

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

EDWIN DIAZ,
Plaintiff

v.

GUIDA'S ICE CREAM CO., LLC,
et al,
Defendants

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CIVIL ACTION NO.
3-06-cv-1187 (JCH)

MARCH 8, 2007

RULING RE: MULLBURY AND SLOSSER'S MOTION TO DISMISS (Doc. No. 11)

Plaintiff Edwin Diaz brings this claim against the defendants, Guida's Ice Cream Company, James Mullbury, and Edward Slosser, alleging race and national origin discrimination in violation of Title VII of the Civil Rights Act of 1964. Individual defendants Mullbury and Slosser have brought this Motion to Dismiss, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Mullbury and Slosser claim that they cannot be held individually liable under Title VII because there is no claim that they were Diaz's employers. Based on the Second Circuit's decision in Tomka v. Seiler, 66 F.3d 1295 (1995), the court agrees. See id. at 1317; see also Wrighten v. Glowski, 232 F.3d 119, 120 (2d Cir. 2000). Mullbury and Slosser's Motion to Dismiss (Doc. No. 11) is therefore GRANTED.

SO ORDERED.

Dated at Bridgeport, Connecticut this 8th day of March, 2007.

/s/ Janet C. Hall

Janet C. Hall
United States District Judge