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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DION JOHNSON,

Plaintiff,

v.

STARBUCKS CORPORATION,

Defendant.

CASE NO. _____

**PLAINTIFF’S ORIGINAL
COMPLAINT**

Plaintiff Dion Johnson files this Original Complaint against Defendant Starbucks Corporation (“Starbucks”) alleging wrongful discharge as a form of discrimination in violation of the Family and Medical Leave Act, 29 U.S.C. § 2601, *et seq.* (the “FMLA”), Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000, *et seq.* (“Title VII”), the Uniformed Services Employment and Reemployment Rights Act 38 U.S.C. § 4301, *et seq.* (“USERRA”), and the Washington Paid Family Leave Act, RCW Title 50A (the “WPFLA”). Plaintiff requests equitable relief, damages, interest, and costs for Defendant’s unlawful acts.

I. PARTIES AND SERVICE

1. Plaintiff Dion Johnson is a resident of Snohomish County, Washington.

1 2. Defendant Starbucks Corporation (“Starbucks”) is a corporation headquartered in
2 Seattle, Washington. Starbucks may be served via its registered agent, Corporation Service
3 Company, 300 Deschutes Way SW, Suite 208 MC-CSC1, Tumwater, WA 98501, or wherever it
4 may be found.

5 3. Starbucks Corporation operates under the fictitious name “Starbucks Coffee
6 Company.” Plaintiff received a W2 tax document from Starbucks utilizing the fictitious name
7 “Starbucks Coffee Company.”

8 **II. JURISDICTION AND VENUE**

9 4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because this matter
10 involves controversies arising under the laws of the United States, including the FMLA, Title
11 VII, and USERRA. This Court has supplemental jurisdiction over Plaintiff's state law claims
12 pursuant to 28 U.S.C. § 1367.

13 5. Venue is proper in the Western District of Washington, under 28 U.S.C.
14 § 1391(b)(1) and (2) because Defendant Starbucks resides in this District, and because a
15 substantial part of the events or omissions giving rise to Plaintiff’s claims occurred in this
16 District.

17 6. On January 19, 2023, Plaintiff timely filed a “Charge of Discrimination” with the
18 U.S. Equal Employment Opportunity Commission (the “EEOC”) alleging discrimination on the
19 basis of sex, with retaliation.

20 7. On March 28, 2023, Plaintiff received the EEOC’s Notice of Dismissal and Right
21 to File Civil Action (the “EEOC Right to Sue Letter”). This lawsuit is being filed within ninety
22 (90) days of Plaintiff’s receipt of the EEOC Right to Sue Letter.

23 8. All administrative and jurisdictional prerequisites have been met or have expired.
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1 **III. FACTUAL SUMMARY**

2 9. Plaintiff, who is male and a U.S. Army veteran, began working for Starbucks in
3 June 2018 as a Senior Vendor Services Management Analyst.

4 10. Plaintiff's veteran status includes being both an active-duty wartime or campaign
5 badge veteran and a disabled veteran.

6 11. When Plaintiff worked for Starbucks, he was an "employee" as defined by the
7 FMLA, Title VII, USERRA, and the WPFLA.

8 12. At all times relevant, Starbucks was an "employer" as defined by the FMLA,
9 Title VII, USERRA, and the WPFLA.

10 13. Starbucks employed more than 500 employees who were employed for each of
11 20 or more calendar weeks in 2022, 2021, and 2020.

12 14. From June 2018 through about August 2021, Plaintiff worked in Starbucks'
13 corporate headquarters in Seattle, Washington.

14 15. From about August 2021 through his termination on April 1, 2022, Plaintiff
15 worked remotely from his now-former residence in Austin, Texas. During this time, he
16 continued to report to his supervisors, Carrie Worley and Russell Loftis, both of whom worked
17 from Starbucks' corporate headquarters in Seattle, Washington.

18 16. At all times relevant, Plaintiff's employment with Starbucks included working in
19 the State of Washington or his employment was not localized to services provided in the State of
20 Washington, but it included performing services at Starbucks' corporate office in Seattle,
21 Washington, where it had its base of operations that directed and controlled the terms of
22 Plaintiff's employment.

23 17. Approximately one month after his hiring in 2018, Plaintiff disclosed his veteran
24 status to Worley, and announced that he had joined a veterans' meeting group at Starbucks.

1 18. Worley frequently and pointedly complained to Plaintiff and others that veterans
2 were not good employees, could not “think for themselves,” and tended to “slow everyone
3 down” at work. Worley derided ex-military employees in front of Plaintiff and other veterans.

4 19. Worley not only expressed contempt for veterans; she frequently complained
5 about employees who took family leave, specifically men who took paternity leave. Worley told
6 Plaintiff that she hoped he would “last longer” than Plaintiff’s predecessor, Jake Crist, who took
7 paternity leave shortly after his hiring, highlighting how much of an inconvenience she
8 considered paternity leave.

9 20. Worley groused that those who took family leave were getting a “free vacation”
10 and were a “drain” on Starbucks’ resources. On multiple occasions, Worley espoused gendered
11 complaints about family leave, claiming that “real dads” would return to work after only a few
12 days. Revealing her discriminatory perspective of parental leave, Worley ridiculed those who
13 took extended leave to, in Worley’s words, have “free time.”

14 21. Worley commonly advised people not to have children, as having children would
15 cause the employee to become “distracted” and force the employee to retire at an old age,
16 thereby impacting their ability to work for Starbucks.

17 22. In January 2021, Plaintiff told Worley that he would be taking FMLA- and
18 WPFLA-protected paternity leave in the spring upon the birth of his first child. Worley
19 acknowledged Plaintiff’s disclosure but continued to complain about family leave, soon turning
20 her ire to Plaintiff.

21 23. Worley began baselessly accusing Plaintiff of being “combative,” telling Plaintiff
22 to “tone down” his thoughts, and forbidding Plaintiff from speaking during meetings, frequently
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1 interrupting him and making obviously disgruntled facial expressions during meetings when he
2 spoke.

3 24. Worley’s behavior after Plaintiff’s request for FMLA and WPFLA leave was in
4 stark contrast to Worley previously telling Plaintiff that he should “find reasons” to speak up
5 during meetings, despite Plaintiff explaining that he actively listens and learns during meetings,
6 and indeed does speak up when he had specific cause to do so or was called upon.

7 25. Having already witnessed Worley’s shift in behavior upon the announcement of
8 his upcoming FMLA and WPFLA leave—and fearing the retaliation after actually taking his
9 protected leave—on February 9, 2021, Plaintiff reported Worley’s discriminatory complaints via
10 email to Loftis, who acknowledged Plaintiff’s complaint.

11 26. In March 2021, HR’s Trish Dinkins told Plaintiff that their investigation had
12 determined that Worley had made inappropriate comments and violated Starbucks policies
13 regarding veterans and individuals on parental leave.

14 27. In April 2021, Plaintiff began his FMLA- and WPFLA-protected paternity leave
15 to care for his newborn, hoping that when he returned, Starbucks’ investigation would stop
16 Worley’s constant discriminatory sniping.

17 28. However, when Plaintiff returned from his paternity leave in August 2021,
18 Worley continued to spout discriminatory insults about veterans and those who take paternity
19 leave. Worley also continued to berate Plaintiff during meetings and dismiss his attempts to
20 participate in meetings and obtain information needed to ramp up his work after returning from
21 FMLA and WPFLA leave. Worley would instead falsely paint Plaintiff as “being combative”
22 and “asking too many questions,” and that he needed to stop asking questions and just do his
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1 work. Other analysts who reported to Worley, including women, were not shut down by Worley
2 like Plaintiff was in asking questions and participating in meetings.

3 29. In a veiled threat hearkening back to Plaintiff's complaints to HR, Worley told
4 Plaintiff, "You have to work with me and get over it."

5 30. Humiliated by Worley's treatment, Plaintiff submitted a complaint to HR's Traci
6 Bernd on September 30, 2021, out of concern for the lack of follow-through in Starbucks
7 addressing his prior complaint to end Worley's treatment, and to reiterate the bullying and
8 disparate behavior he experienced upon his return from FMLA and WPFLA leave.

