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11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

13 ESSIE GRUNDY,
14
15 Plaintiff,
16 v.
17 WALMART INC., a Corporation; and
DOES 1 to 25, inclusive,
18 Defendants.

Case No. 5:18-CV-00429-PSG (SKx)

**DEFENDANT WALMART'S
ANSWER TO PLAINTIFF'S
COMPLAINT**

Hon. Philip S. Gutierrez

1 Defendant Walmart Inc. (“Defendant” or “Walmart”), by and through its
2 undersigned counsel, hereby respectfully answers the allegations in the Complaint
3 (“Complaint”) of Plaintiff Essie Grundy (“Plaintiff”) as follows:

4 **GENERAL DENIAL**

5 Except as specifically admitted herein, Defendant denies each and every
6 allegation contained in the Complaint, including, without limitation, any allegations
7 contained in the preamble, headings, subheadings or footnotes of the Complaint, and
8 specifically denies any liability to Plaintiff. Pursuant to Rule 8(d) of the Federal Rules
9 of Civil Procedure, averments in the Complaint to which no responsive pleading is
10 required shall be deemed as denied. Defendant expressly reserves the right to seek to
11 amend or supplement its Answer as may be necessary.

12 **ANSWER TO SPECIFIC ALLEGATIONS IN PLAINTIFF’S COMPLAINT**

- 13 1. Paragraph 1 of the Complaint contains legal conclusions to which no
14 response is required.
- 15 2. Defendant lacks knowledge or information sufficient to form a belief as to
16 the truth of the allegations in paragraph 2 of the Complaint and on that basis denies
17 them.
- 18 3. Defendant admits that it is a corporation doing business in Riverside,
19 California. The remaining allegations of paragraph 3 of the Complaint contain legal
20 conclusions to which no response is required.
- 21 4. Defendant lacks knowledge or information sufficient to form a belief as to
22 the truth of the allegations in paragraph 4 of the Complaint and on that basis denies
23 them.
- 24 5. Defendant admits that this Court has jurisdiction over the subject matter of
25 Plaintiff’s claims and that venue is proper before this Court.
- 26 6. Paragraph 6 of the Complaint contains legal conclusions to which no
27 response is required.
- 28 7. Paragraph 7 of the Complaint contains legal conclusions to which no

1 response is required. To the extent that a response is required, Defendant denies the
2 allegations in paragraph 7.

3 8. Defendant admits that it operates a retail store which is located at 1800 N.
4 Perris Blvd, Perris, in Riverside County, California (“Perris Store”). Defendant lacks
5 knowledge or information sufficient to form a belief as to the truth of the allegations in
6 paragraph 8 of the Complaint as to other Defendants and on that basis denies them.

7 9. Defendant admits that it operates a retail store at 1800 N. Perris Blvd,
8 Perris, California 92571. Defendant further admits that any customer wishing to
9 purchase a product secured in a glass shelf at the Perris Store—such as razors,
10 cosmetics, teeth whitening strips, jewelry, and others—must call for assistance and have
11 a store employee unlock the glass shelf. Defendant denies the remaining allegations in
12 paragraph 9 of the Complaint.

13 10. Defendant denies that there was any directive from corporate headquarters
14 to secure African-American products. Individual Walmart stores, including the Perris
15 Store, at times apply enhanced security measures to specific categories of products
16 subject to high shrinkage rates. No product category of “African American products”
17 exists at Walmart. Defendant denies that the Perris Store’s use of enhanced security for
18 certain multicultural hair and body products constituted a discriminatory practice.
19 Defendant lacks knowledge or information sufficient to form a belief as to the truth of
20 the remaining allegations in paragraph 10 of the Complaint and on that basis denies
21 them.

