

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

Raquel Lindblad, Tyreshia Brantley, as)	Case No:_____
an individual, and on behalf of all others)	
similarly situated,)	
)	
Plaintiffs,)	COMPLAINT
)	
v.)	JURY TRIAL DEMANDED
)	
J&L Services, Inc., Joel Pellici, Jr.,)	
Rick Jakall, Carlo Hamade, and)	
McDonald’s Corp.)	
)	
Defendant.)	
_____)	

COMPLAINT

As and for their Complaint, Plaintiffs Raquel Lindblad (“Lindblad”), individually, and Tyreshia Brantley (“Brantley”), on behalf of herself and all others similarly situated, state and allege the following against Defendants J&L Services, Inc., Joel Pellici, Jr., Rick Jakall, Carlo Hamade, and McDonald’s® Corp. (collectively “Defendants”):

STATEMENT OF CLAIMS

1. The individual and class claims set forth herein relate to Defendants’ systemic and pervasive discriminatory employment practices perpetrated in thirteen franchised McDonald’s® restaurants. As a store manager at one of Defendants’ restaurants, Lindblad was forced to implement and enforce these discriminatory practices over her repeated objections and was constructively discharged when she could no longer endure the emotional and physical toll of the hostile work environment and retaliation. Brantley

is one of countless jobseekers who applied for employment with Defendants but whose applications were disregarded solely on the basis that their names were deemed “black” or “minority” by Defendants; thus, disqualifying them from employment opportunities.

2. McDonald’s® is a chain of fast-food restaurants, some owned and operated by the chain’s corporate parents, McDonald’s® Corp., and others by franchisees. Together, both types of restaurants and McDonald’s® Corp. form a unified business system – the self-proclaimed McDonald’s® System – that operates through uniform standards controlled by McDonald’s® Corp.
3. In order to maximize its profits, McDonald’s® Corp. has control over nearly every aspect of its restaurants’ operations. Though nominally independent, franchised McDonald’s® restaurants are predominantly controlled by McDonald’s® Corp. McDonald’s® Corp. exercises control through its franchise agreement with franchisees; policies and manuals governing every aspect of restaurant operations; continual oversight by corporate representatives and in-store computer systems; mandatory computer systems generating employees’ schedules and assignments; comprehensive training of all restaurant employees from general managers to cooks; and involvement with hiring decisions.

PARTIES

4. Lindblad is a 48-year-old wife, mother and grandmother with nineteen years of experience as a store manager for McDonald’s® restaurants located in Wisconsin. She was recruited by Defendant Pellici to work as a store manager at his Singleton Ridge

location in Conway, South Carolina. She is now domiciled in the State of South Carolina as she permanently resides at 631 Canterbury Drive, Apt. 58A, Myrtle Beach, South Carolina 29579.

5. Brantley is a 27-year-old college student and mother of two small children, who is domiciled in the State of South Carolina as she permanently resides at 3002 Beverly Richard Street, Conway, South Carolina.
6. Defendant J&L Services, Inc. is domestic corporation organized under the laws of the State of South Carolina with its principal place of business at 171 McDonald Court, Myrtle Beach, South Carolina 29588.
7. Defendant Pellici is the owner of the McDonald's® franchise restaurant located at Singleton Ridge in Conway, South Carolina, along with other franchised McDonald's® restaurants.
8. Defendant Jakall was the Area Supervisor for Defendant Pellici and oversaw a patch of Defendant Pellici's stores during the time that Lindblad was employed by Defendants.
9. Defendant Hamade was the Director of Operations for Defendant Pellici's franchise during the time that Lindblad was employed by Defendants.
10. Defendant McDonald's® Corp. ("McDonald's") owns, operates, and leases restaurants in South Carolina and promulgates a system of rules, directives and/or commands that all McDonald's® franchisees must follow.

JURISDICTION AND VENUE

11. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331, because Plaintiffs have alleged causes of action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., and 42 U.S.C. § 1981.
12. This Court has supplemental jurisdiction over the remaining claims pursuant to 28 U.S.C. § 1367.
13. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to these claims occurred in the District of South Carolina, Florence Division.
14. Lindblad filed an EEOC charge on or about November 22, 2018. Lindblad received a Notice of Right to Sue on or about March 30, 2018.
15. Brantley filed an EEOC charge on or about March 15, 2018. Brantley received a Notice of Right to Sue on or about March 30, 2018.

CLASS ALLEGATIONS

16. Brantley seeks to represent a class defined as job applicants of Defendants' McDonald's® restaurants whose applications were disregarded based solely on their names being deemed "black-sounding" or "minority-sounding."
17. The class is so numerous that joinder of all members is impracticable.
18. There are questions of law and/or fact common to the class exist that predominate over questions affecting only individual members, as set forth below.
19. Brantley's claims are typical of the claims of the class as a whole.

