

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY :  
COMMISSION, :  
 :  
Plaintiff, :  
 :  
v. :  
 :  
QUICK QUALITY RESTAURANT, INC., : COMPLAINT AND  
 : JURY TRIAL DEMANDED  
 :  
and :  
 :  
CANDU MANAGEMENT, INC., :  
 :  
Defendants. :  
----- X

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 discrimination on the basis of National Origin, and to make whole Daniel Fakhoury, Farida Khan, Laila Fakhoury, Murad Qaqish, and other individuals of Arab and/or Middle Eastern birth or descent, who were adversely affected by such unlawful practices of Quick Quality Restaurant, Inc., and Candu Management, Inc. (hereinafter referenced as “Defendants”). These Defendants own five (5) Burger Kings located in Yonkers, Scarsdale, Fishkill, Elmsford and Yorktown Heights. The Equal Employment Opportunity Commission alleges that the Defendants discriminated against the afore-mentioned individuals by terminating them on the basis of their National Origin, Arabic or Middle Eastern birth or descent. These allegations will be described in greater detail in paragraph eight [¶ 8], below.

## 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 Sections 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)("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
2. The unlawful employment practices alleged below were and are now being committed within the jurisdiction of the United States District Court for the Southern District of New York.

## PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (hereinafter "the Commission"), is an 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 Section 706(f)(1), 42 U.S.C. §2000e-5(f)(1).
4. At all relevant times, Defendant, Candu Management, Inc. has continuously been a corporation under the laws of New York, doing business in New York, and have continuously had at least fifteen employees.
5. At all relevant times, Defendant, Quick Quality Restaurant, Inc. has continuously been a corporation under the laws of New Jersey, registered and doing business in New York, and have continuously had at least fifteen employees.
6. At all relevant times, Defendants have continuously been joint employers engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e-(b),(g), and (h).

## STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, former employees of Defendants, Daniel Fakhoury, Farida Khan, Laila Fakhoury and Murad Qaqish, filed charges of discrimination with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.
8. Beginning on September 11, 2001 and continuing until at least the present, Defendants engaged in the following unlawful employment practices at their facilities in Fishkill, New York, in violation of Section 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a):
  - a. On October 22, 2002, David Sutz, President of Candu Management Inc., and Daniel Fakhoury, General Manager, who was born in Jordan, met at the Fishkill Burger King store. Daniel Fakhoury reviewed the profit statement and Sutz began screaming “you’re cheating me, you’re stealing from me, you’re all fucking Arabs! Get out of here!” At that point Sutz took Daniel Fakhoury’s company gas card and was told he was fired.
  - b. When Sutz began yelling, three other charging parties, Murad Qaquish, Leila Fakhoury and Farida Kahn went into the backroom to see what was happening. They were all witnesses to these events and also fired on October 22, 2002.
  - c. Farida Kahn, born in Pakistan, was a cashier at the Fishkill site. She states that during the October outburst by Sutz, he fired her and took her headset. She confirms that Sutz made the anti-Arab statement.
  - d. Leila Fakhoury, daughter of Daniel Fakhoury, was also fired on October 22, 2002. She is of Jordanian descent. She was the assistant manager in the Fishkill store.

She confirms hearing the anti-Arab remarks from Sutz and stated that Sutz terminated her and took away her store keys.

- e. Marad Qaquish was born in Jordan. He was the manager of the Fiskill location. He also confirmed the events of October 22 and states that Sutz also took his store keys away.
  - f. Defendants terminated the above named individuals as well as others of Arab and/or Middle Eastern birth or descent, because of their National Origin.
  - g. Defendants' reasons for terminating individuals of Arab and/or Middle Eastern birth or descent, who were performing their jobs adequately, were pretext for Defendants' discrimination on the basis of their National Origin.
9. The effect of the practices complained of above in paragraph eight [¶ 8] has been to deprive individuals of Arab and/or Middle Eastern birth or descent of equal employment opportunities, and otherwise adversely affect their status as employees because of their National Origin.
10. Individuals of Arab and/or Middle Eastern birth or descent including, but not limited to, Daniel Fakhoury, Farida Khan, Laila Fakhoury and Murad Qaqish, suffered physical and emotional pain, including but not limited to mental anguish, humiliation, embarrassment, inconvenience, and loss of enjoyment of life as the result of the unlawful employment practices complained of above in paragraph eight [¶ 8].
11. The unlawful employment practices complained of above in paragraphs eight through ten [¶¶ 8-10] were intentional.
12. The unlawful employment practices complained of above in paragraphs eight through ten

[¶¶ 8- 10] were done with malice and/or reckless indifference to the federally protected rights of individuals of Arab and/or Middle Eastern birth or descent.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns and all persons in active concert or participation with them, from any discriminatory actions, including the discharge of any employee, because of the employee's National Origin, and enjoining any other employment practices of Defendants which discriminate on the basis of National Origin.

B. Order Defendants to institute and carry out policies, practices and programs which provide equal employment opportunities for all employees, including the implementation of a mechanism to investigate and correct complaints of National Origin discrimination, and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendants to make whole individuals of Arab and/or Middle Eastern birth or descent by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to rightful-place reinstatement of Daniel Fakhoury, Farida Khan, Laila Fakhoury and Murad Qaqish.

D. Order Defendants to make whole individuals of Arab and/or Middle Eastern birth or descent by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph eight [¶ 8] above, including job search expenses, job training expenses, medical expenses, and loss of retirement benefit plans, in

amounts to be determined at trial.

E. Order Defendants to make whole individuals of Arab and/or Middle Eastern birth or descent by providing compensation for their non-pecuniary losses, including emotional distress, pain and suffering, inconvenience, loss of enjoyment of life, fear, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay individuals of Arab and/or Middle Eastern birth or descent punitive damages for Defendants' malicious and/or reckless conduct, described in paragraphs eight through ten [¶¶ 8-10] above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the Commission its costs in this action.

#### JURY TRIAL DEMAND

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

Dated:

New York, New York

Respectfully submitted,

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