

**BLOGS**  
Employment

## California Federal Court Dismisses Joint Employer Claim Against Chick-Fil-A

In another joint employer claim against a franchisor, a federal court in California has dismissed without prejudice a discrimination complaint filed by a franchisee's former employee proceeding pro se against the franchisee, its owners, and the franchisor. *Stewart v. Chick-fil-A*, 2020 WL 264578 (S.D. Cal. Jan. 17, 2020). Plaintiff Lindsey Stewart is a 62 year-old woman who worked at a Chick-fil-A franchise in California owned by Defendants 3 Little Cows, Inc., Danny Putnam, and Becky Putnam. Stewart's complaint alleged one count of "corporate failure to supervise their franchises against discrimination claim for relief age gender discrimination" and one count of "corporate failure to supervise their franchises claim for relief retaliation for reporting sexual harassment." Chick-fil-A filed a motion to dismiss for failure to state a claim on which relief may be granted, and 3 Little Cows and the Putnams filed a separate motion on the same basis.

Stewart alleged that her employment with 3 Little Cows was terminated after she observed the sexual harassment of others in the workplace and reported this behavior to her supervisors. While her termination also followed negative performance reviews, she maintained that these were mere pretext. The court dismissed Stewart's claims against Chick-fil-A because her complaint contained no specific allegations as to how Chick-fil-A may have jointly employed her. Stewart's opposition to Chick-fil-A's motion to dismiss made reference to a single text message between a Chick-fil-A and a 3 Little Cows employee discussing a 3 Little Cows employee. The message, however, was not described in the complaint and was sent prior to Stewart's employment with 3 Little Cows. The court concluded, therefore, that no allegations in Stewart's complaint supported any cause of action against Chick-fil-A. The court also dismissed the claims against 3 Little Cows and the Putnams, finding that Stewart's complaint failed to allege properly the violation she apparently wanted to pursue, a claim for retaliation under Title VII of the Civil Rights Act of 1964. The court ruled, however, that Stewart would be permitted to amend her complaint.

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