20. Brantley will fairly and adequately represent and protect the interests of the class.

21. Brantley knows of no conflicts of interest among members of the class.

22. Brantley is represented by attorneys who are qualified, experienced, and capable of conducting the litigation and adequately representing the interests of the entire class.

23. The prosecution of separate actions by or against individual members of the class would create a risk of:

- a. Inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, and
- b. Adjudications with respect to individual members of the class would, as a practical matter, be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

24. Defendants acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

25. Questions of law or fact common to the members of the class predominate over any questions affecting only individual members and a class action is superior to other available methods for fairly and efficiently adjudicating the controversy.

26. A class action is appropriate pursuant to Rule 23 of the Federal Rules of Civil Procedure

because whether Defendants' actions described herein constitute unlawful discrimination under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981 is a question of law and fact common to the class.

27. This lawsuit benefits the public at large because Defendants have engaged in systematic and pervasive violations of Title VII 42 U.S.C. § 1981 that rob applicants of the opportunity to present their credentials, capabilities, and character solely on the basis that their names purportedly reveal their race and/or national origin.

FACTS

28. Lindblad was employed by Defendant as a Store Manager of the Singleton Ridge McDonald's® restaurant from December 26, 2016 until approximately November 21, 2017, when she was constructively discharged.

29. As a Store Manager, Lindblad was responsible for hiring employees and making sure the restaurant was adequately staffed.

30. Consistent with her prior nineteen years of experience at McDonald's® restaurants in Wisconsin, Lindblad sought to hire qualified employees for available positions regardless of their race, national origin, gender or other protected status.

31. Lindblad's approach to hiring subjected her to scrutiny by her Defendant Jakall, Area Supervisor, and Defendant Hamade, Director of Operations, both of whom were her superiors.

32. Jakall and Hamade imposed a blanket restriction on Lindblad from considering applications submitted by applicants with "black sounding" names or names that

suggested a non-Caucasian race or ethnicity. During her tenure with Defendants, Lindblad was expressly instructed not to contact or interview hundreds of applicants on this basis, including Plaintiff Brantley.

33. Jakall and Hamade also demanded that Lindblad refrain from hiring qualified minority applicants and instead hire Caucasian applicants in order to comply with Defendants' policy related to "demographics" and keeping restaurants "in balance."

34. The terms "demographics" and "balance" were used by Defendants to promote hiring of Caucasian applicants overly equally qualified minority candidates, and to maintain a racial quota of Caucasian employees at Defendants' restaurants.

35. The word "demographics" was also used by management as code for minorities. For example, when Lindblad interviewed a Caucasian applicant and African American applicant on the same day and asked Jakall to conduct a final interview with the African American applicant, he refused and indicated "I am not going to hire any demographics."

36. When Lindblad asked Hamade via text, "what do you mean by demographics???", he answered that "until your staff is in balance [you] need to focus on quality hires [t]o untip the scale and have a well balanced crew staff." When Lindblad responded by asking, "What about quality African American or quality Mexicans, or quality Asians," Hamade stated: "Or quality Caucasian. We will hire quality people from all ethnic groups but they need to be equality and numbers need to be in line." Lindblad responded, "Why does numbers matter over quality," to which Hamade responded:

“Quality and numbers have to be aligned.”

37. Another example occurred on May 12, 2017, when Hamade sent Lindblad the following text message: “Hello Raquel today you have two new hires in orientation. [H]owever the last 4 times your restaurant brought in new hires were all minorities and you are way out of balance and this can’t be happening[.] I need this to reverse itself and fixed.”

38. In yet another example, when Lindblad sought to hire a fifteen-year old black male who applied after having previously worked at one of Defendants’ other restaurants, the following text-message exchange occurred with Hamade:

Lindblad: Good afternoon, I have a young man who worked for Mr. Irvin at [another restaurant location] had to move away with parents and now is back. He is [name], 17, but doesn’t meet demos. Can we bring him back?

Hamade: Doesn’t meet demos?

Lindblad: He is African American, sir, and my typo in his age, he is 15.

Hamade: I am sorry Raquel I can’t permit that[.] you are way out of balance and if you hire him that will put further into the unbalance ratio.

Lindblad: I do have to transfer one young man to Conway so that wouldn’t increase my demo balance.

Hamade: Dear you 7 to one the other way[.] [O]ut of your 65 people on staff how many are African American? And how many are Caucasian? And how many are Hispanic? And how many Asian?

