Electronically Received 04/11/2024 07:33 PM

John Kawai (SBN 260120)
Nicholas C. Rowley (SBN 220036)
Grayson Yoder (SBN 337660)
TRIAL LAWYERS FOR JUSTICE
877 South Victoria Avenue, Suite 201
Ventura, CA 93003
Tel: 310-855-3727
Fax: 310-855-3595
Email: TeamOjai@TL4J.COM
Attorneys for Plaintiff, MICHAEL GARCIA

FILED
Superior Court of California
County of Los Angeles
04/11/2024
David W. Slayton, Executive Officer / Clerk of Court
By: S. Gracyk Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

MICHAEL GARCIA,

Plaintiff(s),

v.

STARBUCKS CORPORATION; AND DOES 1 TO 50,

Defendants(s),

CASE NO.: 20STCV10214

FIRST AMENDED COMPLAINT

Complaint Filed: MARCH 13, 2020
Trial Date: January 13, 2025
Dept: 28 – Spring Street Courthouse

Plaintiff MICHAEL GARCIA hereby complains of and alleges causes of action against Defendant STARBUCKS CORPORATION, and DOES 1 to 50, inclusive; as follows:

GENERAL ALLEGATIONS

1. PLAINTIFF is an individual residing in Los Angeles County, California.
2. Defendant STARBUCKS CORPORATION, is a Washington based corporation operating in California.

3. At all times mentioned in this complaint, DEFENDANTS were each the agents and employees of the other defendants, and in doing the things alleged in this complaint, defendants were acting within the course and scope of their agency and employment.
4. The true names and capacities, whether individual, corporate, associate, or otherwise, of defendants DOES 1 through 50, inclusive, are unknown to plaintiff at this time. Plaintiff is informed and believes, and based on that information and belief alleges, that each of the DEFENDANTS designated as a DOE is negligently or otherwise legally responsible for the events and happenings referred to in this complaint, and negligently or otherwise unlawfully caused the injuries and damages to PLAINTIFF alleged in this complaint.
5. This lawsuit stems from an incident that occurred at a STARBUCKS CORPORATION drive thru located at 1789 West Jefferson Boulevard, Los Angeles, California, 90018.
6. On February 8, 2020, PLAINTIFF entered the drive thru at the above referenced location. PLAINTIFF ordered hot drinks, and proceeded to the pickup window.
7. DEFENDANTS owed a duty to exercise reasonable care with respect to the preparation, handling, and service of hot beverages so as to prevent them from spilling onto and injuring customers such as Plaintiff.
8. *Inter alia*, this duty included a duty to properly secure their potentially dangerous products in the tray prior to handing them to a customer.
9. DEFENDANTS, and each of them, breached their duty of care by, *inter alia*, failing to properly "seat" or secure the hot drinks into a drink carrier, and otherwise negligently preparing, handling, and serving the drinks, so as to cause a hot drink to spill and cause catastrophic burns to Plaintiff, a customer.
10. Said failure to properly secure a hot drink in its carrier created a foreseeable danger that an unbalanced and unsecured cup of hot liquid would spill upon handing it to the customer such as Plaintiff. No reasonable expectation of an unsecure cup can be

attributed to Plaintiff's conduct.

11. As a legal, actual, and proximate result of the wrongful conduct of DEFENDANTS, and each of them, PLAINTIFF suffered severe burns, disfigurement, and debilitating nerve damage to his genitals when hot drinks ultimately spilled into PLAINTIFF's lap as a result of Defendants' negligence.

