

FILED

AUG 31 2004

LARRY W. PROPES, CLERK
COLUMBIA, SC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)

Plaintiff,)

v.)

**JOHN Q. HAMMONS HOTELS, INC. and
JOHN Q. HAMMONS HOTELS, L.P. d/b/a
EMBASSY SUITES COLUMBIA
ATRIUM HOTEL,**)

Defendants.)

CIVIL ACTION NO.

3 0 4 2 2 0 6 7 2 2 BC

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 based on race and retaliation and to provide appropriate relief to Stephon A. Scott, who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that Stephon A. Scott was subjected to a hostile work environment due to his race, African American, and discharged in retaliation for his complaints of racial harassment by John Q. Hammons Hotels, Inc. and John Q. Hammons Hotels, L.P. d/b/a Embassy Suites Columbia Atrium Hotel.

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 Section 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 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of South Carolina, Columbia Division.

PARTIES

3. Plaintiff, the U.S. 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, John Q. Hammons Hotels, Inc. has continuously been a Delaware corporation doing business in the State of South Carolina and the City of Columbia, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, John Q. Hammons Hotels, L.P. has continuously been a Delaware Limited Partnership doing business in the State of South Carolina and the City of Columbia, and has continuously had at least fifteen employees.

6. At all relevant times, Defendants have, jointly and severally, continuously been employers engaged in an industry affecting commerce under Sections 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, Stephon A. Scott filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. From around September 1993 until December 2001, Defendants engaged in unlawful employment practices at their Embassy Suites Columbia Atrium Hotel in Columbia, South Carolina

in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). The unlawful practices included subjecting Stephon A. Scott to racial harassment and a racially hostile work environment due to his race, African American. The harassment included a co-worker making racist jokes and racially derogatory comments and engaging in conduct that was based on racial stereotypes. Although Defendants knew or reasonably should have know about the racial harassment and racially hostile work environment, Defendants failed to take appropriate action to stop it.

9. On or about December 7, 2001, Defendants engaged in unlawful employment practices at their Embassy Suites Columbia Atrium Hotel in Columbia, South Carolina, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), by discharging Stephon A. Scott because he opposed employment practices made unlawful by Title VII. Specifically, Mr. Scott opposed race discrimination by complaining that he was being subjected to racial harassment. The Commission alleges that Defendant discharged Mr. Scott because of his complaints.

10. The effect of the practices complained of in paragraphs 8 and 9 above has been to deprive Stephon A. Scott of equal employment opportunities and otherwise adversely affect his status as an employee because of his race, African American, and because of his opposition to practices made unlawful under Title VII.

11. The unlawful employment practices complained of in paragraphs 8 and 9 above were intentional.

12. The unlawful employment practices complained of in paragraphs 8 and 9 above were done with malice or with reckless indifference to the federally protected rights of Stephon A. Scott.

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 engaging in harassment or any other employment practice that discriminates on the basis of race.

B. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in retaliation against employees because they have opposed employment practices or otherwise engaged in protected activity under Title VII.

C. Order Defendants to institute and carry out policies, practices, and programs that provide equal employment opportunities for African Americans and which eradicate the effects of their past and present unlawful employment practices.

D. Order Defendants to institute and carry out policies, practices, and programs that provide equal employment opportunities for employees who oppose, or have opposed unlawful employment practices or otherwise engage in protected activity under Title VII, and which eradicate the effects of their past and present unlawful employment practices.

E. Order Defendants to make whole Stephon A. Scott by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to the reinstatement of Stephon A. Scott or, in the alternative, an award of front pay.

F. Order Defendants to make whole Stephon A. Scott by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraphs 8 and 9 above, including but not limited to medical expenses and job search expenses.

G. Order Defendants to make whole Stephon A. Scott by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 8 and 9 above, including but not limited to emotional pain, suffering, inconvenience, loss of earning capacity, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

H. Order Defendants to pay Stephon A. Scott punitive damages for their malicious and reckless conduct described in paragraphs 8 and 9 above, in amounts to be determined at trial.

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

J. 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.

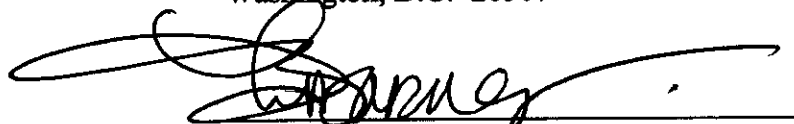
DATED this 31st day of August, 2004.

Respectfully submitted,

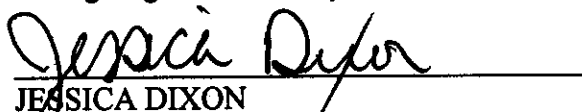
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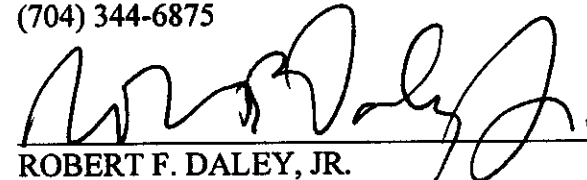
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