

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA**

Jasaray Wilson v. Target Corporation

Wilson · No. 25-cv-00043-AMO · Decided November 6, 2025

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
JASARAY WILSON, Case No. 25-cv-00043-AMO 8 Plaintiff, ORDER GRANTING MOTION
FOR 9 v. JUDGMENT ON THE PLEADINGS 10 TARGET CORPORATION, Re: Dkt. No. 21
Defendant. 11 12 13 Plaintiff Jasaray Wilson alleges that Defendant Target Corporation
("Target"), her former 14 employer, discriminated against her, harassed her, and retaliated against
her based on her gender 15 and sex, and she contends Target wrongfully terminated her
employment.

Before the Court is 16 Target's motion for judgment on the pleadings. The matter is fully briefed
and suitable for 17 decision without oral argument. Accordingly, the hearing set for November 20,
2025, is 18 VACATED. See Civil L.R. 7-6, Fed. R. Civ. Pro. 78(b).

Having read the parties' papers and 19 carefully considered their arguments and the relevant legal
authority, and good cause appearing, 20 the Court hereby GRANTS Target's motion for the
following reasons. 21 I. BACKGROUND 22 On November 20, 2024, Wilson filed an unverified
complaint in Alameda County Superior 23 Court. Ducharme Decl., Ex. A (Dkt. No. 1-2 at 5-13).

Wilson's complaint contains five 24 paragraphs of substantive allegations: 25 Defendants
subjected Plaintiff to discrimination/harassment/retaliation on the bases of gender, sexual 26
harassment, opposition to discrimination/harassment/retaliation, opposition/refusal to
perform/disclosure of violation of the law, 27 opposition/refusal to perform/disclosure of unsafe
work Code violations, assertion of rights under the Labor Code.

(Compl. 1 ¶ 6); 2 Defendant subjected to Plaintiff to sexual assault, sexual batter [sic], unwelcome
sexual touching, unwanted sexual advances and 3 propositions, and other similar sexually
harassing conduct, which Plaintiff refused, opposed, and complained about. (Compl. ¶ 7); 4
Defendant failed to investigate nor do anything to prevent and/or 5 correct the harassment, which
continued.

(Compl., ¶ 8); 6 Instead, Defendant terminated Plaintiff's employment and has failed to reinstate
her to a discrimination free work environment. (Compl. 7 ¶ 9); and 8 Defendants' actions
constitute disparate impact and disparate treatment. [sic] discrimination. (Compl. ¶ 10). 9 10 See
Compl. ¶¶ 6-10 (Dkt. No. 1-2 at 6-7). Based on these contentions, Wilson advances the 11

following causes of action: (1) discrimination in violation of California's Fair Employment and Housing Act ("FEHA"); (2) failure to prevent discrimination; (3) retaliation in violation of FEHA; (4) harassment in violation of FEHA; (5) failure to prevent harassment in violation of FEHA; (6) California Labor Code § 98.6; (7) California Labor Code § 1102.5; (8) California Labor Code § 6310; and (9) wrongful termination in violation of public policy.

On January 2, 2025, Target removed this action to this Court based on diversity jurisdiction. See Dkt. No. 1. The Court held an initial case management conference on May 22, 2025, and it set a deadline of June 6, 2025, to amend the pleadings. Dkt. No. 18. II. DISCUSSION On June 20, 2025, Target filed the motion for judgment on the pleadings now under consideration.

A. Legal Standard "After the pleadings are closed – but early enough not to delay trial – a party may move for judgment on the pleadings." Fed. R. Civ. P. 12(c). A motion for judgment on the pleadings is "functionally identical" to a Rule 12(b)(6) motion to dismiss for failure to state a claim. See *Dworkin v. Hustler Magazine, Inc.*, 867 F.2d 1188, 1192 (9th Cir.

1989). "Judgment on the pleadings is properly granted when there is no issue of material fact in dispute, and the moving party (2009) (citing *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 979 (9th Cir. 1999)). When deciding a 12(c) motion, all material allegations in the complaint are accepted as true and construed in the light most favorable to the non-moving party.

Turner v. Cook, 362 F.3d 1219, 1225 (9th Cir. 2004). A complaint may be dismissed under Rule 12(b)(6) of the Federal Rules of Civil Procedure "based on the lack of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal theory." *Godecke v. Kinetic Concepts, Inc.*, 937 F.3d 1201, 1208 (9th Cir. 2019) (quoting *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir.

1990)). The allegations in the complaint "must be enough to raise a right to relief above the speculative level." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). A complaint must demonstrate "facial plausibility" by pleading "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

B. Sufficiency of Allegations 1. First Cause of Action: Discrimination in Violation of FEHA The California Supreme Court identified the general elements of a prima facie case of discrimination under FEHA as follows: The specific elements of a prima facie case may vary depending on the particular facts... Generally, the plaintiff must provide evidence that (1) he was a member of a protected class, (2) he was qualified for the position he sought or was performing competently in the position he held, (3) he suffered an adverse employment action,

such as termination, demotion, or denial of an available job, 20 and (4) some other circumstance suggests discriminatory motive.

