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Superior Court of California
County of Fresno
By: Ruby Gonzalez, Deputy

5 Attorneys for Plaintiff
6 SAMUEL GARZA

8 **SUPERIOR COURT OF CALIFORNIA**
9 **FOR THE COUNTY OF FRESNO**

11 SAMUEL GARZA, an individual,
12
13 Plaintiff,

14 vs.

15 STARBUCKS CORPORATION, a
16 Washington Corporation; MEGAN
17 MARQUEZ, an individual; RAUL DIAZ, an
18 individual; and DOES 1 through 50,
19 inclusive,

20 Defendants.

Unlimited Civil

CASE NO. [26CECG00942](#)

COMPLAINT FOR DAMAGES:

1. VIOLATION OF THE CALIFORNIA FAIR CHANCE ACT – CRIMINAL HISTORY DISCRIMINATION [*Govt. Code §12952 et seq.*]
2. FAILURE TO PREVENT DISCRIMINATION [*Govt. Code §12940(k)*]
3. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY

[*Amount Demanded Exceeds \$35,000*]

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25 COMES NOW PLAINTIFF, SAMUEL GARZA, who, for causes of action
26 against Defendants, STARBUCKS CORPORATION, a Washington Corporation; MEGAN
27 MARQUEZ, an individual, RAUL DIAZ, an individual; and DOES 1 through 50, inclusive,
28 complains and alleges as follows:

1 **GENERAL ALLEGATIONS AND IDENTIFICATION OF THE PARTIES**

2 1. Plaintiff, SAMUEL GARZA (“Plaintiff”) is an individual who was employed by
3 STARBUCKS, in Fresno County in the State of California.

4 2. Plaintiff is informed and believes, and based thereon alleges, that Defendant,
5 STARBUCKS, (“Defendant” or “Starbucks”), is a corporation duly organized and existing
6 under and by virtue of the laws of the State of Washington, and is doing business and is
7 qualified to do business in the State of California, and with its principal place of business in
8 Fresno, California.

9 3. Plaintiff is informed and believes, and based thereon alleges, that MEGAN
10 MARQUEZ (“Ms. Marquez”) is an individual residing in Fresno County in the State of
11 California, who is a current or former employee of Defendant, and who was Plaintiff’s
12 supervisor at the time he was employed by Defendant (in June of 2025).

13 4. Plaintiff is informed and believes, and based thereon alleges, that RAUL DIAZ
14 (“Mr. Diaz”) is an individual residing in Fresno County in the State of California, who is a
15 current or former employee of Defendant, and who was Plaintiff’s District Manager at the time
16 he was employed by Defendant (in June of 2025).

17 5. Plaintiff is unaware of the true names and capacities of Defendants sued as
18 DOES 1 through 50, inclusive, and therefore Plaintiff sues these Defendants by fictitious
19 names. Plaintiff is informed and believes and, on that basis, alleges that each of the
20 fictitiously named Defendants is in some manner responsible for the wrongful acts and
21 resulting damage to Plaintiff as alleged in this Complaint. Plaintiff will amend this Complaint
22 to show the true names and capacities of these fictitiously named Defendants after their true
23 names and capacities have been ascertained. Plaintiff is informed and believes and thereon
24 alleges that at all times relevant, each of these fictitiously named DOE Defendants was an
25 individual person who owned, controlled, or managed the business for which Plaintiff worked
26 and/or who directly or indirectly exercised operational control over the hiring and retention
27 decisions relating to Plaintiff. These DOE Defendants held ownership, officer, director and/or
28 executive positions with the remaining Defendants, and acted on behalf of the remaining

1 Defendants, which included decision-making responsibility for, and establishment of, illegal
2 criminal history discrimination practices and policies for Defendants which have damaged
3 Plaintiff and others similarly situated. As used herein the term "Defendants" means all
4 Defendants, both jointly and severally, and references by name to any named one Defendant
5 shall include and reference all Defendants, both individual, corporate and business entities,
6 both specifically named and unnamed, and both jointly and severally to all.

