

## MAN SUES TARGET FOR CASHIER REFUSING SERVICE



A Hispanic male filed a lawsuit against Target and one of the store's cashiers, claiming that the female employee, who is white, refused to serve him based on his race and publicly humiliated him when turning him away from her register. The case made it to a federal court but was ultimately dismissed. The man had items to purchase at a Target store in Orlando, FL. He went to the checkout lane with the cashier in question. She informed the plaintiff, in a "very rude tone of voice," that her register was closed. When the man walked away, however, the cashier served the next customer in line, reportedly "laughing and gesturing" at him to other customers, none of whom were Hispanic. A supervisor stopped the man before he could reach another checkout lane and told him that the female cashier would accept his payment. But when he reached the front of the line again, the cashier allegedly repeated that her lane was closed, stressing that her register was specifically closed to the plaintiff. He paid for his items at another lane and told the other cashier what had happened. The supervisor was notified, and he apologized and gave the man some store coupons. The man later filed a lawsuit in Florida state court with two counts against the cashier – intentional infliction of emotional distress and a violation of 42 U.S. Code § 1981 (equal rights) – and three counts against Target – a § 1981 violation, vicarious liability and negligent training, supervision and retention. Target filed a motion to dismiss the three charges against the company and removed the case to a federal district court. The district court granted the motion and dismissed all five counts. It did not believe that the cashier's actions were "outrageous" enough to warrant a charge of intentional infliction of emotional distress. The charges against Target were dismissed because the plaintiff had failed to adequately support his arguments, with the equal rights claim specifically rejected because he had been able to



complete his purchase – in other words, despite the cashier's behavior, he was not denied service. On appeal, the man argued that § 1981 was violated, even if he had made his purchase, and that the district court had placed "too high a standard" of "outrageousness" for a claim of intentional infliction of emotional distress. Appellate judges noted that, not only had the plaintiff made his purchase, but he was able to do so at the same price and with the same payment method as any other customer. A § 1981 claim is not a "general civility code" for when employees are rude, and as it relates to a "contract" between the man and Target, the man's rights were not violated. Judges cited other cases in Florida courts in which verbal attacks with obscenities and racial slurs were not considered to have reached the outrageousness required for an emotional distress claim. In this case, the cashier's alleged conduct, while reprehensible, was far less appalling than cases likewise dismissed. Having found no substantiated evidence of intentional infliction of emotional distress or violations of equal rights from the store or cashier, the appeals court affirmed the district court's decision.