21 *Guz v. Bechtel Nat. Inc.*, 24 Cal. 4th 317, 355 (2000) (internal citations omitted). 22 Here, Wilson does not offer any particular facts that would establish a prima facie case of 23 discrimination under FEHA. Wilson merely makes a conclusory statement of being subjected to 24 discrimination, harassment, and retaliation on the bases of gender. Compl. ¶ 6.

Notably, the 25 Complaint does not identify Plaintiff's gender or how that played into any decisions at issue in this 26 case. Wilson also fails to identify any specific event or action that was allegedly discriminatory. 27 Therefore, Plaintiff's first cause of action for discrimination fails. 1 2. Fourth Cause of Action: Harassment in Violation of FEHA 2 Under FEHA, an employer may not harass an employee based on, inter alia, race or sex.

3 Cal. Gov't. Code § 12940(j)(1). To establish a harassment claim under FEHA, the plaintiff must 4 demonstrate that (1) they are a member of a protected group; (2) they were subjected to 5 harassment because they belonged to this group; and (3) the alleged harassment was so severe or 6 pervasive that it created a hostile work environment. *Robles v. Agreserves, Inc.*, 158 F. Supp. 3d 7 952, 983 (E.D.

Cal. 2016). Harassment "may be verbal, physical, or visual and 'communicates an 8 offensive message to the harassed employee.' " *Thompson v. City of Monrovia*, 186 Cal. App. 4th 9 860, 877 (2010) (quoting *Roby v. McKesson Corp.*, 47 Cal. 4th 686, 706 (2009)). 10 Here, the complaint asserts only a conclusory statement that Target subjected Wilson to 11 sexual harassment, including sexual batter, unwelcome sexual touching, and unwanted sexual 12 advances.

Compl. ¶ 7. However, Wilson fails to identify any alleged harassers, any details 13 regarding the offensive conduct, or how the treatment suffered by Wilson was sufficiently severe 14 or pervasive to constitute actionable harassment.

Thus, Plaintiff's third cause of action for 15 harassment fails. 16 3. Third, Sixth, Seventh, And Eighth Causes Of Action For Retaliation In Violation Of FEHA, Labor Code §§ 98.6, 1102.5, 6310 17 18 To assert a prima facie claim for retaliation under FEHA, a plaintiff must plead that 19 (1) they engaged in "protected activity," (2) the employer subjected them to an "adverse 20 employment action," and (3) there is a "causal link" between the protected activity and the 21 employer's action.

Yanowitz v. L'Oreal USA, Inc., 36 Cal. 4th 1028, 1042 (2005); see also *Doe v. 22 Dep't of Corr. & Rehab.*, 43 Cal. App. 5th 721, 734 (2019); *Brooks v. City of San Mateo*, 229 F.3d 23 917, 928 (9th Cir. 2000). Relatedly, the threshold element of a claim of whistleblower retaliation 24 under California Labor Code § 1102.5(b) is that the plaintiff establish a prima facie case of 25

retaliation, including that the plaintiff's protected activity serves as a " 'contributing factor' to an adverse employment action." *Lawson v. PPG Architectural Finishes, Inc.*, 12 Cal. 5th 703, 711 (2022) (citing also Labor Code § 1102.6).

1 California Labor Code § 98.6 protects against retaliation by prohibiting discharging an employee for filing a bona fide complaint or claim relating to his rights under the jurisdiction of the Labor Commissioner. Cal. Labor. Code § 98.6. A retaliation claim under Labor Code § 98.6 has similar requirements to a claim under Section 1102.5. *St. Myers v. Dignity Health*, 44 Cal. 5 App.

5th 301, 314 (2019). Finally, California Labor Code § 6310 provides a cause of action for damages by an employee who is discharged, threatened with discharge, or discriminated against because of the employee's complaints about unsafe work conditions. *Daly v. Exxon Corp.*, 55 Cal. App. 4th 39, 44 (1997). 9 Here, Wilson fails to allege any protected activity that would support a claim of retaliation 10 under any of these statutory provisions.

For example, Wilson does not identify when or to whom 11 Wilson reported any of the alleged harassment suffered. See Compl. ¶ 8. The conclusory 12 assertion that Wilson "complained about" sexual harassment lacks any factual support. *Id.* 13 Moreover, Wilson offers no allegations supporting an inference of causal connection between any 14 protected activity and an adverse employment action.

Additionally, the Complaint lacks any 15 factual allegations to establish that Wilson engaged in any conduct or filed a complaint for any 16 violation of the California Labor Code, or made any complaints about unsafe work conditions, in 17 order to establish a cause of action for violation of Labor Code §§ 98.6 and 6310.

Thus, Plaintiff's 18 third, sixth, seventh, and eighth causes of action for retaliation fail. 19 4. Second, Fifth, and Ninth Causes of Action for Failure to Prevent Discrimination and Harassment, and Wrongful Termination in 20 Violation of Public Policy 21 There can be no claim for "failure to prevent" without a viable claim for discrimination 22 under FEHA.