7 6. Therefore, individually named Defendants are "employers" as a matter of law
8 and personally liable on the causes of action alleged herein.

9 7. Plaintiff is informed and believes and thereon alleges that at least some of the
10 Defendant DOES 1 through 50 are, and at all times relevant hereto were, persons,
11 corporations or other business entities organized and existing under and by virtue of the laws
12 of the State of California, and are/were qualified to transact and conduct business in the
13 State of California, and did transact and conduct business in the State of California, and are
14 thus subject to the jurisdiction of the State of California. Specifically, said DOES 1 through 50
15 maintain offices, operate businesses, employ persons, and conduct business in, and
16 discriminate against employees by criminal history discrimination practices and policies in the
17 County of Fresno.

18 8. Plaintiff is informed and believes and thereon alleges, that at all times relevant
19 herein, Defendants and some of DOES 1 through 50 were the agents, employees, and/or
20 servants, masters, or employers of the remaining DOES 1 through 50, and in doing the things
21 herein alleged, were acting within the course and scope of such agency or employment, and
22 with the approval and ratification of each of the other Defendants.

23 9. Plaintiff is informed and believes and thereon alleges that at all times relevant,
24 Defendants established the terms and conditions of Plaintiff's employment to such a degree
25 that Plaintiff was their employee.

26 10. Plaintiff is further informed and believes, and thereon alleges, that each of the
27 fictitiously named Defendants aided and assisted the named Defendants in committing the
28 wrongful acts alleged herein, and that Plaintiff's damages were proximately caused by each.

1 **VENUE AND JURISDICTION**

2 11. Venue is proper in Fresno County because Defendant employed Plaintiff in the
3 County of Fresno, and the acts complained of herein occurred in Fresno County.

4
5 **FACTUAL ALLEGATIONS**

6 12. Plaintiff, Mr. Garza ("Plaintiff"), was employed by Defendants as a Shift
7 Supervisor beginning in or about August 2017 and remained continuously employed by
8 Defendants for approximately eight (8) years until his termination on or about June 4, 2025.

9 13. In 2016, Defendant Starbucks signed a White House Fair Chance Business
10 Pledge in support of eliminating barriers for those with criminal records and pledging to create
11 a pathway for second chances.

12 14. Plaintiff worked at multiple locations for Defendants' stores, including the
13 Starbucks located at Herndon and Fowler (Store #1845) in the city of Clovis, county of Fresno,
14 state of California, where he worked for approximately three (3) years, and the Starbucks
15 located at Clovis and Herndon (Store #5876), also located in the city of Clovis, county of
16 Fresno, state of California, where he worked for approximately five (5) years, at an hourly rate
17 of \$29.10.

18 15. During his employment, Plaintiff consistently performed his job duties in a
19 competent, diligent, and satisfactory manner. At no time during Plaintiff's employment did
20 Defendants issue Plaintiff any disciplinary actions, written warnings, or performance
21 improvement plans.

22 16. During his eight (8) continuous years of employment, Plaintiff received positive
23 performance evaluations and was regarded by Defendants and his colleagues as a
24 knowledgeable, professional, and dependable employee. Plaintiff was even recognized for his
25 leadership and mentoring abilities and trained numerous employees during his tenure and was
26 the recipient of multiple "Employee of the Month" awards in recognition of his exemplary
27 performance and contributions.

28 17. Shortly before his termination, District Manager Defendant Raul Diaz, employed

1 by Defendants, even asked Plaintiff to assist in training employees at another store location,
2 demonstrating Defendants' continued trust and confidence in Plaintiff's abilities. Plaintiff
3 declined the request because he preferred to remain at his assigned store location.

4 18. At the time of his hiring and throughout his employment, Plaintiff answered all
5 questions from Defendants truthfully and fully disclosed his background when required.
6 Plaintiff is informed and believes, and thereon alleges, that Defendants conducted a
7 background check in 2017 prior to hiring Plaintiff, which showed his conviction in 2009 as
8 further discussed *infra*.

9 19. In or about 2009, Plaintiff had been convicted of possession of material depicting
10 minors in sexual conduct. Plaintiff served his sentence and was released from incarceration in
11 or about 2016. Since his release a decade ago, Mr. Garza has been on probation and has
12 been fully compliant with the terms of his probation. Since his release a decade ago, Plaintiff
13 has maintained a law-abiding life and has not engaged in any criminal, improper, or workplace
14 misconduct.

15 20. During his employment with Defendants, Plaintiff performed his job duties without
16 incident and did not engage in any inappropriate conduct toward any employees, including
17 minor employees. Plaintiff trained minor employees as part of his job duties and complied with
18 all applicable probation reporting requirements. Plaintiff's probation officer did not raise any
19 concerns regarding Plaintiff performing his job duties.

20 21. On or about May 20, 2025, Plaintiff was contacted by Defendants' District
21 Manager, Defendant Raul Diaz, who informed Plaintiff that a customer had recognized
22 Plaintiff's name from the Megan's Law registry.

23 22. On or about May 21, 2025, Plaintiff participated in a meeting with Scott Hensley,
24 an investigator with Defendants' global security department, and fully disclosed his criminal
25 history and probation status again. Plaintiff dutifully provided Defendant with his probation
26 officer's contact information and fully cooperated with Defendants' inquiries. Defendants did
27 not inform Plaintiff during that meeting that his employment was in jeopardy and indicated that
28 Plaintiff remained in satisfactory standing.

1 23. During a subsequent meeting on or about May 21, 2025, Defendants informed
2 Plaintiff that he would be permitted to continue working subject to certain restrictions, including
3 not supervising employees under the age of eighteen (18) and avoiding shifts where minor
4 employees were present. Mr. Hensley even informed Plaintiff that this was not the first time
5 something like this had happened, and that he was not the first individual in this situation and
6 to not worry. Plaintiff agreed to comply with these restrictions in good faith even though these
7 restrictions were beyond those required by his probation. Plaintiff believed that this could be
8 easily managed given that at all relevant times, Plaintiff's assigned store location did not have
9 minor employees on staff, so Plaintiff remained able to perform his job duties without issue.

10 24. On or about June 4, 2025, Defendants, through Plaintiff's manager, Defendant
11 Megan Marquez, suddenly, and unexpectedly, terminated Plaintiff's employment, and wanted
12 to do so in a public manner. Defendant Megan Marquez asked Plaintiff to follow her to the
13 lobby and only at Plaintiff's insistence, did the pair go outside of the Starbucks located at
14 Herndon and Fowler (#1845) in the city of Clovis, county of Fresno, state of California.
15 Defendant Megan Marquez handed Plaintiff a printout of the Megan's Law registry, informing
16 Plaintiff he was fired because of his sex offender status. Plaintiff's termination occurred without
17 prior warning, without progressive discipline, and without any documented performance-
18 related justification.

19 25. Use of sex offender registry information disclosed on the Department of Justice's
20 Megan's Law website for purposes relating to employment is a violation of California Penal
21 Code § 290.46.

22 26. Defendants failed to follow the law regarding the use of criminal history screening
23 relating to employment decisions. Pursuant to California Government Code ("Govt. Code")
24 §12952(c)(1)(A), Defendants were required to make an individualized assessment of whether
25 the applicant's conviction history has a direct and adverse relationship with the specific duties
26 of the job that justify denying the applicant the position. In making the assessment described
27 in this paragraph, the employer shall consider all of the following: (i) The nature and gravity of
28 the offense or conduct; (ii) The time that has passed since the offense or conduct and

1 completion of the sentence; (iii) The nature of the job held or sought. Defendants did not
2 conduct or provide Plaintiff with any individualized assessment regarding Plaintiff's criminal
3 history as it related to his job duties.

