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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

EUXUCINA GIRTON, individually,  
  
Plaintiff,  
  
v.  
  
WALMART INC., a Delaware for-profit  
corporation,  
  
Defendant.

No. 2:24-cv-01929  
  
COMPLAINT  
  
AND JURY DEMAND

COMES NOW the Plaintiff, Euxucina “Zeana” Girton, by and through her attorneys,  
and alleges as follows:

**I. PARTIES**

1.1 Plaintiff, EUXUCINA GIRTON, (“Plaintiff”) is a single individual who  
resides in the State of Washington.

1.2 Defendant WALMART INC. (“Defendant”) is a for profit company  
incorporated in the State of Delaware with its primary place of business in the State of  
Arkansas. Its registered agent in the State of Washington is CT Corporation System, 711  
Capital Way S, Ste 204, Olympia, WA 98501

1 **II. JURISDICTION AND VENUE**

2 2.1 This Court has subject matter jurisdiction over this action pursuant to 28  
3 U.S.C. § 1331, because this complaint contains claims arising under federal law. This Court  
4 also has supplemental jurisdiction over the related state law claims pursuant to 28 U.S.C. §  
5 1367.

6 2.2 This Court has personal jurisdiction over Defendant as it conducts business in  
7 Washington and employed Plaintiff in Washington.

8 2.3 Venue is appropriate in the Western District of Washington pursuant to 28  
9 U.S.C. § 1391(b)(2) as the acts or omissions giving rise to the claims occurred in this district.  
10 The Seattle division is appropriate pursuant to LCR 3(d)(1) as the acts or omissions occurred  
11 in Island County.

12 **III. FACTUAL BACKGROUND**

13 These factual allegations are not intended to be exhaustive in nature and are written  
14 solely to provide notice to Defendant of the general nature of Plaintiff's claims.

15 3.1 Defendant Walmart Inc is one of the largest companies in the world,  
16 employing more than two million people and operating more than 10,000 stores.

17 3.2 Walmart received revenues in excess of \$600 billion in FY 2023.

18 3.3 Walmart earned a gross profit in 2023 in excess of \$140 billion.

19 3.4 Plaintiff is a 71-year-old Black woman.

20 3.5 Plaintiff worked for Walmart's Oak Harbor store from October 29, 2020 until  
21 February 15, 2023. She was initially hired as a Customer Service employee at \$15.00 an  
22 hour and usually worked around 40 hours a week.  
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1           3.6     As a Customer Service employee, she assisted customers at the customer  
2 service counter with check cashing, Western Union transactions, and other services. She also  
3 received health benefits, a 401k, and employee stock options.

4           3.7     During her employment, Plaintiff was twice passed over for promotion in favor  
5 of younger white males. Plaintiff worked as an “acting” team lead for eight months, on an  
6 intermittent basis, beginning in March 2022. In this capacity, she was given added  
7 responsibilities without any commensurate increase in pay. During this time, two white men  
8 were selected for promotion and Plaintiff trained them to be team leads, while Plaintiff  
9 remained in her “acting” classification.

10           3.8     At the end of March 2022, Plaintiff applied for an open Team Lead position.  
11 Plaintiff lost the position to Josh, a white man. When she asked why she did not get the  
12 position, Plaintiff was told by the Front-End Coach, Ashika Singh (a South Asian woman)  
13 that it was safer having a “man” up front. Ms. Singh told Plaintiff to apply next time, and she  
14 would get the lead position. Meanwhile, Ms. Singh asked her to train Josh to do the job  
15 Plaintiff was already performing. Plaintiff trained Josh for two weeks then he declined the  
16 promotion and returned to the Garden Department.

17           3.9     When Josh gave up the lead position, the position was relisted. Ms. Singh told  
18 Plaintiff to apply. Plaintiff applied and this time the position was awarded to Kevin, another  
19 white man. Plaintiff trained Kevin as well. During his training, Kevin also declined the  
20 position and went back to being a cashier. Plaintiff continued filling the team lead position  
21 without receiving a promotion or a pay increase.

22           3.10    In January 2023, Ms. Singh gave Plaintiff a promotion to temporary Team  
23 Lead. Plaintiff complained that it took Walmart eight months to promote her while she was  
24  
25

1 an acting team lead and that she thought she should have been paid as a Team Lead since  
2 March 2022. Plaintiff was later told that she would have to wait six months to get promoted  
3 into a permanent Team Lead position and would lose her temporary promotion in several  
4 weeks. Plaintiff complained again that she was being “used” to train the males who were  
5 promoted and that she would not have applied for the temporary position if she knew that  
6 would have prevented her from applying for a permanent position, when a permanent position  
7 was going to open up soon.  
8

9 3.11 While Plaintiff was working intermittently as a team lead, a different white  
10 employee, Bambi Barr, engaged in a campaign of harassment against Plaintiff. First, she told  
11 Plaintiff, “I don’t talk to people like you.” When Plaintiff asked for clarification, Ms. Barr  
12 told Plaintiff that she only dated Black men and hates Black women because they would steal  
13 her man from her. Ms. Barr also stated that she hates Black women with power because they  
14 think they can tell her what to do. Plaintiff complained to Ms. Singh about Ms. Barr’s racist  
15 and sex-based statements. Ms. Singh responded that Ms. Barr could not be racist and  
16 Plaintiff’s assertions to the contrary were “silly”, “because she dates black men.”  
17

18 3.12 Ms. Singh described Plaintiff as “our little Aunt Jemimah” after an incident  
19 with a Walmart customer who was belligerent and racist towards Plaintiff.  
20

21 3.13 In January 2023, shortly after Plaintiff complained that she was not getting  
22 promoted to a full-time position, Manny Perez, a Walmart loss prevention employee, made an  
23 ominous comment to Plaintiff that he was “working on something” that would get him a “big  
24 promotion”.

25 3.14 On February 15, 2023, Coach Eric told Plaintiff that some people wanted to  
meet with her in the office. He escorted her to the store manager’s office where she saw

1 Security Manager Michelle Keating with Mr. Perez. Ms. Keating showed Plaintiff some stills  
2 from a store surveillance video dated December 27, 2022. The stills showed Plaintiff putting  
3 items into a bag. Ms. Keating told Plaintiff that she knew Plaintiff stole the items because  
4 Plaintiff's Walmart app was not used to buy anything on that day. Plaintiff replied that she  
5 must have used another card and her bank statements would prove it because she never stole  
6 anything in her entire life.

7  
8 3.15 Rather than verifying Plaintiff's assurances that she had paid with records,  
9 Walmart fired Plaintiff.

10 3.16 Walmart had Plaintiff "trespassed" from the store by Oak Harbor Police and  
11 had them escort her from the premises. This was done around 5:00 PM when the store was at  
12 its busiest.

13 3.17 Ms. Barr took photos of Plaintiff being escorted from the store by police and  
14 posted them on Facebook.

15 3.18 Plaintiff has suffered significant emotional distress as a result of her  
16 termination from Walmart.

17 3.19 Plaintiff's emotional distress worsened when she was indicted for allegedly  
18 shoplifting from Walmart. Although the charges were dismissed shortly after Plaintiff  
19 provided receipts to the prosecutor, the ordeal was particularly frightening, humiliating, and  
20 caused Plaintiff severe emotional distress.  
21

22 **III. CAUSES OF ACTION**

23 **A. VIOLATION OF WASHINGTON'S LAW AGAINST DISCRIMINATION,**  
24 **RCW 49.60.180 and 49.60.210**

1 4.1 Plaintiff realleges and incorporates by reference paragraphs 3.4-3.15 and 3.18  
2 above.

3 4.2 Defendant discriminated against Plaintiff in violation of RCW 49.60.180 on the  
4 basis of race, age, and/or sex.

5 4.3 Defendant retaliated against Plaintiff in violation of RCW 49.60.210.

6 **B. 42 U.S.C. §1981(a)**

7 4.4 Plaintiff re-alleges and incorporates by reference paragraphs 3.1 -3.19.

8 4.5 Defendant discriminated against Plaintiff and retaliated against Plaintiff in  
9 violation of 42 U.S.C. §1981(a).

