

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bollinger v. Starbucks Corporation

No. 1:24-cv-00303-JLT-SAB (E.D. Cal. Mar. 13, 2025) · No. 1:24-cv-00303-JLT-SAB · Decided March 13, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Plaintiffs’ motion for leave to file a second amended complaint in an action alleging ADA, California Unruh Civil Rights Act, and unjust enrichment claims against Starbucks Corporation. The court concludes that undue delay, prejudice, bad faith, and futility do not warrant denying amendment, and sets three-day and twenty-one-day deadlines for filing the amended complaint and responsive pleading.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 13, 2025
DOCKET	1:24-cv-00303-JLT-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved under Federal Rule of Civil Procedure 15(a)(2) for leave to file a second amended complaint. Defendant opposed the motion based on undue delay, prejudice, bad faith, dilatory motive, and futility.
STANDARD OF REVIEW	The decision to grant leave to amend is committed to the trial court's discretion. Under Rule 15(a)(2), leave should be freely given when justice so requires, subject to factors including undue delay, bad faith or dilatory motive, repeated failure to cure deficiencies, undue prejudice, and futility.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Maria Bollinger, Dawn Miller, Shunda Smith v. Starbucks Corporation

TOPICS

motion to amend

pleadings

civil procedure

public accommodations discrimination

ada / disability

PRACTICE AREAS

civil procedure

disability discrimination

Americans with Disabilities Act

California civil rights

QUESTIONS PRESENTED

1. Whether plaintiffs should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to file a second amended complaint.
2. Whether the proposed amendment should be denied because of undue delay or substantial prejudice.
3. Whether the proposed amendment was brought in bad faith or for a dilatory motive.
4. Whether the proposed second amended complaint was futile because its claims would be subject to immediate dismissal.

HOLDINGS

1. Leave to amend should be granted because Rule 15(a)(2) favors amendment when justice so requires, and the record did not establish a sufficient reason to deny leave.
2. Defendant failed to show undue delay or substantial prejudice sufficient to deny leave to amend.
3. The record did not establish that plaintiffs sought amendment in bad faith or for a dilatory motive.
4. The proposed amendment was not clearly futile because plaintiffs stated colorable claims under the ADA, the Unruh Civil Rights Act, and unjust-enrichment law.

KEY QUOTATIONS

“Absent prejudice, or a strong showing of any of the remaining [] factors, there exists a presumption under Rule 15(a) in favor of granting leave to amend.” (2)

“An amendment is ‘futile’ only if it would clearly be subject to dismissal.” (10)

“Plaintiffs’ motion for leave to file a second amended complaint is GRANTED” (12)

FACTUAL BACKGROUND

Plaintiffs allege that Starbucks charged an additional amount for non-dairy milk beverage customizations and that the surcharge discriminated against persons with lactose intolerance or milk allergies. The proposed second amended complaint added factual allegations concerning Starbucks's pricing-policy change, a purported separate dairy-free menu, the Starbucks customer experience, and Starbucks employees' knowledge of plaintiffs' alleged disabilities. The action remained in the pleadings stage, discovery had not begun, no answer had been filed, and the court had not ruled on the merits of the pleadings.

PROCEDURAL HISTORY

Plaintiffs filed the action on March 12, 2024, asserting claims under Title III of the Americans with Disabilities Act, California's Unruh Civil Rights Act, and California unjust-enrichment law. Defendant filed motions to

dismiss the original complaint and the first amended complaint; neither motion had been decided on the merits. Plaintiffs filed the motion for leave to file a second amended complaint after Starbucks changed its pricing policy for non-dairy beverage customizations. The court granted leave, directed plaintiffs to file the proposed complaint within three days, directed defendant to withdraw its pending motion to dismiss within three days after service, and required a responsive pleading within twenty-one days after service.

DISPOSITION

other

CASES CITED

- *Foman v. Davis*, 371 U.S. 178, 182 (1962)
- *Sonoma Cty. Ass'n of Retired Employees v. Sonoma Cty.*, 708 F.3d 1109, 1117 (9th Cir. 2013)
- *Nunes v. Ashcroft*, 375 F.3d 805, 808 (9th Cir. 2004)
- *Madeja v. Olympic Packers, LLC*, 310 F.3d 628, 636 (9th Cir. 2002)
- *Washington State Republican Party v. Washington State Grange*, 676 F.3d 784, 797 (9th Cir. 2012)
- *Fresno Unified Sch. Dist. v. K.U. ex rel. A.D.U.*, 980 F. Supp. 2d 1160, 1175 (E.D. Cal. 2013)
- *SAES Getters S.p.A. v. Aeronex, Inc.*, 219 F. Supp. 2d 1081, 1086, 1094 (S.D. Cal. 2002)
- *Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1052 (9th Cir. 2003)
- *AmerisourceBergen Corp. v. Dialysist W., Inc.*, 465 F.3d 946, 953 (9th Cir. 2006)
- *Jackson v. Bank of Hawaii*, *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1388 (9th Cir. 1990)
- *Bowles v. Reade*, 198 F.3d 752, 758 (9th Cir. 1999)
- *Morongo Band of Mission Indians v. Rose*, 893 F.2d 1074, 1079 (9th Cir. 1990)
- *DCD Programs, Ltd. v. Leighton*, 833 F.2d 183, 185 (9th Cir. 1987)
- *E.E.O.C. v. Boeing Co.*, 843 F.2d 1213 (9th Cir. 1988)
- *Newton v. LVMH Moet Hennessy Louis Vuitton Inc.*, No. 23-CV-10753 (LAP), 2024 WL 3925757, at *14–18 (S.D.N.Y. Aug. 23, 2024)
- *Nutrition Distribution, LLC v. Enhanced Athlete, Inc.*, No. 2:17-CV-01491-TLN-KJN, 2019 WL 1429549, at *2 (E.D. Cal. Mar. 29, 2019)
- *Griggs v. Pace Am. Grp., Inc.*, 170 F.3d 877, 881 (9th Cir. 1999)
- *Westlake N. Prop. Owners Ass'n v. City of Thousand Oaks*, 915 F.2d 1301, 1305 (9th Cir. 1990)
- *Baday v. Kings Cnty.*, No. 1:20-cv-00644 ADA SKO, 2022 WL 10631010, at *1 (E.D. Cal. Oct. 18, 2022)
- *Cahill v. Liberty Mut. Ins. Co.*, 80 F.3d 336, 337–38 (9th Cir. 1996)
- *Molski v. M.J. Cable, Inc.*, 481 F.3d 724, 730 (9th Cir. 2007)
- *United States v. Corinthian Colleges*, 655 F.3d 984, 995 (9th Cir. 2011)
- *Polich v. Burlington Northern, Inc.*, 942 F.2d 1467, 1472 (9th Cir. 1991)
- *Zurich Am. Ins. Co. of Illinois v. VForce Inc.*, No. 2:18-cv-02066-TLN-CKD, 2020 WL 2732046, at *3 (E.D. Cal. May 26, 2020)
- *Netbula, LLC v. Distinct Corp.*, 212 F.R.D. 534, 539 (N.D. Cal. 2003)