4 27. California Government Code § 12952(c)(2) further states that notice must be
5 provided, a copy of the conviction report, and an explanation of the right to respond to the
6 preliminary decision before it comes final with at least five (5) business days to respond is
7 required, and that the employer shall consider information submitted before making a final
8 decision. If an employer makes a final decision to deny employment solely based on conviction
9 history, employer must notify the individual. Defendants did not provide Plaintiff with written
10 notice identifying any concerns related to Plaintiff's criminal history prior to termination, and
11 Defendants did not provide Plaintiff with any opportunity to respond to or challenge any
12 concerns regarding his criminal history prior to terminating his employment.

13 28. Defendants failed to perform all of the required acts under Govt. Code
14 §12952(c)(2).

15 29. In addition, once Defendants decided to terminate Plaintiff's employment based
16 on his prior criminal conviction, Defendants were under the duty to provide written notice to
17 Plaintiff. This written notice is required to contain (1) the final denial or disqualification; (2)
18 any existing procedure it had for Plaintiff to challenge the decision or require reconsideration;
19 and (3) the right to file a complaint with the California Civil Rights Department. Again,
20 Defendants failed to comply with this requirement.

21 30. Plaintiff's conviction occurred approximately sixteen (16) years prior to his
22 termination and had no impact on Plaintiff's job performance or ability to perform his duties. At
23 all relevant times, Plaintiff was able to and did perform the essential functions of his position
24 competently, safely, and satisfactorily.

25 31. Plaintiff is informed and believes, and thereon alleges, that Defendants
26 terminated Plaintiff's employment based solely or substantially on Plaintiff's criminal history.
27 Defendants' wrongful termination of Plaintiff was wrongfully motivated by discrimination against
28 him due to his being a registered sex offender.

1 Defendants were required to refrain from violations of public policy.

2 39. At all relevant times, Defendant was an employer within the meaning of
3 California Government Code § 12952 et seq. and employed five or more employees.

4 40. Plaintiff was an employee within the meaning of Government Code § 12952 et
5 seq.

6 41. FEHA and Gov. Code § 12952 et seq., establishes the processes by which an
7 employer can consider an employee or applicant's criminal history in relation to employment.

8 42. Government Code § 12952 et seq. prohibits employers from denying
9 employment to an employee based on conviction history without first conducting an
10 individualized assessment considering: (1) the nature and gravity of the offense; (2) the time
11 passed since the offense and completion of the sentence; and (3) the nature of the job at
12 issue and complying with required procedural protections.

13 43. Government Code § 12952 et seq. further requires employers to provide written
14 notice of any preliminary adverse employment decision based on conviction history and
15 provide the employee an opportunity to respond.

16 44. Defendants failed to follow the process set forth in Gov Code § 12952 et seq.

17 45. Defendant failed to conduct a lawful individualized assessment of Plaintiff's
18 conviction history as required by Government Code § 12952 et seq.

19 46. Defendant failed to provide Plaintiff with written notice of any preliminary
20 decision to terminate his employment based on conviction history.

21 47. Defendant failed to provide Plaintiff with an opportunity to respond to or
22 challenge Defendant's reliance on his conviction history.

23 48. Defendants' actions towards Plaintiff constitute disparate treatment based on
24 unlawful criminal history-related reasons. Such discrimination was a substantial motivating
25 factor in causing Plaintiff's damages.

26 49. Within the statutorily required date from the most recent act of discrimination,
27 Plaintiff filed a charge of discrimination with the CRD and received a right to sue notice.

28 50. Defendants' conduct in discriminating against Plaintiff because of his criminal

1 history subjected him to cruel and unjust hardship in conscious disregard of his rights, as it
2 was anticipated by Defendants that Plaintiff would be unable to find comparable employment
3 in the foreseeable future.

4 51. Plaintiff is informed and believes, and thereon alleges, that his termination by
5 Defendants was done with the intent to cause him injury.

