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

AUG 18 2003 

LUTHER M. THOMAS, Clerk
By: 
Deputy Clerk

SANDRA J. DAVIS;
VELMA B. DUNCAN;
ROSA BROWN,

CIVIL ACTION NO.

Plaintiffs,

Vs.

1:03-CV-2462

VALLEY HOSPITALITY SERVICES, LLC.,

MHS

Defendant.

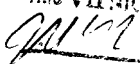
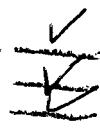
COMPLAINT

Plaintiffs, Sandra J. Davis ("Davis"), Velma B. Duncan ("Duncan"), and Rosa Brown ("Brown"), hereinafter referred to as "Plaintiffs", files this Complaint pursuant to 42 U.S.C. §1981, Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e. *et seq.*, Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.*, and states as follows:

PLAINTIFFS

1.

Plaintiffs Davis, Duncan, and Brown, are all residents within the Northern District of Georgia.

RECEIVED
Consent To US Mag.
Pretrial Instructions
Title VII NR
 

DEFENDANT

2.

The Defendant, Valley Hospitality Services, LLC., (Valley Hospitality) is a Georgia Corporation, having a registered agent within the Northern District of Georgia, J. Edward Sprouse, located at 1043 3rd Ave. Columbus, Georgia and is subject to the jurisdiction of this Court.

JURISDICTION

3.

Jurisdiction for this action is pursuant to 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, *et seq*, and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq*.

VENUE

4.

Venue is proper pursuant to 28 U.S.C. §1391 in the United States District Court for the Northern District of Georgia where the Defendant has a registered office, has their principle place of business, may be found and served in the Northern District of Georgia.

CAUSE OF ACTION

5.

Plaintiffs were all formerly employed at the Wyndham Hotel in Columbus, Georgia as managers or on the front desk prior to November 4, 2002. Plaintiff Davis had been employed for 15 ½ years and was the front desk manager, Plaintiff Brown had been employed for 1 ½ years and was a front desk employee, and Plaintiff Duncan had been employed for five months and was the housekeeping manager having been recruited by the Wyndham Hotel from Atlanta because of her fifteen years of experience working in housekeeping for hotels.

6.

All Plaintiffs are African-American females and Plaintiffs Davis and Brown at the time of their discharge were over forty years of age, and Plaintiff Duncan is now over forty years of age.

7.

On November 1, 2002 the Defendant Valley Hospitality acquired the ownership and management of the Wyndham Hotel in Columbus, Georgia and hired the Plaintiffs to continue as employees working in their previous positions at the Wyndham Hotel. At a meeting on October 25, 2002, and again on November 1, 2002 the general manager of the Defendant Valley

Hospitality, Brian Plemons, had assured all the managers that everyone of them would keep their positions at the hotel.

8.

On November 4, 2003 the owner of Defendant Valley Hospitality, Jack Pezold, at a news conference publicly stated that no employees would lose their jobs as a result of the acquisition of the Wyndham Hotel by the Defendant Valley Hospitality.

9.

On the very same day of the news conference, November 4, 2003, the Defendant Valley Hospitality terminated the employment of Plaintiff Davis, front desk manager, on the pretext that her position was being eliminated, but immediately, Amanda Fox, a younger white female assumed the function and title of front desk manager. And on November 4, 2003 Plaintiff Duncan was terminated on the pretext that her position of housekeeping manager was being eliminated, but immediately Veronica Williams, an African- American female, was taken off the front desk as the By-Request Manager and replaced by Stephanie Pezold, a younger white female, and Veronica Williams assumed the function of housekeeping manager.

10.

The next day on November 5, 2002 the Defendant's rooms executive, Bruce Raines, call in Tamara Stansel and Glenda Crawford who are white young females working on the front desk and told them that they did not have to worry that their jobs were secure because "they had the look that they wanted to have for the front desk."

11.

On December 4, 2002 Plaintiff Brown was terminated from employment on the front desk by the Defendants on the pretext that she had accepted a check from a guest for room and tax when the Wyndham Hotel had always had a policy of accepting checks from guests with proper identification which policy she had followed and she had not been told of any change in policy. She was replaced by white younger females working on the front desk.

12.

The Defendant Valley Hospitality has engaged in a pattern of discrimination against employing managers and front desk employees who are African-American and terminating African-American Managers and front desk employees who are older in favor of hiring white younger managers and front desk employees.

