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SUPERIOR COURT OF CALIFORNIA COUNTY OF RIVERSIDE Gloria Allred SBN: 65033 1 Nathan Goldberg, SBN: 61291 ALLRED MAROKO GOLDBERG 2 JAN 26 2018 6300 Wilshire Blvd, Suite 1500 Los Angeles, CA 90048
T: (323) 653-6530
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GAlfred@amglaw.com 3 V. Alvarado V 4 NGoldberg@amglaw.com 5 6 7 Attorneys for Plaintiff, ESSIE GRUNDY 8 9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA 10 FOR THE COUNTY OF RIVERSIDE 11 RIC 1801903 12 CASE NO: 13 **COMPLAINT** 14 ESSIE GRUNDY, an Individual, 1) FOR DECLARATORY RELIEF, INJUNCTION AND DAMAGES FOR 15 VIOLATION OF UNRUH CIVIL Plaintiff, RIGHTS ACT 16 vs. WALMART, a Corporation; and DOES 1 2) VIOLATION OF CALIFORNIA 17 to 50, inclusive. BUSINESS AND PROFESSIONS CODE 18 §17200 Defendants. 19 20 JURY TRIAL DEMANDED 21 22 23 24 25 26 27 28

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COMPLAINT FOR DAMAGES

- Plaintiff Essie Grundy (hereafter referred to as "Plaintiff Ms. Grundy")
 complains that Defendant WALMART and DOES 1-50 (hereafter collectively referred to as "Defendants") engaged in practices that are unlawful and contrary to the Unruh Civil Rights Act (hereinafter "Unruh") and Business and Professions Code Section 17200.
- 2. Plaintiff is an African-American woman and at all relevant times herein, was a resident of the County of Riverside, California.
- 3. Defendant WALMART is now, and at all relevant times herein, a Corporation doing substantial business in Riverside, California. Defendant is a business establishment for the purposes of the Unruh Civil Rights Act, Civ. Code, § 51.
- 4. The true names and capacities, whether individual, corporate, partnership, associate or otherwise, of Defendants sued herein as DOES 1 through 50, inclusive, are currently unknown to Plaintiff Ms. Grundy, who therefore sues said Defendants by such fictitious names. Plaintiff Ms. Grundy is informed and believes, and based thereon alleges, that each of the Defendants designated herein as a DOE is legally responsible in some manner for the events and happenings referred to herein, and caused injury and damage proximately thereby to Plaintiff Ms. Grundy as hereinafter alleged. Plaintiff will seek leave of court to amend this Complaint to show the true names and capacities of the Defendants designated herein as DOES 1 through 50 when the same have been ascertained
- 5. Venue is proper in Riverside County because the unlawful practices between Plaintiff Ms. Grundy and Defendants arose in Riverside County, California. This case is subject to the jurisdiction of this court pursuant to the Unruh Civil Rights Act, Business and Professions Code Section 17200, and the California Code of Civil Procedure. The amount of damages sought, while not fully determined, exceeds the minimum for limited jurisdiction in this court.
- 6. Whenever in this complaint reference is made to "Defendants," such allegation shall be deemed to mean the acts of Defendants acting individually, jointly, and/or severally.

7. Except as hereinafter specifically described, Defendants and each of them, are and were the agents and/or employees of the other Defendants, and in acting as described herein were acting within the scope of their authority, agency, service, representation and/or employment as agents and/or employees thereof, and with the permission and consent of the other Defendants.

