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4 IN THE CIRCUIT COURT OF THE STATE OF OREGON  
5 FOR THE COUNTY OF JOSEPHINE

6 TYLER WATSON

7 Plaintiff,

8 vs.

9 WALMART, INC.,

10 Defendant.  
11  
12

Case No.

COMPLAINT

**Unlawful Age Discrimination**

Amount Claimed: Injunctive Relief

Fee Authority: ORS 21.135(1)(2)(a) \$265

13 Come now the Plaintiff and allege as follows:

14 1.

15 Plaintiff is a resident of Gold Hill, Oregon in Jackson County. Plaintiff is 20 years old and  
16 was 20 years old at all relevant times.

17 2.

18 Defendant Walmart, Inc. is nationwide retail store headquartered in Arkansas, which sells  
19 sporting goods and other goods to the general public. Walmart sells rifles and shotguns and  
20 ammunition to the general public at their stores. Defendant Walmart, Inc. owns and operates the  
21 Walmart store located at 135 NE Terry Ln, Grants Pass, Oregon, 97526, in Josephine County.  
22 Jurisdiction and Venue are proper in Josephine County.

23 3.

24 On or about March 3, 2018, Plaintiff entered the Walmart store at 135 NE Terry Ln, Grants  
25 Pass, OR 97526 (the "Walmart store") during normal business hours for the purpose of buying a  
26 rifle.  
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4.

Plaintiff went to the firearm section of the Walmart store and told the clerk, and employee of Defendant, that he wanted to purchase a rifle from the store. Plaintiff also told the clerk that he was 20 years old.

5.

Defendant’s employee then told Plaintiff that he would not sell Plaintiff any firearm, including rifles and shotguns, or ammunition for a firearm, because Plaintiff is under 21 years old.

6.

Defendant’s employee specifically stated that it is Defendant’s new policy not to sell any firearms or ammunition, including rifles and shotguns and their ammunition, to anyone under 21. Defendant’s employee stated that Plaintiff was being denied the sale of a firearm for that reason.

7.

Defendant then left the Walmart store without purchasing a rifle.

**FIRST CLAIM OF RELIEF**  
**(Unlawful Age Discrimination in Public Accommodations)**

8.

By denying Plaintiff the sale of a rifle and/or ammunition for a rifle based on Plaintiff’s age, Defendant has committed illegal age discrimination in public accommodations in violation of ORS 659A.403.

9.

In addition, Defendant has publicly advertised its unlawful discriminatory policies by issuing a press release, and other materials, stating that Defendant will no longer sell any firearms or ammunition to any person under the age of 21. This is a willful violation of ORS 659A.409.

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10.

Pursuant to ORS 659A.885(7), Plaintiff asks this Court for injunctive relief ordering Defendant to stop unlawfully discriminating against 18, 19, and 20 year-old customers at all Oregon locations, and punitive damages in an amount to be determined because the willful nature of the discrimination.

11.

In addition, Plaintiff is entitled to recover reasonable attorney fees incurred in bringing this action pursuant to ORS 659A.885(7)(d).

12.

WHEREFORE, Plaintiffs request the following relief:

1. Injunctive relief requiring Defendant to stop unlawfully discriminating against 18, 19, and 20 year-old customers at all Oregon locations.
2. Punitive damages.
3. Reasonable costs and attorney fees.
4. Such other relief deemed just and equitable.

**DATED** this 5th day of March, 2018.

CAUBLE, CAUBLE & SELVIG, LLP

/s/ Max C. Whittington  
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