6 52. As a direct and proximate result of the wrongful acts of Defendants and each of
7 them, Plaintiff has been harmed in that he has suffered and will continue to suffer actual,
8 consequential, and incidental financial losses, including without limitation loss of income,
9 salary and benefits, and the intangible loss of employment of employment-related
10 opportunities for growth in his field and damage to his professional reputation, all in an
11 amount according to proof at trial.

12 53. As a direct foreseeable and proximate result of Defendants' wrongful acts,
13 Plaintiff has suffered, and continues to suffer, humiliation, embarrassment, anxiety, and
14 severe mental and emotional distress and discomfort, all in an amount according to proof at
15 trial.

16 54. Plaintiff is entitled to all remedies available under Government Code § 12965(b),
17 including compensatory damages, attorney's fees, and costs.

18 55. Plaintiff is informed and believes and therein alleges that the aforesaid acts
19 directed toward him were carried out with a conscious disregard of his right to be free from
20 such illegal behavior, such as to constitute oppression, fraud, or malice pursuant to California
21 Civil Code § 3294 and known, ratified and approved by the officers or managing agents of
22 Defendants, entitling Plaintiff to punitive damages in an amount appropriate to punish and set
23 an example of Defendants named herein.

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1 **SECOND CAUSE OF ACTION**

2 **FAILURE TO PREVENT DISCRIMINATION**

3 [*California Government Code § 12940(k)*]

4 (*Against All Defendants*)

5 56. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as
6 though fully set forth herein.

7 57. Govt. Code § 12940(k) requires employers to take all reasonable steps
8 necessary to prevent discrimination and violations of FEHA, including violations of Govt.
9 Code § 12952 et seq.

10 58. Plaintiff was an employee of Defendants and had been a continuous employee
11 of Defendants for eight (8) years.

12 59. As a direct result of Defendants' failure to conduct a lawful individualized
13 assessment, failure to provide Plaintiff with any written notice of any preliminary decision to
14 terminate his employment based on conviction history, and failure to provide Plaintiff with an
15 opportunity to respond to and/or challenge Defendants' reliance on his prior conviction,
16 Defendants publicly terminated Plaintiff.

17 60. Defendant failed to take all reasonable steps pursuant to Govt. Code
18 §12940(k) to prevent violations of the Fair Chance Act, California Government Code § 12952
19 et seq. and discrimination based on Plaintiff's prior criminal history.

20 61. Defendants' conduct was a substantial factor in causing Plaintiff's harm.

21 62. As a direct, proximate, and legal result of the wrongful acts and failure to take
22 preventative steps of Defendants and each of them, Plaintiff has been harmed in that he has
23 suffered and will continue to suffer actual, consequential, and incidental financial losses,
24 including without limitation loss of income, salary and benefits, and the intangible loss of
25 employment of employment-related opportunities for growth in his field and damage to his
26 professional reputation, all in an amount according to proof at trial.

27 63. As a direct foreseeable and proximate result of Defendants' wrongful acts,
28 Plaintiff has suffered, and continues to suffer, humiliation, embarrassment, anxiety, and

1 severe mental and emotional distress and discomfort, all in an amount according to proof at
2 trial.

3 64. Plaintiff is entitled to all remedies available under Government Code §12965(b),
4 including compensatory damages, attorney's fees, and costs.

5 65. Plaintiff is informed and believes and therein alleges that the aforesaid acts
6 directed toward him were carried out with a conscious disregard of his right to be free from
7 such illegal behavior, such as to constitute oppression, fraud, or malice pursuant to California
8 Civil Code § 3294 and known, ratified and approved by the officers or managing agents of
9 Defendants, entitling Plaintiff to punitive damages in an amount appropriate to punish and set
10 an example of Defendants named herein.

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12 **THIRD CAUSE OF ACTION**

13 **WRONGFUL TERMINATION**

14 *[Violation of Public Policy]*

15 *(Against All Defendants)*

16 66. Plaintiff re-alleges and incorporates by reference all preceding paragraphs as
17 though fully set forth herein.