10 **C. Title VII**

11 4.6 Plaintiff re-alleges and incorporates by reference paragraphs 3.1-3.19.

12 4.7 Plaintiff obtained a right-to-sue letter on September 12, 2024 and timely filed  
13 this matter.

14 4.8 Defendant discriminated against Plaintiff and retaliated against Plaintiff in  
15 violation of 42 U.S.C. §2000(e) et seq.

16 **IV. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff, having asserted claims for relief, now prays for judgment as  
18 follows:

19 1. That the Court award Plaintiff general and special damages in an amount to be  
20 proven at trial and as allowed by law.

21 2. That the Court award Plaintiff prejudgment and post-judgment interest on the  
22 damages award.

23 3. That Plaintiff be awarded punitive damages pursuant to 42 U.S.C. §1981(a).

24 4. That the Court award legal costs and attorney's fees as allowed by law, including  
25 RCW 49.60.030 and 42 U.S.C. §1988(b), or other statute applicable to Plaintiff's claims.

1           5.       That the Court award Plaintiff any other such relief, including but not limited to  
2 injunctive relief, as the Court finds equitable, just, or proper.

3           6.       Plaintiff demands a jury trial on all issues so triable.

4

5           DATED this 21st day of November, 2024.

6

BEAN LAW GROUP

7

s/ Matthew J. Bean  
Matthew J. Bean, WSBA #23221  
matt@beanlawgroup.com  
*Attorney for Plaintiff*

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s/ Jason W. Preston  
Jason W. Preston, WSBA #61451  
jason@beanlawgroup.com  
*Attorney for Plaintiff*

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JS 44 (Rev. 03/24)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p><b>I. (a) PLAINTIFFS</b> EUXUCINA GIRTON</p> <p><b>(b)</b> County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p><b>(c)</b> Attorneys <i>(Firm Name, Address, and Telephone Number)</i> See attachment</p>	<p><b>DEFENDANTS</b> WALMART, INC.</p> <p>County of Residence of First Listed Defendant <u>Benton County, Ark.</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p>
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<p><b>II. BASIS OF JURISDICTION</b> <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p><b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <p><i>(For Diversity Cases Only)</i></p> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> <td style="width:47%;"></td> <td style="width:10%; text-align: center;"><b>PTF</b></td> <td style="width:10%; text-align: center;"><b>DEF</b></td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		<b>PTF</b>	<b>DEF</b>		<b>PTF</b>	<b>DEF</b>	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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**IV. NATURE OF SUIT** *(Place an "X" in One Box Only)* Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>LABOR</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** *(Place an "X" in One Box Only)*

1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from Another District *(specify)*  
  6 Multidistrict Litigation - Transfer  
  8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):*  
 42 U.S.C. 1981(a) and 42 U.S.C. 2000 et. seq.

Brief description of cause:  
 Discrimination in employment based on race, age, and/or sex.

**VII. REQUESTED IN COMPLAINT:**


CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.      **DEMAND \$** \_\_\_\_\_

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes    No

**VIII. RELATED CASE(S) IF ANY** *(See instructions):*

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE: November 21, 2024

SIGNATURE OF ATTORNEY OF RECORD: 

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_



**ATTACHMENT TO CIVIL COVER SHEET**

**BOX 1(c) PLAINTIFF'S ATTORNEY LIST**

**BEAN LAW GROUP**

Matthew J. Bean, WSBA #23221  
matt@beanlawgroup.com  
2200 6th Ave, Suite 500  
Seattle, WA 98121  
Ph: 206.522.0618  
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Jason W. Preston, WSBA #61451  
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2200 6th Ave, Suite 500  
Seattle, WA 98121  
Ph: 206.522.0618  
or 206.602.6358  
Fax: 206.524.3751

AO 440 (Rev. 06/12) Summons in a Civil Action

**UNITED STATES DISTRICT COURT**

for the

\_\_\_\_\_ District of \_\_\_\_\_

<i>Plaintiff(s)</i>	)	
	)	
	)	
	)	
v.	)	Civil Action No.
	)	
	)	
<i>Defendant(s)</i>	)	

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: