ms. Short was able to do her job without having to lie. However, the only reason that Ms. Short did her job

without lying was that she refused to lie, to the point that she sacrificed her position when she was forced to choose between her work and her religious convictions. That is the very reason why Ms. Short felt compelled to resign her position, so that she would not be put in the untenable position of having to lie to Ms. O'Brien when the situation would have required it according to Superintendent Bria's direction to Ms. Short. CP 98. Just because Ms. Short did not follow Dr. Bria's order to lie contrary to her religious beliefs does not relieve Defendants of liability.

Defendants also argued below that because Ms. Short did not tell Dr. Bria, superintendent of the District, at the time Bria directed her to lie, that it was against Ms. Short's religious beliefs to do so, the employer was not on notice of Ms. Short's religious beliefs. This completely ignores the fact that Ms. Short explicitly informed Superintendent Bria in November 2007 that lying was against Ms. Short's religious beliefs. CP 184. Thus, Dr. Bria was well aware that, by ordering Ms. Short to lie, she was ordering Ms. Short to violate her religious beliefs. Defendants were well aware and had been informed by Ms. Short of the conflict between the order to Ms. Short to lie and Ms. Short's sincerely held religious beliefs. *Id.*

Defendants argued below that Ms. Short could not establish that she was discharged because of her refusal to comply with Dr. Bria's order to Ms. Short that Ms. Short lie. However, Ms. Short presented evidence that after

Ms. Short indicated to Superintendent Bria that Ms. Short would not lie, Ms. Bria's treatment of Ms. Short became increasingly intolerable, including threatening to put Ms. Short under the supervision of an undesirable supervisor.[2] CP 171. The effect that the Superintendent's treatment had on Ms. Short led to Ms. Short requesting leave in early March 2008 because of Dr. Bria's treatment of her:

> Q. What was reason you requested leave?
>
> A. The situation, the treatment I was receiving from the Superintendent.

CP 167. In addition, Ms. Short felt compelled to resign because the Superintendent had been intimidating toward her, threatening toward her, she had tried to work through the situation and was just not able to. CP 169. Substantial evidence presented by Ms. Short establishes her claim that she was constructively discharged.

C. Ms. Short Presented Substantial Evidence that Defendants Failed to Accommodate Plaintiff's Sincerely Held Religious Beliefs.

Although Washington courts have not expressly addressed the contours of any religious "failure to accommodate" claim under state law, the Washington courts have traditionally looked to the federal courts' interpretations of Title VII for guidance in determining the scope of the

[2] Dr. Bria herself clearly viewed the supervisory assignment as adverse. Dr. Bria openly used the proposed assignment as a threat to Ms. Short.

Washington Law Against Discrimination. ***Brown v. Scott Paper Worldwide Co.***, 143 Wn. 2d 349, 358-359, 20 P. 3d 921 (2001). It is appropriate to address Plaintiff's claim in the context of the federal standard.

Under Title VII, an employee makes a prima facie case of religious discrimination based on failure to accommodate when: (1) she holds a *bona fide* religious belief, the practice of which conflicts with her employment, (2) she informed the employer of the belief and conflict, and (3) the employer thereafter threatened the employee or subjected her to discriminatory treatment because of her inability to fulfill the job requirements. ***Lawson v. Washington***, 296 F.3d 799, 804 (9th Cir. 2002).

Plaintiff clearly met each element of the "failure to accommodate" prima facie case. She holds sincere Christian religious convictions that prevented her from complying with Defendants' requirement that she lie to her supervisor. She clearly and repeatedly informed Defendant Bria that her religious beliefs prevented her from following Ms. Bria's order to lie. CP 176. In response, Ms. Bria did not tell Ms. Short that she did not expect her to lie. *Id.*. She did not permit her to direct her supervisor to Ms. Bria for further information when Ms. O'Brien inevitably sought to speak to Ms. Short regarding the event that the two had been planning over the

course of months. *Id.* She even forbade Ms. Short from telling Ms. O'Brien that she had been asked not to discuss the planning details with her. *Id.* Rather, Ms. Bria drove her to resign in order to escape Ms. Bria's unrelenting hostility. CP 175, 177.

Ms. Short presented substantial evidence that established a prima facie case of religious discrimination based on failure to accommodate Ms. Short's religious beliefs. The trial court erred when it granted Defendants' motion for summary judgment on this claim.