9 31. In November 2021, within two weeks of reporting Worley again to HR, Worley
10 issued Plaintiff his first-ever negative performance review. This was the first performance
11 review Plaintiff received since he had taken FMLA- and WPFLA-protected paternity leave.

12 32. Before Plaintiff had complained about discriminatory behavior from Worley, and
13 before he had taken FMLA- and WPFLA-protected paternity leave, his performance reviews
14 had been above average, and his 2020 bonus had been the highest of his tenure.

15 33. On November 16, 2021, desperate to halt Worley's constant verbal assaults and
16 address the discriminatory and retaliatory nature of his most recent review, Plaintiff submitted
17 another complaint of continuing retaliation, describing the humiliation he had suffered by
18 having to continue reporting to Worley and by Starbucks' failure to follow through with
19 addressing the situation.

20 34. Starbucks and Loftis continued to ignore Plaintiff's complaints, and Worley's
21 humiliating discriminatory and retaliatory behavior continued.

22 35. On or about February 3, 2022, after completing a mandatory harassment training
23 session, Plaintiff realized that Worley's comments met all of the qualifications that Starbucks
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1 defined as “harassment,” including that her comments were improper and unwanted. Plaintiff
2 subsequently emailed Dinkins explaining his observations.

3 36. In a follow-up email, Dinkins replied that Starbucks would continue to address
4 any “opportunities” to speak with Worley, yet she still provided no specifics as to what actions
5 had taken or would take place as a result of the complaints and investigation.

6 37. On or about March 10, 2022, Loftis placed Plaintiff on a Performance
7 Improvement Plan (“PIP”), scheduled to end in 60 days (on or about May 9, 2022). The PIP
8 contained a litany of unsupported statements and false accusations that echoed Worley’s
9 discriminatory criticisms of veterans and men who took paternity leave.

10 38. Plaintiff asked Loftis for specific goals and explanation of the metrics that would
11 be used to track his performance, as the PIP contained neither – only subjectively stated alleged
12 needs for improvement. Loftis brushed off Plaintiff and stated that he did not know and would
13 have to consult HR.

14 39. Confused, considering his good performance history prior to reporting Worley’s
15 discrimination, Plaintiff asked Loftis why no one had brought the alleged deficiencies to
16 Plaintiff before moving forward with a PIP. Loftis admitted ignorance, dismissively responding,
17 “I don’t know. I don’t know what you want me to say.”

18 40. Per the requirements of the PIP, Plaintiff subsequently arranged for his first bi-
19 weekly check-in meeting with Loftis.

20 41. Loftis cancelled the first bi-weekly check-in required under the PIP and never
21 rescheduled.

22 42. On April 1, 2022, over one month before the scheduled end date of the PIP,
23 Loftis terminated Plaintiff’s employment via Teams call. Loftis claimed that Plaintiff’s behavior
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1 did not align with Starbucks' values, Plaintiff had allegedly showed a lack of integrity, and
2 Plaintiff had "failed" to perform his job in a way that created a "positive environment."

3 43. Loftis told Plaintiff that he felt "upset" that Plaintiff had made "rude" comments
4 about Worley and how he had been told by HR that Plaintiff had presented her in a "negative"
5 way.

6 44. When Plaintiff attempted to defend himself from Loftis' false accusations and
7 clarify that his complaints were meant to report Worley's constant discrimination and
8 retaliation, Loftis cut Plaintiff off and told Plaintiff that he did not want to argue with Plaintiff
9 because Plaintiff was "dragging the team down."

10 45. Loftis then stated, "Maybe having a kid wasn't the best choice for you."

11 46. After the meeting, Plaintiff reached out to HR for an explanation of his
12 termination.

13 47. The HR representative acknowledged that Loftis' statements during the meeting
14 were "unusual," then confirmed that Loftis had violated Starbucks policy by terminating
15 Plaintiff without including a member of HR in the meeting.

16 48. At the time Plaintiff's employment with Starbucks ended, he possessed all
17 certifications, degrees, and licenses required for his position.

18 49. Starbucks' reasons for terminating Plaintiff's employment were mere pretext for
19 terminating him in violation of the FMLA, Title VII, USERRA, and the WPFLA.

20 50. Worley and Loftis' termination of Plaintiff's employment was a willful violation
21 of Plaintiff's rights under the FMLA, USERRA, and the WPFLA.

22 51. All conditions precedent have been performed or have occurred.

1 **IV. CAUSES OF ACTION**

2 **COUNT ONE: VIOLATION OF THE FMLA**

3 52. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

4 53. When Plaintiff worked for Starbucks, he was an “eligible employee” as defined
5 by the FMLA because, at the time Plaintiff took FMLA-protected leave, he was employed by
6 Starbucks for over twelve months, he worked at least 1,250 hours over the twelve month period
7 preceding his FMLA leave, and Starbucks employed fifty or more employees at or within
8 seventy-five miles of both (a) Plaintiff’s home worksite in Texas, where Plaintiff worked, or (b)
9 Starbucks’ headquarters in Seattle, Washington, from which Plaintiff’s work was assigned and
10 to which he reported.

11 54. Anticipating the birth of his first child, in February 2021, Plaintiff informed
12 Worley that he would be utilizing parental leave to care for his newborn child, which
13 constituted protected leave under the FMLA.

14 55. Worley subsequently began harassing Plaintiff as a result of his request for future
15 leave.

16 56. Plaintiff then reported Worley’s retaliatory behavior to Starbucks, who found
17 that Worley had violated the law by making inappropriate comments about those who take
18 parental leave.

19 57. Following the birth of Plaintiff’s child, Plaintiff took twelve weeks of parental
20 leave to care for his newborn child, which constituted protected leave under the FMLA.

21 58. Immediately after returning to work from leave protected by the FMLA, Worley
22 resumed harassing Plaintiff as a result of his taking protected paternity leave.

23 59. Plaintiff then reported Worley’s behavior to Starbucks again, this time to Loftis.

24 60. In retaliation for his complaints about Worley, Loftis placed Plaintiff on a PIP.

1 61. After Plaintiff completed less than 30 days of the 60-day PIP, Loftis terminated
2 Plaintiff's employment, citing Plaintiff's complaints against Worley as a reason for his
3 termination.

4 62. The actions of Starbucks were made willfully in order to interfere with, restrain,
5 or deny the exercise or the attempt to exercise Plaintiff's rights under the FMLA, and/or to
6 retaliate against Plaintiff for exercising his rights under the FMLA.

7 63. As a direct and proximate consequence of Starbucks' willful violations of the
8 FMLA, Plaintiff has suffered damages.

9 64. Plaintiff's damages include lost wages, salary, employment benefits, and other
10 compensation.

11 65. Plaintiff seeks damages, liquidated damages pursuant to 29 U.S.C.
12 § 2617(a)(1)(A)(iii), pre- and post-judgment interest, such equitable relief as may be
13 appropriate, attorneys' fees, expert witness fees, if any, and costs of court.

14 **COUNT TWO: DISCRIMINATORY DISCHARGE IN VIOLATION OF TITLE VII**

15 66. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

16 67. Plaintiff has satisfied all administrative and jurisdictional prerequisites in
17 connection with his claim under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000, et
18 seq. ("Title VII").

19 68. Plaintiff's termination was on the basis of his sex and failure to adhere to gender
20 stereotypes.

21 69. Plaintiff's termination was malicious or made with reckless indifference to his
22 federally-protected rights.

23 70. As a direct and proximate consequence of Starbucks' violation, Plaintiff has
24 suffered damages.

1 71. Plaintiff's damages include lost wages, past and future mental anguish,
2 inconvenience, and loss of enjoyment of life.

3 72. Plaintiff seeks equitable relief, compensatory and exemplary damages, pre- and
4 post-judgment interest, attorneys' fees, and costs.

5 **COUNT THREE: RETALIATORY DISCHARGE IN VIOLATION OF TITLE VII**

6 73. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

7 74. After Plaintiff reported Worley's discriminatory behavior, Starbucks retaliated
8 against Plaintiff by terminating Plaintiff's employment.

9 75. Plaintiff's termination was on the basis of his protected complaints in violation
10 of Title VII.

11 76. Plaintiff's termination was malicious or made with reckless indifference to his
12 federally-protected rights.

13 77. As a direct and proximate consequence of Starbucks' violation, Plaintiff has
14 suffered damages.

15 78. Plaintiff's damages include lost wages, past and future mental anguish,
16 inconvenience, and loss of enjoyment of life.

17 79. Plaintiff seeks equitable relief, compensatory and exemplary damages, pre- and
18 post-judgment interest, attorneys' fees, and costs.

19 **COUNT FOUR: HARASSMENT IN VIOLATION OF TITLE VII**

20 80. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

21 81. Starbucks subjected Plaintiff to continued harassment by allowing Worley to
22 continually harass Plaintiff by subjecting Plaintiff to derogatory treatment, which was directly
23 related to Plaintiff's sex, in violation of Title VII.

1 82. This harassment, fostered by Starbucks' failures to restrain it or discipline
2 Worley, even after confirming that Worley's behavior was inappropriate, permeated Plaintiff's
3 workplace with discriminatory intimidation and was sufficiently severe and pervasive to alter
4 the conditions of Plaintiff's employment, creating a hostile or abusive work environment.

5 83. As a direct and proximate consequence of Starbucks' violation, Plaintiff has
6 suffered damages.

7 84. Plaintiff's damages include lost wages, past and future mental anguish,
8 inconvenience, and loss of enjoyment of life.

9 85. Plaintiff seeks equitable relief, compensatory and exemplary damages, pre- and
10 post-judgment interest, attorneys' fees, and costs.

11 86. Starbucks' actions were malicious or made with reckless indifference to his
12 federally-protected rights, entitling Plaintiff to recover punitive damages from Starbucks.

13 87. Plaintiff seeks all available remedies under Title VII, including mental anguish,
14 emotional distress, inconvenience, humiliation, loss of enjoyment of life, and other pecuniary
15 and non-pecuniary compensatory damages in the past and in the future.

16 **COUNT FIVE: WRONGFUL DISCHARGE IN VIOLATION OF USERRA**

17 88. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

18 89. Plaintiff is a veteran of the United States Armed Forces.

19 90. During the relevant time period, Starbucks violated USERRA, 38 U.S.C.
20 § 4311(a) because Plaintiff's veteran status was a substantial or motivating factor in Starbucks'
21 decision to terminate his employment.

22 91. Plaintiff is therefore entitled to damages equal to his lost wages and benefits.
23 *See* 38 U.S.C. § 4323(d)(1)(B).

1 92. Plaintiff is also entitled to a separate amount equal to his lost wages and benefits
2 as liquidated damages. *See id.* § 4323(d)(1)(C).

3 93. Plaintiff is also entitled to reasonable attorneys' fees, expert witness fees, costs
4 and other litigation expenses, and pre- and post-judgment interest. *See id.* § 4323(h)(2).

5 **COUNT SIX: RETALIATORY DISCHARGE IN VIOLATION OF USERRA**

6 94. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

7 95. During the relevant time period, Starbucks violated USERRA, 38 U.S.C.
8 § 4311(b) because Plaintiff's complaints of Worley's harassment against himself and other
9 veterans were substantial or motivating factors in Starbucks' decisions to terminate his
10 employment.

11 96. Plaintiff is therefore entitled to damages equal to his lost wages and benefits.
12 *See* 38 U.S.C. § 4323(d)(1)(B).

13 97. Plaintiff is also entitled to a separate amount equal to his lost wages and benefits
14 as liquidated damages. *See id.* § 4323(d)(1)(C).

15 98. Plaintiff is also entitled to reasonable attorneys' fees, expert witness fees, costs
16 and other litigation expenses, and pre- and post-judgment interest. *See id.* § 4323(h)(2).

17 **COUNT SEVEN: VIOLATION OF THE WPFLA**

18 99. Plaintiff re-alleges the foregoing allegations as if fully set forth herein.

19 100. When Plaintiff worked for Starbucks, he was an "eligible employee" as defined
20 by the WPFLA because, at the time of Plaintiff's family medical leave, Plaintiff was employed
21 by Starbucks for over twelve months, he worked at least 820 hours over the preceding twelve
22 month period, and Starbucks employed fifty or more employees at or within seventy-five miles
23 of both (a) Plaintiff's home worksite in Texas, where Plaintiff worked, or (b) Starbucks'

1 headquarters in Seattle, Washington, from which Plaintiff's work was assigned and to which he
2 reported.

3 101. Anticipating the birth of his first child, in February 2021, Plaintiff informed
4 Worley that he would be utilizing parental leave to care for his newborn child, which
5 constituted protected leave under the WPFLA.

6 102. Worley subsequently began harassing Plaintiff as a result of his request for future
7 leave.

8 103. Plaintiff then reported Worley's retaliatory behavior to Starbucks, who found
9 that Worley had violated the law by making inappropriate comments about those who take
10 parental leave.

11 104. Following the birth of Plaintiff's child, Plaintiff took twelve weeks of parental
12 leave to care for his newborn child, which constituted protected leave under the WPFLA.

13 105. Immediately after returning to work from leave protected by the WPFLA,
14 Worley resumed harassing Plaintiff as a result of his taking protected paternity leave.

15 106. Plaintiff then reported Worley's behavior to Starbucks again, this time to Loftis.

16 107. In retaliation for his complaints about Worley, Loftis placed Plaintiff on a PIP.

17 108. After Plaintiff completed less than 30 days of the 60-day PIP, Loftis terminated
18 Plaintiff's employment, citing Plaintiff's complaints against Worley as a reason for his
19 termination.

20 109. The actions of Starbucks were made willfully in order to interfere with, restrain,
21 or deny the exercise or the attempt to exercise Plaintiff's rights under the WPFLA, and/or to
22 retaliate against Plaintiff for exercising his rights under the WPFLA.

1 110. As a direct and proximate consequence of Starbucks' willful violations of the
2 WPFLA, Plaintiff has suffered damages.

3 111. Plaintiff's damages include lost wages, salary, employment benefits, and other
4 compensation.

5 112. Plaintiff seeks damages, liquidated damages pursuant to RCW § 50A.40.030(4),
6 pre- and post-judgment interest, such equitable relief as may be appropriate, attorneys' fees,
7 expert witness fees, if any, and costs of court.

8 **V. JURY DEMAND**

9 113. Plaintiff demands a jury trial and has tendered the appropriate fee.

10 **VI. PRAYER**

11 WHEREFORE, Plaintiff respectfully requests that the Court:

12 A. Issue summons for Defendant Starbucks Corporation to appear and answer;

13 B. Award to Plaintiff a judgment against Defendant for:

14 1. Equitable relief, including but not limited to the following injunctive and
15 other equitable relief:

16 a. Prohibiting Defendant from engaging in unlawful discrimination;

17 b. Requiring Defendant to enact policies and procedures that require
18 adequate training of their employees with respect to discrimination,
19 harassment, and retaliation;

20 c. Requiring Defendant to enact policies and procedures that require
21 adequate training of their executive, managerial, supervisory, and
22 human resources personnel to lawfully handle reports of
23 discrimination, harassment, and retaliation in a prompt and sensitive
24 manner;

1 d. Reporting to the Court the manner of Defendant's compliance with
2 the terms of a final order issued by the Court;

3 2. Past lost wages and benefits and either reinstatement or future lost wages
4 and benefits;

5 3. Compensatory, liquidated, punitive, and exemplary damages in the
6 maximum amount permitted by law;

7 4. Pre- and post-judgment interest;

8 5. Attorneys' fees;

9 6. Expert witness fees and other litigation expenses; and

10 7. Costs.

11 Plaintiff further requests such other relief to which he is entitled in law or in equity.

12 Respectfully Submitted,

13 /s/ Jennifer J. Spencer

14 Jennifer J. Spencer

15 *Pro Hac Vice Application Forthcoming*

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