

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARKEL ODEN, individually and
On behalf of all others similarly
situated,

Plaintiff

COLLECTIVE AND CLASS ACTION

V.

CASE NO.:

STARBUCKS CORPORATION.

Defendant

**COLLECTIVE AND CLASS ACTION COMPLAINT
FOR AGE DISCRIMINATION AND DEMAND FOR JURY TRIAL**

Individual and Representative Plaintiff, MARKEL ODEN ("Plaintiff" or "Oden"), on behalf of himself and all others similarly situated, alleges, upon personal knowledge as to himself and upon information and belief as to other matters, as follows:

SUMMARY OF THE CLAIMS

1. This is a class and collective action brought by former employee of Defendant Starbucks Corporation alleging violations of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §§ 621,

et seq. ("ADEA") as well as The Georgia Age Discrimination Act, GA Code Sec. 34-1-2.

DEFENDANT STARBUCKS.

2. Defendant operates as the World's largest coffee shop chain (wiki) with 8941 stores in the US as of 2020 as per the corporate 10k annual report for 2020.
3. Starbucks Corporation is a Washington state, for profit Corporation with principal offices located at 2401 UTAH AVE S MS: S-LA1 SUITE 800 SEATTLE, WA 98134 and may be served at the same address to its registered agent, SR. VP and Chief Legal Officer, Scott Kizer, Esq.
4. Defendant's revenues topped \$26 billion dollars in 2019 and 23.5 Billion dollars in 2020.
5. Defendant also employed 349,000 employees as of 2021.
6. At all times material hereto, Starbucks is and was Plaintiff's Employer within the meaning under the ADEA, and The Georgia Age Discrimination Act, GA Code Sec. 34-1-2.

DISCRIMINATORY PRACTICES

7. STARBUCKS' culture and practices have the benefits of its enormous success unequally, systematically favoring younger applicants at the expense of their older counterparts.
8. Upon information and belief, individuals 40 years of age and older are rarely being offered STORE MANAGER positions, whether by application from persons outside the company or from internal applications from employees seeking promotion from within related to posted openings.
9. As of November 2, 2021, Defendant has posted 429 store manager openings and 382 Assistant Store Manager openings.
10. Over the last 5 or more years, Starbucks has engaged in a targeted, systematic scheme to eliminate and terminate as many of its older workers as possible and become younger in its staffed workforce.
11. Back in 2018, the Huffington Post reported that numerous employees had claimed that Starbucks was in fact discriminating against older workers. https://www.huffpost.com/entry/starbucks-age-discrimination_n_5b204db9e4b0adfb826ecc77.
12. Starbucks also has been found to have had discriminatory employment practices towards African Americans, and even settled with the EEOC in 2021).

<https://www.cnbc.com/2021/03/31/starbucks-reaches-deal-with-eeoc-over-alleged-racial-discrimination.html>;

<https://www.seattletimes.com/business/starbucks-reaches-agreement-with-eeoc-over-alleged-bias-in-promotions/>.

13. The Huffington Post spoke with 7 Starbucks managers — both current and former — across five different states who told of similar experiences. These managers all claim that they were the victims of a campaign of management bullying, and several of whom claim they were either pushed out or fired for one simple violation: being older than 40.

STARBUCKS' PRACTICES AND TREATMENT OF OLDER WORKERS

14. Starbucks, upon information, has disturbingly terminated a high percentage of its older workers over the age of 40, as compared to its employees under 40, including many employees who had long standing careers with the company, and who did not have a history of written disciplinary action, including Plaintiff and others similarly situated, in an effort to obtain a younger workforce.

15. Upon information and belief, during the period of 2013 to the present, Starbucks terminated many persons over the age of 40, and continues this practice to the present without providing them the same progressive

disciplinary policies and practices younger employees and all other employees are eligible for.

16. Upon information and belief, numerous manager employees over 40 have similarly been terminated across the U.S. during this same time frame and continuing to the present; and Starbucks is no stranger to similar claims of age discrimination by former employees.
17. Further, Defendant maintained a de facto policy of hiring younger managers, and upon information and belief, in fact replaced Oden with a store manager believed to be in the age range of 20's or 30's.
18. Upon information and belief, Defendant never provided any opportunity to older employees, those over 40 or to applicants for the Store Manager position when replacing Plaintiff and excluded older workers and persons from any real consideration for this position.

JURISDICTION AND VENUE

19. This Court has original subject matter jurisdiction over the ADEA claims pursuant to 28 U.S.C. § 1331 and Section 7(c) of the ADEA, 29 U.S.C. § 626(c).
20. This Court has supplemental jurisdiction over The Georgia Age Discrimination Act, GA Code Sec. 34-1-2 claims pursuant to 28 U.S.C. §

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