D. Defendants' Retaliation against Plaintiff Led to Her Wrongful Constructive Discharge.

An employee establishes constructive discharge when she shows a deliberate act by the employer that made her working conditions so intolerable that a reasonable person would have felt compelled to resign. ***Nielson v. Agrinorthwest***, 95 Wn. App 571, 578, 977 P.2d 613 (1999). In *Nielson*, the court overturned a trial court decision granting summary judgment on an employee's religious constructive discharge claim. The ***Nielson*** plaintiff had resigned from Agrinorthwest and begun work with another farming company the following day. The court found that because there were disputed facts concerning the reasons underlying the actions of both parties and Mr. Nielson had documented a pattern of adverse

treatment prior to the constructive discharge, the matter should have been submitted to a jury.

Ms. Short alleged that a pattern of hostile treatment followed her informing Ms. Bria of Plaintiff's religious beliefs, which forbade Ms. Short from lying. She was threatened, yelled at, and called such slurs as "lying bitch." CP 177. Under the Rule 56 standard, dismissal of Ms. Short's retaliation claim was unwarranted.

In order to establish a prima facie case for retaliation under RCW 49.60.210, Plaintiff must show: (1) she engaged in protected activity; (2) the employer took adverse employment action against her; and (3) there is a causal link between the protected activity and the adverse action. ***Milligan v. Thompson***, 110 Wn. App. 628, 638, 42 P.3d 418 (2002).

Plaintiff engaged in protected activity: She engaged in the protected activity of requesting that she not be subjected to religious discrimination by being required to lie as a part of her job. Thus, Ms. Short was opposing the religious discrimination that she was experiencing of being required to lie as a part of her job. When Ms. Short expressed this opposition to Ms. Bria, Bria told Ms. Short that she "was not going to get through this and be honest" and that Ms. Short "would have to make a choice." CP 175. Thus, Ms. Short presented substantial evidence that she

engaged in the protected activity of asking that Defendants not discriminate against her on the basis of Ms. Short's religious beliefs.

Ms. Short also presented substantial evidence that the employer took adverse employment action against her after she expressed her opposition to being required to lie. The adverse employment actions were Ms. Bria's actions, including Bria's order that Ms. Short lie, that made the working conditions intolerable for Ms. Short, forcing Ms. Short to resign. Ms. Short's constructive discharge constitutes adverse employment action against her.

Finally, Plaintiff has presented evidence of a causal link between the protected activity and the adverse action. Ms. Bria's actions that followed Ms. Short's refusal to lie included such things as threatening to place Ms. Short under a hostile supervisor. CP 175. Furthermore, the temporal proximity between Ms. Short's protected activity on February 26, 2008, and her constructive discharge on March 20, 2008, less than one month later, is relevant and persuasive evidence of a causal link between the protected activity and the adverse action. ***Kahn v. Salerno***, 90 Wn. App. 110, 130-131 (1998).

Contrary to Defendants' assertion to the trial court that Ms. Bria simply required Ms. Short to lie <u>or</u> to "maintain a confidence," when Ms. Short objected to Ms. Bria's command on the basis of her religious beliefs,

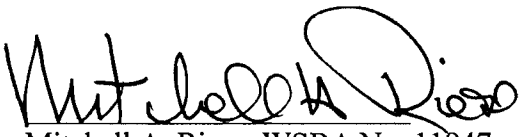
Ms. Bria did not respond that Ms. Short had misunderstood her and she did not intend Ms. Short to lie. CP 175-176. Nor did she otherwise assure Ms. Short that her Christian values would not be compromised. Rather, Ms. Bria retaliated against Ms. Short, which ultimately culminated in the latter's constructive discharge. CP 177. Given the facts alleged by Ms. Short, there are genuine issues of material fact that should have precluded summary judgment. Accordingly, Defendants' motion for summary judgment should have been denied. The trial court erred in granting Defendants' motion for summary judgment

IV. CONCLUSION

For all of the foregoing reasons, Plaintiff Julie Short respectfully requests that this court reverse the trial court's order granting Defendants' motion for summary judgment.

DATED this 30th day of June, 2010.

LAW OFFICES OF
JUDITH A. LONNQUIST, P.S.



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COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION TWO

JULIE SHORT, Appellant, v. BATTLEGROUND SCHOOL DISTRICT and ROCHONNE BRIA, Appellees.	NO. 42011-2-II CERTIFICATE OF SERVICE

I, Ann Holiday, an employee of the Law Offices of Judith A. Lonnquist, P.S., declare under penalty of perjury that on the date below, I caused to be served upon the below-listed parties, via the method of service listed below, a true and correct copy of the documents listed:

To:	Method of Service
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Dated: June 30, 2011

Ann Holiday