Scotch v. Art Institute of Cal., 173 Cal. App. 4th 986, 1021 (2009) ("An actionable 23 claim under section 12940, subdivision (k), [for failure to prevent discrimination under the FEHA] 24 is dependent on a claim of actual discrimination."); *Hanson v. Lucky Stores, Inc.*, 74 Cal. App. 4th 25 215, 229 (1999) ("[B]ecause [the plaintiff's] FEHA claim fails, his claim for wrongful termination 26 in violation of public policy fails.").

27 Here, Wilson's second cause of action for "failure to prevent discrimination," fifth cause of 1 violation of public policy" all fail because they are entirely derivative of the FEHA discrimination 2 and harassment claims that failed for the reasons described above. Indeed, as Target highlights, 3

“Plaintiff’s Complaint does not even allege that Plaintiff worked for Target and fails to identify 4 any information about Target in the Parties section of her Complaint.” Dkt.

No. 21 at 7. 5 Therefore, Plaintiff’s second, fifth, and ninth causes of action all fail. 6 C. Leave to Amend 7 Plaintiff’s only argument opposing Defendant’s motion is that leave to amend is “almost 8 always granted” under Federal Rule of Civil Procedure 15. See Dkt. No. 23 at 4. Indeed, Rule 9 15(a)(2) requires courts to “freely give leave [to amend] when justice so requires.” However, 10 where the deadline to amend the pleadings has passed, the plaintiff must first demonstrate good 11 cause for amending a court-imposed scheduling order under Rule 16(b)(4).

Johnson v. Mammoth 12 Recreations, Inc., 975 F.2d 604, 607-09 (9th Cir. 1992) (“Once the district court had filed a 13 pretrial scheduling order pursuant to Federal Rule of Civil Procedure 16 which established a 14 timetable for amending pleadings that rule’s standards controlled.”). Rule 16(b)’s good cause 15 standard “primarily considers the diligence of the party seeking the amendment,” and if the 16 moving party “was not diligent, the inquiry should end.” Id. at 609.

On the other hand, if the 17 moving party demonstrates diligence under Rule 16(b), the court then applies the standard under 18 Rule 15(a) to determine whether the amendment is proper. See id. at 608. 19 Here, the Court is not satisfied that Wilson demonstrates diligence sufficient to warrant 20 amendment under Rule 16.

The Court set a case schedule following an initial case management 21 conference on May 22, 2025, and therein set a deadline of June 6, 2025, to amend the complaint. 22 Dkt. No. 18. Wilson took no action to amend the form complaint originally submitted in state 23 court.

In the opposition brief, Wilson does not identify any facts or even any evidence suggesting 24 that she could plausibly state a claim for any of the nine causes of action and thus fails to 25 demonstrate good cause in support of amending the deadline for amendment of pleadings. 26 1 Though outside the scope of the Court’s consideration of the instant Rule 12(c) motion, Wilson’s 27 continued failure to comply with discovery obligations pursuant to Rule 26 through the time of 1 On this same basis, Wilson’s request for amendment under Rule 15 would fall flat.

2 || Though Wilson requests leave to amend in the opposition brief, leave to amend is “not to be 3 || granted automatically” — particularly where the plaintiff fails to propose new specific facts. In re 4 W. States Wholesale Nat. Gas Antitrust Litig., 715 F.3d 716, 738 (9th Cir. 2013) (quoting Jackson 5 v. Bank of Hawai ‘i, 902 F.2d 1385, 1387 (9th Cir. 1990)).

Wilson offers no facts or legal 6 authority in the opposition brief to support the contention that leave to amend should be granted. 7 || At best, Wilson’s opposition sets forth two boilerplate allegations that Wilson was forced to work 8 in unsafe conditions and was physically assaulted by a Target employee. See Dkt. No. 23 at 5. 9 || These averments, like those in the original complaint

found deficient above, offer only “labels and 10 conclusions” and “naked assertions devoid of further factual enhancement.” *Twombly*, 550 U.S. at 11 545-46.

This is insufficient. Wilson fails to provide “enough facts to state a claim to relief that is 12 || plausible on its face.” *Jd.* at 547. Given the failure to amend the complaint during the time 13 allowed under the scheduling order, as well as not identifying any factual support to augment the 14 || complaint, the Court is left with the distinct impressions that Wilson has not demonstrated 3 15 diligence in prosecuting this case and that amendment would prove futile.

See also *Novak v. a 16 United States*, 795 F.3d 1012, 1020 (9th Cir. 2015) (“Futility alone can justify a court’s refusal to 3 17 || grant leave to amend.”). 13 | ☐☐ coNcLUSION 19 For the foregoing reasons, the Court GRANTS Defendant Target’s motion for judgment 20 || on the pleadings.

Because the applicable legal standard for amendment of pleadings at this stage 21 of case is “good cause” under Rule 16 and because Plaintiff failed to offer any facts in support of 22 || granting leave to amend, the Court DISMISSES the case with prejudice. 23 24 IT IS SO ORDERED. 25 Dated: November 6, 2025 26 ☐ / 7 (Mnaceh Wedel ☐ ARACELI MARTINEZ-OLGUIN 28 United States District Judge