

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Romero v. Tribune Media Company

Romero v. Tribune Media Company · No. 2:24-cv-3143 AC · Decided March 20, 2025

SUMMARY

The Eastern District of California addressed Tribune Media Company’s motion to dismiss claims arising from Sergio Romero’s termination during medical leave related to stomach cancer. The court denied dismissal of claims for wrongful termination in violation of public policy, FEHA disability discrimination, failure to accommodate, and failure to engage in the interactive process. The court dismissed the FEHA retaliation claim and struck the request for punitive damages, denying leave to amend those matters as futile.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Allison Claire
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 20, 2025
DOCKET	2:24-cv-3143 AC
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss all five causes of action in the First Amended Complaint and moved to strike the prayer for punitive damages.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, construes them in the plaintiff’s favor, and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief. Legal conclusions and allegations contradicted by matters subject to judicial notice need not be accepted as true.
PRECEDENTIAL VALUE	unpublished district-court order; persuasive at most and not binding precedent outside the case
PARTIES	Sergio Romero v. Tribune Media Company

TOPICS

disability discrimination

reasonable accommodation

wrongful termination

retaliation

motions to dismiss

PRACTICE AREAS

employment law

disability discrimination

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the First Amended Complaint plausibly stated a FEHA disability and medical-condition discrimination claim.
2. Whether the First Amended Complaint plausibly stated a FEHA failure-to-accommodate claim.
3. Whether the First Amended Complaint plausibly stated a FEHA failure-to-engage-in-the-interactive-process claim.
4. Whether the First Amended Complaint plausibly stated a FEHA retaliation claim based on Romero's requests for medical leave and an extension of leave.
5. Whether the alleged FEHA discrimination claim supported a common-law wrongful-termination-in-violation-of-public-policy claim.
6. Whether Romero adequately pleaded a basis for punitive damages against the corporate defendant.
7. Whether leave to amend should be granted as to the dismissed retaliation claim and punitive-damages request.

HOLDINGS

1. The First Amended Complaint plausibly stated a FEHA disability-discrimination claim because it alleged a covered disability, qualification to perform the essential functions of the job with or without reasonable accommodation, and termination under circumstances supporting an inference that the termination was because of the disability.
2. The First Amended Complaint plausibly stated a FEHA failure-to-accommodate claim by alleging that Romero had a covered disability, was qualified to perform the essential functions of his position, and requested unpaid medical leave as a reasonable accommodation that Tribune failed to provide or maintain.
3. The First Amended Complaint plausibly stated a FEHA interactive-process claim by alleging a known disability, notice to the employer, communications concerning accommodation and leave, and the employer's failure to communicate adequately regarding the end of leave before terminating Romero.
4. The First Amended Complaint failed to state a FEHA retaliation claim because it alleged requests for accommodation and leave but did not allege that Romero opposed an employer practice prohibited by FEHA or otherwise engaged in protected opposition activity.
5. The wrongful-termination claim survived because the adequately pleaded FEHA discrimination claim supplied a public-policy basis for the derivative common-law claim.
6. The request for punitive damages was stricken because the complaint did not adequately allege facts showing that an officer, director, or managing agent of Tribune was personally guilty of oppression,

fraud, or malice or ratified such conduct.

7. Leave to amend was denied as futile as to the FEHA retaliation claim and the punitive-damages request.

KEY QUOTATIONS

“The purpose of a motion to dismiss pursuant to Rule 12(b)(6) is to test the legal sufficiency of the complaint.” (at 2)

“These alleged circumstances support an inference that the “failure to return to work” rationale was not the actual reason for termination, leaving discrimination as the most likely motivation.” (at 5)

“In other words, a FEHA retaliation claim must begin with some sort of opposition to an employer’s discriminatory or violative action on the part of the plaintiff followed by an adverse action by the employer.” (at 8)

FACTUAL BACKGROUND

Sergio Romero worked as an account executive for Tribune Media Company and was diagnosed with stomach cancer in June 2023. He worked remotely during treatment and later took unpaid medical leave that he alleged was approved and extended through communications with his supervisor and UNUM. Tribune notified him in June 2024 that his employment would terminate effective July 1 for failure to return from leave, even though he alleged that he remained qualified to perform his essential job functions with or without accommodation and had not yet reached his expected return date.

PROCEDURAL HISTORY

Romero filed a First Amended Complaint asserting wrongful termination in violation of public policy, FEHA disability and medical-condition discrimination, failure to accommodate, failure to engage in the interactive process, and FEHA retaliation. Tribune Media moved to dismiss and to strike punitive damages. After briefing and a hearing, the court granted the motion in part and denied it in part, dismissing the FEHA retaliation claim and striking the punitive-damages request while allowing the remaining claims to proceed.

DISPOSITION

other

CASES CITED

- N. Star Int'l v. Ariz. Corp. Comm'n, 720 F.2d 578, 581 (9th Cir. 1983)
- Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th Cir. 1990)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 960 (9th Cir. 2010), cert. denied, 564 U.S. 1037 (2011)

- *Hebbe v. Pliler*, 627 F.3d 338, 340 (9th Cir. 2010)
- *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981)
- *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir.), amended by 275 F.3d 1187 (9th Cir. 2001)
- *Alejandro v. ST Micro Elecs., Inc.*, 129 F. Supp. 3d 898, 907 (N.D. Cal. 2015)
- *Brundage v. Hahn*, 57 Cal. App. 4th 228, 236 (1997)
- *Humphrey v. Mem'l Hosps. Ass'n*, 239 F.3d 1128, 1133 (9th Cir. 2001)
- *Ibarbia v. Regents of Univ. of Cal.*, 191 Cal. App. 3d 1318, 1328 (1987)
- *Achal v. Gate Gourmet, Inc.*, 114 F. Supp. 3d 781, 798-99, 817 (N.D. Cal. 2015)
- *Scotch v. Art Inst. of Cal.-Orange County, Inc.*, 173 Cal. App. 4th 986, 1003 (2009)
- *Hanson v. Lucky Stores, Inc.*, 74 Cal. App. 4th 215, 228 n.11 (1999)
- *Jensen v. Wells Fargo Bank*, 85 Cal. App. 4th 245, 255-56 (2000)
- *Kelley v. Corr. Corp. of Am.*, 750 F. Supp. 2d 1132, 1143-44 (E.D. Cal. 2010)
- *Tameny v. Atl. Richfield Co.*, 27 Cal. 3d 167, 170 (1980)
- *Freund v. Nycomed Amersham*, 347 F.3d 752, 758 (9th Cir. 2003)
- *City of Moorpark v. Superior Court*, 18 Cal. 4th 1143, 1159 (1998)
- *Ayala v. Frito Lay, Inc.*, 263 F. Supp. 3d 891, 913 (E.D. Cal. 2017)
- *Henry A. v. Willden*, 678 F.3d 991, 1005 (9th Cir. 2012)
- *Coppola v. Smith*, 982 F. Supp. 2d 1133, 1136-37 (E.D. Cal. 2013)
- *Mueller v. Aulker*, 700 F.3d 1180, 1191 (9th Cir. 2012)
- *Telesaurus VPC, LLC v. Power*, 623 F.3d 998, 1003 (9th Cir. 2010)

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