- 8. Defendants are in the business of operating a retail store which is located at 1800 N. Perris Blvd, Perris, in Riverside County, California.
- 9. On January 12, 2018, Plaintiff went to the PERRIS WALMART SUPERCENTER located at 1800 N. Perris Blvd, Perris, California 92571 to purchase products marketed and/or created for use by African-Americans. After walking each aisle looking for a skin cream, Plaintiff realized that hair and body products meant for African-Americans had been locked away behind glass shelves and were segregated from products for non African-Americans. In order to touch the product, read the ingredients, or purchase the products a customer needs to call for assistance and have a store employee unlock the glass shelves. No such barriers to access exist for the non African-American hair and body products at this same store. Plaintiff was shocked.
- 10. Plaintiff asked the store employee why the African-American products were locked down while the non African-American products were not. She was told by the employee that it was a directive from Corporate headquarters and that he himself had complained about the policy but had obtained no relief. She was also told that she would need to be escorted to the cash register with the product so she could purchase it. Plaintiff was stunned-she felt like she was socked in the stomach and it brought tears to her eyes to see the discriminatory practices firsthand. She asked to speak to a manager and told the manager that she felt like African-Americans were being discriminated against and not wanted. As her concerns were not addressed, she left the store.
- 11. As this is the neighborhood store, Plaintiff was compelled to return on at least three other occasions since January 12, 2018 to purchase products for African-Americans. On each of these occasions, Plaintiff observed the same policy and practice at

the store—the hair and body products meant for African-Americans had been locked away behind glass shelves, segregated from products for non African-Americans. She also noticed that other customers were staring at her while she was waiting for assistance to have the products unlocked. She felt shame and humiliation—as though people viewed her as a criminal. Plaintiff has been a law-abiding citizen her whole life and could not believe she was being singled out because of her race.

- 12. On January 25, 2018, Plaintiff returned to the same WALMART because it was the WALMART closest to her home. She needed to purchase a comb for her hair. The comb costs forty-eight cents (\$0.48). Despite the low-value of the product, it was locked up behind the glass shelves. She again had to call for assistance to have it unlocked and was then escorted to the cash register with the comb. She was not given the product until she paid for it. Plaintiff again noted that the combs for non African-American hair, many of which were more expensive, were not locked in the glass shelves.
- 13. As a result of Defendants' discriminatory practices, Plaintiff was compelled to video tape this segregation of products as she could not believe that the store had engaged in such intentional discrimination. The footage clearly shows these unlawful practices.

FIRST CAUSE OF ACTION

VIOLATION OF UNRUH ACT AGAINST DEFENDANT WALMART AND DOES 1-50

- 14. Plaintiff Ms. Grundy hereby incorporates by reference the foregoing paragraphs as though fully set forth herein.
- 15. Defendants acted intentionally to discriminate in public accommodations in violation of the Unruh Civil Rights Act, Civ. Code, § 51 by denying African-Americans equal access to body and hair products.
- 16. As a proximate result of Defendants' unlawful discriminatory actions,
 Plaintiff suffered great shame, humiliation, inconvenience, and mental suffering, all to
 Plaintiff's general damages.
 - 17. Defendants' violation of Unruh Civil Rights Act, Civ. Code, §51 entitles

Plaintiff to recover statutory damages of a maximum of three times the amount of actual damages or a minimum of \$4,000.

- 18. Unless Defendants are restrained by a permanent injunction,
 Plaintiff will suffer great and irreparable injury in that she will continue to suffer shame,
 humiliation, and mental suffering. Plaintiff has no adequate remedy at law because
 pecuniary damages would not afford adequate relief.
- 19. An actual controversy exists between Plaintiff and Defendants as to the application of the Unruh Civil Rights Act, Civ. Code, § 51, and whether Defendants' actions violate the Act. The correct interpretation of the Act is that it applies to Defendants and prohibits Defendants' discriminatory actions.

SECOND CAUSE OF ACTION

VIOLATION OF BUSINESS AND PROFESSIONS CODE SECTION 17200 AGAINST DEFENDANT WALMART AND DOES 1-50

- 20. Plaintiff Ms. Grundy hereby incorporates by reference the foregoing paragraphs as though fully set forth herein.
- 21. Plaintiff brings this action on behalf of herself and the general public. The above practices are a violation of the Unruh Civil Rights Act and therefore constitute an unlawful business act within the meaning of Business and Professions Code Section 17200.
- 22. The unlawful business practices of Defendants are likely to continue and therefore will continue to harm the public by perpetuating discrimination and therefore present a continuing threat to the public. California has a compelling interest in eradicating discrimination.
- 23. Unless Defendants are restrained by a permanent injunction,
 Plaintiff and the general public will suffer great and irreparable injury in that they suffer,
 or continue to suffer shame, humiliation, and mental suffering. There is no other
 adequate remedy at law because pecuniary damages would not afford adequate relief.