13.

Plaintiffs Davis and Duncan both filed a Charge of Discrimination with the Equal Employment Opportunity Commission on November 11, 2002 and Plaintiff Brown filed a Charge of Discrimination with the Equal Employment Opportunity Commission on December 31, 2002 charging discrimination based on race in violation of Title VII of the Civil Rights Act of 1964, as amended. Plaintiff Brown also filed a Charge of Discrimination based on her age in violation of the Age Discrimination in Employment Act of 1967.

14.

On July 21, 2003 Plaintiffs Davis, Duncan and Brown were sent Notice of Right to Sue letters by the District Director of the Equal Employment Opportunity Commission issued on request of Plaintiffs' attorney because more than 180 days had passed since filing of the Charges of Discrimination. Copies of the Notice of Right to Sue letters are attached hereto and marked "Exhibit A."

15.

The discriminatory acts and practices of the Defendant Valley Hospitality have discriminated against the Plaintiffs in terminating their

employment because of their race in violation of Title VII, 42 U.S.C. § 2000e (2).

16.

The discriminatory acts and practices of the Defendant Valley Hospitality have discriminated against the Plaintiffs in terminating their employment because of their race in violation of the United States Constitution as protected by 42 U.S.C. § 1981.

17.

The discriminatory acts and practices of the Defendant Valley Hospitality have discriminated against the Plaintiffs in terminating their employment because of their age in violation of the Age Discrimination Employment Act of 1967, 29 U.S.C. § 623.

WHEREFORE, Plaintiffs respectfully prays for the relief as follows:

- (1) For a declaration that the acts and practices complained of herein by the Defendant are in violation of the Civil Rights Act of 1964, the United States Constitution, 42 U.S.C. § 1981, and the Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 *et seq.*;
- (2) That the Defendant be ordered to reinstate Plaintiffs to the positions that they would have occupied prior to the

discriminatory conduct of the Defendant, or if the Court deems reinstatement inappropriate, that the Defendant be ordered to pay front pay for future loss of earnings;

- (3) That the Plaintiffs be awarded back pay in an amount to compensate them for their lost wages and benefits;
- (4) That the Defendant be enjoined from conduct in the future in violation of the Civil Rights Act of 1964, the United States Constitution, 42 U.S.C. § 1981, and the Age Discrimination in Employment Act of 1967;
- (5) That the Plaintiffs be awarded compensatory, consequential, punitive and liquidated damages in the maximum amounts allowed by law;
- (6) That the Defendant be ordered to pay reasonable attorneys fees and costs;
- (7) That Plaintiffs be awarded prejudgment interest on all tangible damages from the date of loss;
- (8) That the Plaintiffs be awarded such other and further relief as they may be entitled to under the laws of Georgia and the United States;
- (9) That this case be tried by jury.



McNeill Stokes
Georgia Bar No. 683600
Attorney for Plaintiffs

1040 Peachtree Battle Ave.
Atlanta, Georgia 30327
Tel. No. 404-352-2144
Fax No. 404-367-0353

EXHIBIT A

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Velina B. Duncan
2142 Avalon Road
Columbus, GA 31901

From: EEOC, Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Table with 3 columns: Charge No., EEOC Representative, Telephone No.
110A300535 Nancy P. Gilbert, Senior Investigator (404) 562-6858

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- [x] More than 180 days have passed since the filing of this charge.
[] Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
[x] The EEOC is terminating its processing of this charge.
[] The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- [] The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
[] The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Handwritten signature of Bernice Williams-Kimbrough

Bernice Williams-Kimbrough, District Director

JUL 21 2003

(Date Mailed)

Enclosure(s)

cc: Valley Hospitality
Wyndham Hotel
800 Front Street
Columbus, GA 31901

EEOC Form 161-B (10/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Rose M. Brown
836 Pheasant Loop
Columbus, GA 31907

From: EEOC, Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, GA 30303

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Table with 3 columns: Charge No., EEOC Representative, Telephone No.
110A301007, Nancy P. Gilbert, Senior Investigator, (404) 562-6858

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On behalf of the Commission

Handwritten signature of Bernice Williams-Kimbrough

Bernice Williams-Kimbrough, District Director

JUL 21 2003

(Date Mailed)

Enclosure(s)

cc: Valley Hospitality
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800 Front Street
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