

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

John Malaspina v. American Airlines, Inc.

Malaspina v. American Airlines, Inc., No. 25-cv-05411-JSC (N.D. Cal. Oct. 31, 2025) · No. 25-cv-05411-JSC ·
Decided October 31, 2025

SUMMARY

The United States District Court for the Northern District of California addresses American Airlines, Inc.’s motion to dismiss John Malaspina’s claims under the Americans with Disabilities Act, the California Fair Employment and Housing Act, and California Labor Code § 1102.5. The court dismisses the ADA and FEHA claims as untimely and denies dismissal of the § 1102.5 damages claim on statute-of-limitations grounds. The court also addresses equitable tolling and the effect of related class and enforcement proceedings, and grants the motion to dismiss with leave to amend.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jacqueline Scott Corley
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 31, 2025
DOCKET	25-cv-05411-JSC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant removed the action from California state court and moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims as untimely and, as to the FEHA and California Labor Code section 1102.5 retaliation claims, for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, construes them in the light most favorable to the nonmoving party, and determines whether the complaint states a facially plausible claim. A statute-of-limitations defense may be resolved at the pleading stage only when the expiration is apparent on the face of the complaint.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

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QUESTIONS PRESENTED

1. Whether Malaspina's ADA claims were barred by the 90-day period following issuance of the EEOC right-to-sue notice.
2. Whether Malaspina's FEHA claims were barred by the one-year period following issuance of the CRD right-to-sue notice.
3. Whether the statute of limitations for a claim seeking damages under California Labor Code section 1102.5 is three years rather than one year.
4. Whether the complaint plausibly alleged equitable tolling based on Malaspina's alleged mental impairment.
5. Whether the complaint plausibly alleged causation for FEHA and California Labor Code section 1102.5 retaliation claims.
6. Whether leave to amend should be granted.

HOLDINGS

1. ADA claims must be filed within 90 days after the EEOC right-to-sue notice is received, and Malaspina's ADA claims were untimely because he filed suit nearly a year and a half after the applicable deadline.
2. FEHA claims must be filed within one year after the CRD right-to-sue notice, subject to any applicable tolling, and Malaspina's FEHA claims were untimely.
3. A claim for damages under California Labor Code section 1105 for a violation of section 1102.5 is subject to the three-year limitations period in California Code of Civil Procedure section 338(a), rather than the one-year period in section 340(a) applicable to penalties.
4. The complaint did not plead facts sufficient to establish equitable tolling of the ADA or FEHA limitations periods.
5. The complaint failed to plausibly allege a causal link between protected activity and termination because the eight-month gap was too long, the alleged pattern of antagonism was insufficient, and continuing protected activity was pleaded only in conclusory terms.
6. Leave to amend was appropriate because the court could not determine that the pleading defects could not possibly be cured by alleging additional facts.

KEY QUOTATIONS

“As Plaintiff’s claim for damages is “not in the nature of a ‘penalty or forfeiture,’” § 338(a) controls and a three-year statute of limitations applies.” (Discussion § II)

“For the reasons set forth above, Plaintiff’s ADA and FEHA claims are time-barred; thus, the first through seventh causes of action are dismissed with leave to amend.” (Conclusion)

“The eighth cause of action under California Labor Code § 1102.5, while not time barred, fails to state a claim and is dismissed with leave to amend.” (Conclusion)

FACTUAL BACKGROUND

American Airlines employed Malaspina from 2007 to 2023. After he suffered a traumatic brain injury in 2008, he received work restrictions, sought accommodations and reassignment, and alleged that American applied a policy requiring employees to be 100 percent healed before returning to work. American allegedly denied accommodations and reinstatement and terminated Malaspina on April 21, 2022. He received a CRD right-to-sue notice on May 19, 2023, an EEOC right-to-sue notice on June 9, 2023, and filed this action on April 15, 2025.

PROCEDURAL HISTORY

Malaspina filed suit in San Mateo Superior Court on April 15, 2025, after receiving right-to-sue notices from the California Civil Rights Department and the EEOC. American Airlines removed the case to federal court and moved to dismiss the First Amended Complaint. The court dismissed the ADA, FEHA, and California Labor Code section 1102.5 claims, but granted leave to amend; it held the section 1102.5 damages claim was timely, while dismissing that claim for inadequate pleading of causation.