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CM-010 FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Gloria Allred, Esq. (SBN 65033)		FOR COURT USE ONLY
Nathan Goldberg, Esq. (SBN 61292)		
Allred, Maroko & Goldberg 6300 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90048		
TELEPHONE NO.: (323) 653-6530	FAX NO.: (323) 653-1660	İ
ATTORNEY FOR (Name): Plaintiff, Essie Grund		<u></u>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF R STREET ADDRESS: 4050 Main Street	iverside	
MAILING ADDRESS: 4030 MAILING ADDRESS:		
CITY AND ZIP CODE: Riverside 92501		[]
BRANCH NAME: Riverside Historic Co	ourthouse	
CAȘE NAME:		
Essie Grundy v. WALMART		
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER: 18019 0 3
✓ Unlimited Limited	Counter Joinder	RC 1901303
(Amount (Amount demanded is	Filed with first appearance by defend	ant jupge:
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3,402)	DEPT:
Items 1–6 below must be completed (see instructions on page 2).		
Check one box below for the case type that best describes this case:		
Auto Tort		Provisionally Complex Civil Litigation
Auto (22)	Breash of continues warrancy (co)	Cal. Rules of Court, rules 3.400–3.403)
Uninsured motorist (46)	Rule 3.740 collections (09)	Antifrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other collections (09)	Construction defect (10)
Asbestos (04)	Insurance coverage (18)	Mass tort (40)
Product liability (24)	Contract (37) Real Property	Securities litigation (28) Environmental/Toxic tort (30)
Medical malpractice (45)	Eminent domain/Inverse	Insurance coverage claims arising from the
Other PI/PD/WD (23)	condemnation (14)	above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)
Business tort/unfair business practice (07) Other real property (26)	Enforcement of Judgment
Civil rìghts (08)	Unlawful Detainer	Enforcement of judgment (20)
Defamation (13)	[]	Miscellaneous Civil Complaint
Fraud (16)	Residential (32)	RICO (27)
Intellectual property (19)	Drugs (38)	Other complaint (not specified above) (42)
Professional negligence (25)	Judicial Review Asset forfeiture (05)	discellaneous Civil Petition
Other non-PI/PD/WD tort (3,5)	Petition re: arbitration award (11)	Partnership and corporate governance (21)
Employment Wrongful termination (36)	Writ of mandate (02)	Other petition (not specified above) (43)
Other employment (15)	Other judicial review (39)	
2. This case is visinot complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the		
factors requiring exceptional judicial management:		
a. Largé number of separately represented parties d. Large number of witnesses		
b. Extensive motion practice raising difficult or novel e. Coordination with related actions pending in one or more courts		
issues that will be time-consuming		es, states, or countries, or in a federal court
c Substantial amount of documentary evidence f Substantial postjudgment judicial supervision		
3. Remedies sought (check all that apply): a. 🗸 monetary b. 📝 nonmonetary; declaratory or injunctive relief .c. 🔲 punitive		
4. Number of causes of action (specify):		
5. This case 🔲 is 🗹 is not a class action suit.		
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)		
Date: January 26, 2018		
Gloria Allred, Esq.		wasselled
(TYPE OR PRINT NAME)		GNATURE OF PARTY OR ATTORNEY FOR PARTY)
NOTICE • Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed		
under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result		
in sanctions.		
 File this cover sheet in addition to any cover sheet required by local court rule. If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all 		

other parties to the action or proceeding.

• Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiffs designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death)

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death Product Liability (not asbestos or toxic/environmental) (24) Medical Malpractice (45) Medical Malpractice-Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of

Emotional Distress

Negligent Infliction of Emotional Distress
Other PI/PD/WD Non-PI/PD/WD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08) Defamation (e.g., slander, libel) (13)Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice (not medical or legal) Other Non-PI/PD/WD Tort (35) **Employment** Wrongful Termination (36)

CASE TYPES AND EXAMPLES Contract

Breach of Contract/Warranty (06) Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
Contract/Warranty Breach—Seller Plaintiff (not fraud or negligence) Negligent Breach of Contract/ Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case-Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (not provisionally complex) (18) Auto Subrogation Other Coverage

Contractual Fraud Other Contract Dispute Real Property Eminent Domain/Inverse

Other Contract (37)

Condemnation (14) Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure

Quiet Title Other Real Property (not eminent domain, landlord/tenant, or

foreclosure) Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ-Administrative Mandamus

Writ-Mandamus on Limited Court Case Matter

Writ-Other Limited Court Case Review

Other Judicial Review (39)
Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (arising from provisionally complex

case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County) Confession of Judgment (non-

domestic relations) Sister State Judgment Administrative Agency Award (not unpaid taxes) Petition/Certification of Entry of

Judgment on Unpaid Taxes Other Enforcement of Judgment

Miscellaneous Civil Complaint **RICO (27)**

Other Complaint (not specified above) (42)
Declaratory Relief Only Injunctive Relief Only (non-harassment)

Mechanics Lien Other Commercial Complaint

Case (non-tort/non-complex) Other Civil Complaint

(non-tort/non-complex) Miscellaneous Civil Petition

Partnership and Corporate Governance (21) Other Petition (not specified

above) (43) Civil Harassment Workplace Violence

Elder/Dependent Adult Abuse **Election Contest** Petition for Name Change Petition for Relief From Late

Claim Other Civil Petition

Other Employment (15)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE 4050 Main Street Riverside, CA 92501

www.riverside.courts.ca.gov

NOTICE OF DEPARTMENT ASSIGNMENT

GRUNDY VS WALMART

CASE NO. RIC1801903

This case is assigned to the HONORABLE Judge Sunshine S Sykes in Department 06 for Law and Motion purposes only.

Effective January 2, 2018, the case is assigned to Honorable Judge John Vineyard in Department 1 for case management hearings (Case Management Conferences, Order to Show Causes, Status Conferences and Trial Setting Conferences) and trial assignment purposes.

Any disqualification pursuant to CCP section 170.6 shall be filed in accordance with that section.

The court follows California Rules of Court, Rule 3.1308(a)(1) for tentative rulings (see Riverside Superior Court Local Rule 3316). Tentative Rulings for each law and motion matter are posted on the Internet by 3:00 pm on the court day immediately before the hearing at http://riverside.courts.ca.gove/tentativerulings.shtml. If you do not have internet access, you may obtain the tentative ruling by telephone at (760) 904-5722.

To request oral argument, you must (1) notify the judicial secretary at (760) 904-5722 and (2) inform all other parties, no later than 4:30 pm the court day before the hearing. If no request for oral argument is made by 4:30 pm, the tentative ruling will become the final ruling on the matter effective the date of the hearing.

The filing party shall serve a copy of this notice on all parties.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

Date: 01/26/18

by:

VANESSA ALVARADO, Deputy Clerk

CNDALM 11/17/17

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE 4050 Main Street Riverside CA 92501 www.riverside.courts.ca.gov

NOTICE OF CASE MANAGEMENT CONFERENCE

GRUNDY VS WALMART

CASE NO. RIC1801903

The Case Conference is scheduled for 07/25/18 at 8:30 in Department 01.

No later than 15 calendar days before the date set for the case management conference or review, each party must file a case management statement and serve it on all other parties in the case. CRC, Rule 3.725.

plaintiff/cross-complainant of this notice all shall serve а copy defendants/cross-defendants who are named or added to the complaint and file proof of service.

Any disqualification pursuant to CCP Section 170.6 shall be filed in accordance with that section.

Requests for accommodations can be made by submitting Judicial Council form MC-410 no fewer than five court days before the hearing. See California Rules of Court, rule 1.100.

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing NOTICE on this date, by depositing said copy as stated above.

Court Executive Officer/Clerk

bv:

VANESSA ALVARADO Deputy Clerk

Date: 01/26/18