FIRST CAUSE OF ACTION

NEGLIGENCE

as to all Defendants

12. PLAINTIFFS hereby incorporate by reference each and every allegation of the preceding paragraphs as though fully set forth herein.
13. DEFENDANTS, owed a duty to exercise reasonable care with respect to the preparation, handling, and service of hot beverages so as to prevent them from spilling onto and injuring customers such as Plaintiff.
14. *Inter alia*, this duty included a duty to properly secure their potentially dangerous products in the tray prior to handing them to a customer.
15. DEFENDANTS, and each of them, breached their duty of care by, *inter alia*, failing to properly "seat" or secure the hot drinks into a drink carrier, and otherwise negligently preparing, handling, and serving the drinks, so as to cause a hot drink to spill and cause catastrophic burns to Plaintiff, a customer.
16. As a result, PLAINTIFF sustained physical injuries as alleged herein.
17. Said failure to properly secure a hot drink in its carrier created a foreseeable danger that an unbalanced and unsecured cup of hot liquid would spill upon handing it to the customer such as Plaintiff. No reasonable expectation of an unsecure cup can be attributed to Plaintiff's conduct.
18. As a legal, actual, and proximate result of the wrongful conduct of DEFENDANTS, and each of them, PLAINTIFF suffered severe burns, disfigurement, and debilitating

nerve damage to his genitals when hot drinks ultimately spilled into PLAINTIFF's lap as a result of Defendants' negligence.

19. This breach of Defendants, and each of them, resulted in PLAINTIFF suffering special damages, including but not limited to past and future medical expenses, and general damages, including but not limited to past and future physical pain, mental suffering, loss of enjoyment of life, disfigurement, physical impairment, inconvenience, grief, anxiety, humiliation, and emotional distress.

PRAYER FOR DAMAGES

WHEREFORE, PLAINTIFF prays judgment against the DEFENDANTS, and each of them, as follows:

As to all causes of action:

1. For general damages;
2. For special damages as may be proved at the time of trial;
4. For such other and further relief as the court deems just and proper;

DATED: March 14, 2024

TRIAL LAWYERS FOR JUSTICE

By _____
John A. Kawai
Grayson Yoder
Patrick Logan
Attorneys for Plaintiff(s)

PROOF OF SERVICE

STATE OF CALIFORNIA, LOS ANGELES

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 548 Market Street, PMB 66906, San Francisco, CA 94104-5401.

On April 11, 2024, I served the foregoing document(s) described as **FIRST AMENDED COMPLAINT** on all interested parties in this action as set forth on the attached service list as follows:

☐ **BY MAIL:** I placed a true copy of the above captioned documents in a sealed envelope addressed as shown above. I deposited such envelope in the mail at Ventura, California. The envelope was mailed with postage thereon fully prepaid. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

☐ **BY OVERNIGHT MAIL:** By sealing the envelope and placing it for collection and overnight delivery in a box regularly maintained by an overnight delivery service with delivery fees paid or provided for in accordance with ordinary business practices.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to counsel for defendants.

☐ **BY ELECTRONIC TRANSFER/VIA FACSIMILE:** I caused all of the pages of the above-entitled document(s) to be sent to the recipients noted above via electronic transfer (FAX) at the respective telephone numbers indicated above.

X **BY ELECTRONIC SERVICE** Pursuant to the Emergency Electronic Service Rule in Response to the COVID-19 Pandemic, I caused said document(s) to be delivered via electronic mail to the addressee(s) set forth on the attached service list.

X STATE: I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ FEDERAL: I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Executed on April 11, 2024, at Ventura, CA.

Veronica Stanwood

SERVICE LIST

Garcia vs. Starbucks Corporation, et al.
20STCV10214

Michael R. Parker, Esq.
Kenneth R. Shy, Esq.
M.R. PARKER LAW, PC
6700 Fallbrook Ave, Ste. 207
West Hills, CA 91307
Telephone: (818) 334-5711
Facsimile: (818) 394-6448
Email: michael@mrparkerlaw.com
ken@mrparkerlaw.com
daniel@mrparkerlaw.com
Attorneys for Plaintiff, MICHAEL GARCIA

Stephen T. Pelletier, Esq.
Samuel S. Baxter, Esq.
John W. Nielsen, Esq.
PRICE PELLETIER, LLP
530 "B" Street, Suite 1310
San Diego, CA 92101
Telephone (619) 349-5295
Facsimile (619) 349-5225
Email: pelletiers@pricepelletier.com
baxters@pricepelletier.com
nielsenj@pricepelletier.com
marinom@pricepelletier.com
keownl@pricepelletier.com
Attorneys for Defendant, STARBUCKS CORPORATION