18 67. Plaintiff was Defendants' employee as that term is defined and used pursuant
19 to California Labor Code § 2750, *et seq.*, and Cal. Govt. Code §12940, *et seq.*, and common
20 law.

21 68. Defendants illegally terminated Plaintiff from his employment because of his
22 being a registered sex offender in violation of the public policy expressed in California law,
23 including but not limited to *Tameny v. Atlantic Richfield Co.* (1980) 27 Cal.3d 167.

24 69. Plaintiff was an employee of Defendants and had been a continuous employee
25 of Defendants for eight (8) years.

26 70. As a direct result of Plaintiff's prior criminal history, Plaintiff was terminated, in
27 direct violation of his fundamental public policy. Plaintiff's termination was substantially
28 motivated by Defendant's unlawful reliance on Plaintiff's conviction history and Defendant's

1 failure to comply with Government Code § 12952 et seq. Defendants knew or reasonably
2 should have known of the intolerable discriminatory acts and conditions and of their impact
3 on and other employees similarly situated and could have remedied the situation.

4 71. As a direct and proximate result of the wrongful acts of Defendants, and each of
5 them, Plaintiff has been harmed in that he has suffered and will continue to suffer actual,
6 consequential, and incidental financial losses, including without limitation loss of income,
7 salary and benefits, and the intangible loss of employment of employment-related
8 opportunities for growth in his field and damage to his professional reputation, all in an
9 amount according to proof at trial.

10 72. As a direct foreseeable and proximate result of Defendants' wrongful acts,
11 Plaintiff has suffered, and continues to suffer, humiliation, embarrassment, anxiety, and
12 severe mental and emotional distress and discomfort, all in an amount according to proof at
13 trial.

14 73. Plaintiff is entitled to all remedies available under Government Code § 12965(b),
15 including compensatory damages, attorney's fees, and costs.

16 74. Defendants did the things herein above alleged, intentionally, oppressively, and
17 maliciously with an evil and malevolent motive to injure Plaintiff. These acts, which resulted in
18 Plaintiff's wrongful termination against public policy, were obnoxious, despicable, and ought
19 not to be suffered by any member of the community.

20 75. Plaintiff is informed and believes and therein alleges that the aforesaid acts
21 directed toward him were carried out with a conscious disregard of his right to be free from
22 such illegal behavior, such as to constitute oppression, fraud, or malice pursuant to California
23 Civil Code § 3294 and known, ratified and approved by the officers or managing agents of
24 Defendants, entitling Plaintiff to punitive damages in an amount appropriate to punish and set
25 an example of Defendants named herein.

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1 **PRAYER**

2 WHEREFORE, Plaintiff prays for judgment as follows:

3 1. For a money judgment representing compensatory damages including lost wages,
4 future loss wages, earnings, other employee benefits, and all other sums of money, together
5 with interest on these amounts, according to proof at trial;

6 2. General damages, according to proof and in an amount in excess of the
7 jurisdictional minimum of this Court;

8 3. For a money judgment for mental pain and anguish and emotional distress,
9 according to proof at trial;

10 4. All other special and incidental damages according to proof;

11 5. For an award of punitive damages, according to proof at trial;

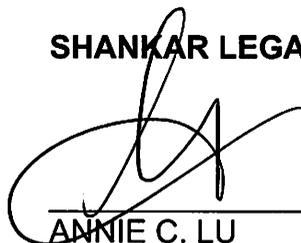
12 6. For costs of suit incurred herein;

13 7. For attorney fees as provided by statute, including California Government Code
14 § 12965 (b); and

15 8. For such other and further relief that the Court may deem just and proper.

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17 Dated: February 24, 2026

SHANKAR LEGAL INC.

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ANNIE C. LU
Attorneys for Plaintiff
SAMUEL GARZA