22 11. Defendant denies that the Perris Store had a policy of securing products for
23 African-Americans or separating products for African Americans from those for
24 non-African-Americans. Individual Walmart stores, including the Perris Store, at times
25 apply enhanced security measures to specific categories of products that are subject to
26 high shrinkage rates. No product category of “African American products” exists at
27 Walmart. Defendant lacks knowledge or information sufficient to form a belief as to the
28 truth of the allegations in paragraph 11 of the Complaint and on that basis denies them.

1 12. Defendant admits that any customer wishing to examine a product secured
2 in a display case must ask a store employee for assistance with unlocking the display
3 case. Defendant lacks knowledge or information sufficient to form a belief as to the
4 truth of the remaining allegations in paragraph 12 of the Complaint and on that basis
5 denies them.

6 13. Defendant denies that it employs any discriminatory or unlawful practices
7 or engaged in any intentional discrimination. Defendant lacks knowledge or
8 information sufficient to form a belief as to the truth of the allegations in paragraph 13 of
9 the Complaint and on that basis denies them.

10 **FIRST CAUSE OF ACTION**

11 14. Defendant incorporates and realleges each and every response set forth in
12 paragraphs 1 through 13 of its Answer as though set forth here in full.

13 15. Paragraph 15 of the Complaint contains legal conclusions to which no
14 response is required. To the extent a response is required, Defendant denies the
15 allegations in paragraph 15.

16 16. Paragraph 16 of the Complaint contains legal conclusions to which no
17 response is required. To the extent that a response is required, Defendant denies the
18 allegations in paragraph 16.

19 17. Paragraph 17 of the Complaint contains legal conclusions to which no
20 response is required. To the extent a response is required, Defendant denies the
21 allegations in paragraph 17.

22 18. Paragraph 18 of the Complaint contains legal conclusions to which no
23 response is required. To the extent a response is required, Defendant denies the
24 allegations in paragraph 18.

25 19. Paragraph 19 of the Complaint contains legal conclusions to which no
26 response is required. To the extent a response is required, Defendant denies the
27 allegations in paragraph 19.

28 **PRAYER FOR RELIEF**

1 Defendant denies that Plaintiff is entitled to any relief against Defendant, and
2 requests that the Court dismiss all claims against Defendant with prejudice and order
3 such further relief as the Court deems just and proper.

4 **DEFENSES**

5 Without assuming any burden of proof, persuasion, or production not otherwise
6 legally assigned to them as to any element of Plaintiff's claims, Defendant asserts the
7 following defenses:

8 **FIRST DEFENSE**

9 Plaintiff's Complaint, and each of Plaintiff's purported claims for relief set forth
10 therein, fails to state a claim upon which relief can be granted.

11 **SECOND DEFENSE**

12 The challenged business practice of securing high-shrinkage items to ensure that
13 they remain available for customers is a reasonable regulation that is rationally related to
14 the services performed and the facilities provided by Defendant.

15 **THIRD DEFENSE**

16 Defendant acted with legal justification and/or privilege.

17 **FOURTH DEFENSE**

18 Plaintiff lacks standing to pursue her claim.

19 * * *

20 Defendant has not completed its full investigation of the facts of this case, has not
21 completed discovery in this matter, and has not completed its preparation for trial. The
22 defenses asserted herein are based on Defendant's knowledge, information, and belief at
23 this time. By asserting the defenses herein Defendant has not knowingly and
24 intentionally waived any applicable defenses and hereby expressly reserves the right to
25 assert any additional defenses, cross-claims, and/or third-party claims as may be
26 appropriate at a later time.

27 * * *

28 WHEREFORE, Defendant prays for judgment against Plaintiff as follows:

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1. That Plaintiff takes nothing by this action;
2. That judgment be entered in favor of Defendant and against Plaintiff, and that this action be dismissed in its entirety;
3. For costs incurred in defending this action;
4. For reasonable attorneys' fees incurred in defending this action; and
5. For such other and further relief as the court may deem just and proper.

1 Dated: August 6, 2018

2 **GIBSON, DUNN & CRUTCHER LLP**

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