



California Law Update

Cathy Arias

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BURNHAM BROWN ATTORNEY CATHY L. ARIAS OBTAINS UNANIMOUS DEFENSE VERDICT IN DISCRIMINATION TRIAL

Plaintiffs Joe Dean and Yusef Mustafa claimed they were subjected to race discrimination in violation of California's Unruh Civil Rights Act after they were denied drive-thru service at approximately 2:00 a.m. when visiting a McDonald's restaurant in San Diego, California. Plaintiffs alleged they were denied service because they are African-American. The restaurant vehemently denied that Plaintiffs' race played any factor in the evening's events.

Ms. Arias was able to establish that a technical problem caused the restaurant employee to be unaware of the Plaintiffs' presence at the drive-thru menu board. Further, she proved that it was Plaintiffs' angry and profanity laced reaction to their missed order that ultimately caused the restaurant to deny them service.

Following a successful motion, Burnham Brown was able to obtain a dismissal with prejudice of Plaintiff Mustafa's claims. Plaintiff Dean's claims proceeded to trial and the jury unanimously rejected his assertion that he was subjected to discrimination.

Burnham Brown's clients frequently seek advice about circumstances where service can be properly denied. This San Diego jury's decision supports the principle that businesses are within their rights to deny service when their workers are being abused. However, it is usually recommended and wise to circulate a written policy educating your employees as to how to handle such situations.

Cathy Arias is the chair of Burnham Brown's Employment Law Department and specializes in counseling and defending employers. She can be reached at 510.835.6806 or carias@burnhambrown.com.