

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

MARIA ANGELICA “ANGIE”
CARBAJAL,

Plaintiff,

v.

HAYES MANAGEMENT
SERVICES, INC.; HAYES TAX &
ACCOUNTING SERVICES, INC.;
and CHRIS HAYES,

Defendants.

Case No. 4:19-cv-00287-BLW

ORDER

On December 4, 2023, the Court issued a Memorandum Decision and Order (Dkt. 234) partially granting the plaintiff’s request for terminating sanctions. The Order stated: “Defendant Hayes Management Services, Inc. and Defendant Chris Hayes are prohibited from contesting Carbajal’s claim that Hayes Management Services, Inc. had fifteen or more employees for twenty weeks or more during 2016 or 2017.” *Id.* at 22. The Court noted, however, that the plaintiff would still bear the burden of proof on that element (the “numerosity element”) at trial. *Id.* at 22 n.2.

As explained on the record during the hearing held December 6, 2023, the Court has reconsidered that sanction and determined that it is necessary and

appropriate to remove the numerosity element from the jury's consideration entirely. The Court will therefore deem it established that Hayes Management Services, Inc. had fifteen or more employees for twenty or more weeks during 2016 or 2017. Accordingly, the plaintiff will not bear the burden of proof on this element of her Title VII claims at trial.

IT IS ORDERED that:

It is deemed established that Hayes Management Services, Inc. had fifteen or more employees for twenty or more weeks during 2016 or 2017. The plaintiff will not bear the burden of proof on this element of her Title VII claims at trial.



DATED: December 7, 2023

A handwritten signature in black ink, reading "B. Lynn Winmill". The signature is written in a cursive style with a horizontal line underneath.

B. Lynn Winmill
U.S. District Court Judge