

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA.
MAR 26 PM 2:46

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

NL
RICHARD J. MARTIN
CLERK

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

HOLIDAY INN SOUTH, MMI,

Defendant.

*
*
*
*
*
*
*
*
*
*
*

CIVIL ACTION NO.
98-273-A-M1

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Yvette Lafayette who was adversely affected by such practices. The Commission alleges that Yvette Lafayette, a black woman, was racially discriminated against by Defendant. As a result of this racial discrimination, Yvette Lafayette was denied a promotion to a sales manager position with Defendant.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to §706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) ("Title VII") and §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the



PS, SUMMONS

jurisdiction of the United States District Court for the Middle District of Louisiana.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by §706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Holiday Inn South, MMI (the “Employer”), has continuously been doing business in the State of Louisiana and the City of Baton Rouge, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of §§701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Yvette Lafayette filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been met.

7. Since at least on or about March 3, 1995, Defendant Employer has engaged in unlawful employment practices at its Baton Rouge, Louisiana facility in violation of §703 of Title VII, 42 U.S.C. §2000e-2(a)(1) and (2). Such unlawful employment practices were committed against Yvette Lafayette. The unlawful practices consisted of Defendant’s General Manager Craig Michelet refusing to promote Yvette Lafayette to the position of sales manager because she is black, but instead hiring at least two white females who were less qualified, and

by doing so, engaged in discrimination based on race.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Yvette Lafayette of equal employment opportunities and otherwise adversely affect her status as an employee because of her race.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Yvette Lafayette.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its successors, officers, assigns, and all persons in active concert or participation with it, from engaging in race discrimination and any other employment practices which discriminates on the basis of race.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for blacks, and which eradicate the effects of its past unlawful employment practices.

C. Order Defendant Employer to make whole Yvette Lafayette by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to frontpay and/or reinstatement, as appropriate.

D. Order Defendant Employer to post and keep posted notices in accordance with the

provisions of §711(a) of Title VII, 42 U.S.C. §2000e-10(a).

E. Order Defendant Employer to make whole Yvette Lafayette by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above.

F. Order Defendant Employer to make whole Yvette Lafayette by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

G. Order Defendant Employer to pay Yvette Lafayette punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

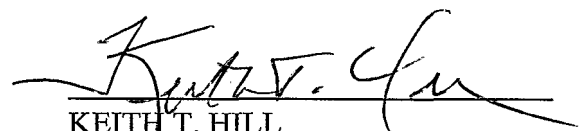
H. Grant such further relief as the Court deems necessary and proper in the public interest.

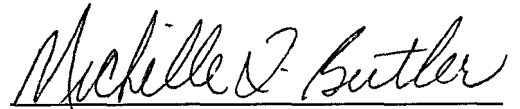
I. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

C. GREGORY STEWART
General Counsel
No Bar Roll Number Assigned


KEITH T. HILL
Regional Attorney
No Bar Roll Number Assigned



MICHELLE T. BUTLER
Supervisory Trial Attorney
M.D. Bar Roll No. 1286



TINA BURNSIDE
Trial Attorney
No Bar Roll Number Assigned

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
New Orleans District Office
701 Loyola Avenue
Suite 600
New Orleans, La. 70113
Telephone: (504) 589-6817
(504) 589-2701
Facsimile: (504) 589-6033