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Attorney for Plaintiff

FILED
SUPERIOR COURT
2011 DEC -6 AM 9: 03
ROSA JUNQUEIRO, CLERK
BY *[Signature]*
DEPUTY

4395- #241181

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
STOCKTON BRANCH

JANET MARX

Plaintiff,

No. 39-2011-00273306-CU-CR-STK

vs.

COMPLAINT FOR DAMAGES
(Unruh Civil Rights Act)

STARBUCKS CORPORATION, and DOES
1 To 10, inclusive,

Defendants.

THE CASE HAS BEEN ASSIGNED TO
JUDGE CARTER P. HOLLY IN
DEPARTMENT 42 FOR ALL PURPOSES,
INCLUDING TRIAL

Plaintiff alleges:

1. Defendant STARBUCKS CORPORATION is, and at all times herein mentioned was, owning and operating a business located at 222 N. El Dorado Ave., City of Stockton, San Joaquin County, California. STARBUCKS CORPORATION is a Washington Corporation.

2. Defendants Doe I through Doe 10, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to Plaintiff. When their true

1 names and capacities are ascertained, Plaintiff will amend this complaint by inserting
2 their true names and capacities herein.

3 3. Plaintiff is informed and believes and thereon allege that at all times herein
4 mentioned each of the defendants, including all defendants sued under fictitious
5 names, was the agent and employee of each of the remaining defendants, and in doing
6 the things hereafter alleged, was acting within the course and scope of this agency.

7 4. At all times herein mentioned, defendant STARBUCKS CORPORATION was
8 the owner or proprietor or lessor or lessee or operator of a business establishment
9 engaged in a public establishment for the sale food and drink to be purchased on the
10 premises commonly known and designated as Starbucks, situated in Stockton, San
11 Joaquin County, California.

12 5. On September 20, 2011, Plaintiff entered the Starbucks referred to in
13 paragraph one with the intention and purpose of using the bathroom on the premises.
14 Plaintiff requested one of defendant's employees, if she could use the bathroom to fix
15 her leg. Plaintiff has a prosthetic leg that had a loose screw. The clerk responded that
16 plaintiff could not use the bathroom unless she first purchased an item. The clerk also
17 said I can't be nice to anyone unless they purchase an item. Plaintiff turned and looked
18 at another clerk who knew that plaintiff was disabled and told him she does not
19 understand. The male clerk indicated there was nothing he could do. During this
20 conversation plaintiff was holding the prosthetic leg up to prevent it from dropping.
21 Mortified and ashamed plaintiff ordered two beverages and the clerk permitted plaintiff
22 to use the bathroom. Plaintiff has seen other patrons use the bathroom without first
23 making a purchase.

24 6. Plaintiff is a disabled person.

25 7. Plaintiff is informed and believes and thereon alleges that Defendants, and
26 each of them, denied to Plaintiff the services, advantages, accommodations, facilities,
27

1 and privileges provided to other persons, as alleged above, on account of Plaintiff's
2 disability all in violation of Civil Code Sections 51 and 54.1.

3 8. As a proximate result of the wrongful act of defendants, Plaintiff is entitled to
4 recover damages, plus attorney's fees, as provided in Civil Code Section 52 and 54.3.

5 9. Plaintiff hereby demands a trial by jury.

6 WHEREFORE, Plaintiff prays judgment against defendants, and each of them,
7 as follows:

8 1. For statutory damages in an amount according to proof pursuant to Civil Code
9 Section 52 and 54.3;

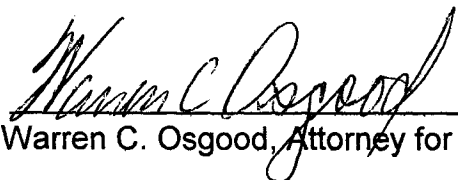
10 2. For attorney's fees pursuant to Civil Code Sections 52 and 54.3;

11 3. For costs of suit herein incurred; and

12 4. For such other and further relief as the court may deem proper.

13
14 Date: December 5, 2011

15
16 Respectfully submitted,

17 
18 _____
19 Warren C. Osgood, Attorney for Plaintiff