DISPOSITION

dismissed

CASES CITED

- United States v. Ritchie, 342 F.3d 903, 908 (9th Cir. 2003)
- In re NVIDIA Corp. Sec. Litig., 768 F.3d 1046, 1058 n.10 (9th Cir. 2014)
- Coto Settlement v. Eisenberg, 593 F.3d 1031, 1038 (9th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Manzarek v. St. Paul Fire & Marine Ins. Co., 519 F.3d 1025, 1031 (9th Cir. 2008)
- U.S. ex rel. Air Control Techs., Inc. v. Pre Con Indus., Inc., 720 F.3d 1174, 1178 (9th Cir. 2013)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 969 (9th Cir. 2010)
- Payan v. Aramark Mgmt. Servs. Ltd. P’ship, 495 F.3d 1119, 1121-22 (9th Cir. 2007)
- Romano v. Rockwell Int’l, Inc., 14 Cal. 4th 479, 492 (1996)
- Hall v. Goodwill Indus. of S. Cal., 193 Cal. App. 4th 718, 730-31 (2011)
- Newton v. Bank of Am., No. CV 16-09581-AB (RAOx), 2018 WL 6219946, at *3 (C.D. Cal. Jan. 18, 2018)
- Taswell v. Regents of Univ. of Cal., 23 Cal. App. 5th 343, 361 (2018)
- G.H.I.I. v. MTS, Inc., 147 Cal. App. 3d 256, 276-79 (1983)
- Menefee v. Ostawari, 228 Cal. App. 3d 239, 243 (1991)
- Hypertouch, Inc. v. ValueClick, Inc., 192 Cal. App. 4th 805, 840-43 (2011)

- *West v. Am. Tel. & Tel. Co.*, 311 U.S. 223, 237 (1940)
- *AGK Sierra De Montserrat, L.P. v. Comerica Bank*, 109 F.4th 1132, 1136 (9th Cir. 2024)
- *Johnson v. Lucent Techs. Inc.*, 653 F.3d 1000, 1010 (9th Cir. 2011), as amended (Aug. 19, 2011)
- *Lacayo v. Donahoe*, No. 14-CV-04077-JSC, 2015 WL 993448, at *1, 10 (N.D. Cal. Mar. 4, 2015)
- *Nelmida v. Shelly Eurocars, Inc.*, 112 F.3d 380, 384 (9th Cir. 1997)
- *Stoll v. Runyon*, 165 F.3d 1238, 1242 (9th Cir. 1999), as amended (Mar. 22, 1999)
- *Bills v. Clark*, 628 F.3d 1092, 1099-1100 (9th Cir. 2010)
- *Kuklok v. United States Dep't of Veterans Affs.*, No. 19-CV-02958-DMR, 2020 WL 4051561, at *5 (N.D. Cal. July 20, 2020), *aff'd sub nom. Kuklok v. U.S. Dep't of Veterans Affs.*, No. 21-15105, 2022 WL 256361 (9th Cir. Jan. 26, 2022)
- *Addison v. State of Cal.*, 21 Cal. 3d 313, 319 (1978)
- *Darnaa, LLC v. Google, Inc.*, No. 15-CV-03221-RMW, 2016 WL 6540452, at *5 (N.D. Cal. Nov. 2, 2016)
- *Clemens v. DaimlerChrysler Corp.*, 534 F.3d 1017, 1025 (9th Cir. 2008)
- *Centaur Classic Convertible Arbitrage Fund Ltd. v. Countrywide Fin. Corp.*, 878 F. Supp. 2d 1009, 1017 (C.D. Cal. 2011)
- *Am. Pipe & Const. Co. v. Utah*, 414 U.S. 538, 554 (1974)
- *Somers v. Digital Realty Tr. Inc.*, No. 14-CV-05180-EMC, 2018 WL 3730469, at *14 (N.D. Cal. Aug. 6, 2018)
- *Yanowitz v. L'Oreal USA, Inc.*, 36 Cal. 4th 1028, 1042 (2005)
- *Arteaga v. Brink's, Inc.*, 163 Cal. App. 4th 327, 354 (2008)
- *Loggins v. Kaiser Permanente Int'l.*, 151 Cal. App. 4th 1102, 1110 n.6 (2007)
- *Cornwell v. Electra Cent. Credit Union*, 439 F.3d 1018, 1035 (9th Cir. 2006)
- *Yartzoff v. Thomas*, 809 F.2d 1371, 1375-76 (9th Cir. 1987)
- *Porter v. Cal. Dep't of Corr.*, 419 F.3d 885, 895 (9th Cir. 2005)
- *Heyer v. Governing Bd. of Mount Diablo Unified Sch. Dist.*, No. C-10-4525 MMC, 2011 WL 2600913, at *3 (N.D. Cal. June 30, 2011), *aff'd*, 521 F. App'x 599 (9th Cir. 2013)
- *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc)