

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SARA BRUNO,

Plaintiff,

v.

BASIN STREET PROPERTIES,

Defendant.

Case No. [24-cv-01951-AGT](#)

**ORDER ON MOTION TO DISMISS**

Re: Dkt. No. 11

Based on what Sara Bruno has alleged, it is at least plausible that Basin Street Properties terminated her employment “in part because of [her] sex.” *Chadwick v. WellPoint, Inc.*, 561 F.3d 38, 43 (1st Cir. 2009) (emphasis omitted) (citing 42 U.S.C. § 2000e–2(m)).

Bruno asked Basin Street if it would be willing to extend her parental leave by one month because she hadn’t lined up childcare yet. Basin Street denied this extension request. Bruno then gave assurances that “family members could take care of her child until childcare was available” and that she could return to work on the “originally planned date.” Compl. ¶¶ 28–29. Basin Street wasn’t convinced. The company’s HR manager told Bruno she “fore-saw Ms. Bruno’s childcare situation [would] become a disruption.” *Id.* ¶ 25 (simplified). And so Basin Street decided to go “in a different direction” and fired Bruno. *Id.*

“It is undoubtedly true that if the work performance of a woman (or a man, for that matter) actually suffers due to childcare responsibilities (or due to any other personal obligation or interest), an employer is free to respond accordingly, at least without incurring

liability under Title VII.” *Chadwick*, 561 F.3d at 45. But “an employer is not free to assume that a woman, because she is a woman, will necessarily be a poor worker because of family responsibilities.” *Id.* “[W]omen have the right to prove their mettle in the work arena without the burden of stereotypes regarding whether they can fulfill their responsibilities.” *Id.*

Basin Street didn’t give Bruno the chance “to prove [her] mettle.” *Id.* The company assumed that Bruno wouldn’t be able to do her job because of childcare obligations, even though Bruno said “family members could take care of her child.” Compl. ¶ 29. Plausibly, Basin Street’s assumption was based on “societal stereotypes regarding working women with children.” *Chadwick*, 561 F.3d at 46. That Bruno, as a mom, would “neglect her job responsibilities in favor of her presumed childcare responsibilities.” *Id.* at 45.

Perhaps Bruno’s sex had nothing to do with Basin Street’s decision. Maybe Basin Street also would have terminated a man who asked the company to extend his parental leave because he had yet to arrange for childcare. But at this early stage in the case, Basin Street hasn’t proven as much and an ulterior, discriminatory motive is plausible too.

Bruno may move forward with her claims. Basin Street’s motion to dismiss is denied.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: July 23, 2024

A handwritten signature in black ink, appearing to read 'Alex G. Tse', is written over a horizontal line.

Alex G. Tse  
United States Magistrate Judge

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<sup>1</sup> Bruno’s counsel notified the Court that she has seven or fewer years of experience and requested a hearing on defendant’s motion to dismiss, as a skill-building opportunity. *See* Dkt. 19 (citing AGT’s Civil Standing Order § II.C). Due to scheduling conflicts, and in the interest of moving the case forward, the Court has decided not to hold a hearing. But the Court welcomes counsel’s request and will consider it again if future motions are filed.