

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Civ. No. 93-20208

TW SERVICES, INC. and DENNY'S,  
INC.,  
Defendants.

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**COMPLAINT**

The United States alleges that:

1. This action is brought by the Attorney General on behalf of the United States to enforce Title II of the Civil Rights Act of 1964 (Public Accommodations Act), 42 U.S.C. §§ 200a *et seq.*
2. This Court has jurisdiction of this action pursuant to 42 U.S.C. § 2000a-5(a) and 28 U.S.C. § 1345.
3. Defendant TW Services, Inc., is a Delaware corporation which, through its subsidiary, Denny's Inc., operates Denny's Restaurants and conducts business in, among other places, the Northern District of California.
4. Defendant Denny's Inc. is a California corporation which operates Denny's Restaurants in, and among other places, the Northern District of California.
5. Denny's Restaurants are placed of public accommodation within the meaning of 42 U.S.C. § 2000a(b)(2).
6. The operation of Denny's Restaurants affects commerce within the meaning of 42 U.S.C. § 2000a(c)(2).
7. Defendants, acting through their officers, employees, and agents, have implemented a policy and practice of denying to black persons, on account of race or color, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of their restaurants, on the same basis as they make such available to non-black persons. This policy and practice has been carried out, among other ways, as follows:
  - A. Defendants have implemented terms and conditions for service of black persons, such as the requirement of prepayment and cover charges, that are less favorable than the terms and conditions for service to white persons;
  2. Defendants treat black customers less favorably than white customers and discourage black

persons from visiting their restaurants.

8. The conduct of defendants described in Paragraph 7 constitutes a pattern or practice of resistance to the full and equal enjoyment by black persons of rights secured by 42 U.S.C. §§ 2000a et seq., and the pattern or practice is of such a nature and is intended to deny the full exercise of such rights. Unless restrained by Order of this Court, defendants will continue to refuse to provide black persons with the full and equal enjoyment of rights secured to them by 42 U.S.C. §§ 2000a et seq.

Wherefore, the United States requests that the Court enter an Order:

- A. Declaring that the discriminatory practices of the defendants violate Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a et seq.; and
2. Enjoining defendants, their officers, employees, agents, and successors, and all other persons in active concert or participation with any of them, from engaging in any act or practice which, on the basis of race or color, denies or abridges any rights secured by Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a et seq.

The United States further prays for such additional relief as the interests of justice may require, together with the costs and disbursements of this action.

Respectfully submitted,

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