39. When Lindblad questioned Defendant’s “demographic” and “balance” policies as discriminatory, she was chastised by Hamade. For example, this exchange occurred via text message in September 2017:

Hamade: I know how good of a person you are but we have two different subjects on the board here and as responsible GM you should be going after what is going to make you and your store successful.

Lindblad: How can I do that when the company I work for tells all of their

GMs how many of each race they are aloud [sic] to hire, to help them reach goals. When am [sic] employer is asking me to break the law I get very upset about this, and it is hard to say focused.

Hamade: You continue to say breaking the laws and illegal and what not! I am done with that[.] company guide lines must be followed and if you can't follow that than we need to figure out what's next. But I am. It [sic] going to allow or take your statements lightly here because they fall with false premise. 35% and greater of our staff is as diverse as it can get, period that includes top layers of mgmt. I am done with this period. I do want to see you tomorrow 2:00 pm.

Lindblad: Yes you are breaking the law when I cannot hire a person of color. And when I do, I get sat down and talked to about it. You yourself have told me that I cannot bring in a person who worked for J&I because he was African American and that would put me out of balance, I have also been told "I better not hire any one who does not meet the demos". Illegal!

Hamade: Raquel one more time no laws being broken and either you have the whole thing out of sync or something else you're not listening too or you don't want to understand. Again I think you are way out of line as what you call illegal. There is nothing but legal about maki g [sic] sure all demo represented accordingly in the work force so that's how things to be done and if that's what stoping [sic] you from doing your responsibility at 100% level that's not kosher[.] this company goes above and beyond in given [sic] the people the opportunity to shine, progress and move upward. So I'm very disturbed by your logic and by your view on this issue and we've already talked about one to many times.

40. In a September 25, 2017 meeting with Hamade and Pellici, Owner/Operator, Lindblad explained that she was being repeatedly reprimanded for her store being "out of balance" when she was focusing on hiring the most qualified employees. While Pellici indicated that she should be hiring high quality individuals, he confirmed that Defendants had a de facto racial "quota" system in place with which Lindblad must comply.

41. Specifically, Pellici used the example that, even if Lindblad's restaurant staff consisted of highly qualified and intelligent "Hispanic" employees, that these employees should

not all be scheduled together on the same shift. Pellici indicated that this was not “intelligent hiring” and would subject her to reprimand: “Have we had to say that there are too many Hispanics working in this restaurant? Absolutely.”

42. Following this meeting, Lindblad not only continued to be reprimanded for hiring decisions based on qualifications as opposed to race/ethnicity but was subjected to other retaliatory conduct. For example, she was forced to work extended shifts (up to eleven hours), work on her pre-approved days off, and come in when she was sick. Defendants also stopped paying Lindblad for sick leave for which she was previously compensated, and began pretextually “writing her up” for conduct that did not violate any stated policies or procedures.

43. As a result of being pressured to engage in discriminatory employment practices and the retaliation for complaining about such practices, Lindblad began to suffer severe anxiety, emotional distress, migraines, and elevated blood pressure (that resulted in her physician increasing her medication by three times her regular dosage).

44. After exchanges and meetings with her superiors where she was brow-beaten to accept the discriminatory policies and practices as “not illegal” and made to feel that she was crazy for questioning these policies and procedures, Lindblad would cry hysterically and experience anxiety attacks.

45. At the same time, Defendants began pressuring Lindblad to sign documents effectively endorsing its “investigation” of her complaints and their conclusion that there were no discriminatory practices.

46. After retaining counsel, Lindblad sent correspondence to Defendants (through counsel) detailing Defendants' discriminatory hiring practices and the retaliation she suffered upon reporting the discriminatory conduct. The correspondence noted that, "the stress from the hostile work environment has manifested in physical symptoms," and requested that Lindblad be placed on paid leave.
47. On November 21, 2017, Defendants responded that they had conducted an investigation and "it was apparent that no manager had ever directed Raquel not to hire African American candidates." The correspondence failed to address Lindblad's complaints about the use of "demographics" and quotas to effectively promote hiring Caucasian employees over equally qualified minority candidates.
48. Given Defendants' sham investigation and position that it had not engaged in any unlawful employment practices, Lindblad was placed in a position where her continued employment was conditioned on either engaging in the discriminatory and unlawful hiring practices or subjecting herself to further adverse employment actions and greater physical and emotional distress if she refused.
49. Lindblad was left with no choice but to resign and therefore was constructively discharged from her employment with Defendants on November 21, 2017.
50. As a final act of retaliation, Defendants contested Lindblad's claim for unemployment benefits.
51. Despite her concerted efforts, Lindblad was unable to locate new employment until January 17, 2018, at which time she accepted a non-managerial, non-salaried position

at a fast-food restaurant, earning approximately \$10.00 less per hour than her prior position with Defendant.

52. Upon information and belief, McDonald's® exercises actual control over the day-to-day operations and activities of the other Defendants herein. Upon information and belief, McDonald's® supervised and controlled the other Defendants' policies and practices, including but not limited to supervising and controlling its practices, policies and procedures governing racial discrimination, harassment and retaliation, such that the other Defendants were the alter egos of McDonald's. Accordingly, McDonald's® is accountable for their actions.

INDIVIDUAL CAUSES OF ACTION

FIRST CAUSE OF ACTION: VIOLATION OF 42 U.S.C.S. § 2000e et seq. ("TITLE VII"): HOSTILE WORK ENVIRONMENT AND RETALIATION

53. Lindblad restates and re-alleges Paragraphs 1 through 52 of the Complaint as if set forth fully herein.
54. After being employed as a store manager for Defendants, her employer, Lindblad was exposed to systemic and pervasive discriminatory hiring practices based on race and ethnicity that Defendants demanded that she follow as a condition of her employment.
55. When Lindblad expressed her concerns about the discriminatory hiring practices, she was subjected to intimidating, threatening, and unwelcome conduct intended to force her to impose and enforce the discriminatory practices.

56. Defendants repeatedly attempted to “strong-arm” Lindblad into accepting and acknowledging their practices as lawful and permissible when they were clearly discriminatory to such an extent that it created a hostile, abusive and harassing environment, and negatively impacted Lindblad’s mental, emotional and physical well-being.
57. Because Lindblad was expected to impose and enforce the discriminatory practices on a daily basis, and she was repeatedly reprimanded and belittled when she failed to do so, the degree of hostility was severe and unreasonably interfered with Lindblad’s work performance. For example, Lindblad became physically ill from the stress of the work environment and the constant fear of being reprimanded and retaliated against for not following the discriminatory practices.
58. Lindblad complained of the discriminatory practices and hostile work environment to her direct supervisor, the Director of Operations, and Defendant’s owner/operator, but they refused to take any substantive action. They instead conducted a “sham” investigation, the result of which was a finding of no discriminatory practices; thus, confirming that the discriminatory practices were condoned and endorsed at the highest levels.
59. As a result of her reporting of the discriminatory practices, Lindblad was subjected to adverse employment actions, including being forced to work extended shifts, to work on pre-approved days off, and to work on days when she was utilizing sick leave. Lindblad was denied compensation for sick leave (which had previously been

compensated) and was subjected to pretextual “write ups” for conduct that did not violate any policies or procedures.

60. Ultimately, Lindblad was constructively discharged for her refusal to engage in the discriminatory practices and to be further subjected to hostility and abuse that caused physical symptoms and emotional distress.

61. Defendants also retaliated against Lindblad by contesting her claim for unemployment benefits.

62. As a result of Defendants’ violations of Title VII by creating a hostile work environment and engaging in retaliation, Lindblad suffered actual damages, including lost wages, physical pain and suffering, and emotional distress, in an amount to be determined at trial.

63. Defendants’ violations of Title VII were malicious and reckless, thus entitling Lindblad to punitive damages.

64. In addition to actual and punitive damages, Lindblad is entitled to an award of attorneys’ fees and costs as a result of Defendants’ Title VII violations.

**SECOND CAUSE OF ACTION:
WRONGFUL TERMINATION IN VIOLATION OF
SOUTH CAROLINA PUBLIC POLICY**

65. Lindblad restates and re-alleges the allegations in Paragraphs 1 through 64 of the Complaint as if set forth fully herein.

66. Under South Carolina law, an employee is wrongfully terminated and not subject to the at-will employment doctrine when she is required by the employer to violate the law.

67. Reflecting the public policy of the State, racial discrimination in employment and retaliation for reporting same is unlawful under S.C. Code of Laws § 1-13-10 et seq.
68. After reporting the discriminatory employment practices to no avail, Lindblad was forced by Defendants to either become complicit in the discrimination by engaging in those practices or suffer further adverse employment actions and be subjected to a hostile work environment that impaired her physical and emotional health, in order to remain employed.
69. Because neither option was viable, Lindblad was constructively discharged for failing to engage in or tolerate Defendants' pervasive discriminatory practices.
70. Lindblad's constructive discharge under these circumstances violated clear public policy and entitles her to recover actual damages (including for physical and emotional distress and suffering) in the exact amount to be determined at trial.
71. Because Defendants' conduct was reckless, willful and wanton, Lindblad is also entitled to punitive damages in an amount to be determined at trial.

**THIRD AND FOURTH CAUSES OF ACTION: NEGLIGENT/RECKLESS
SUPERVISION AND RETENTION**

72. Lindblad restates and re-alleges the allegations in Paragraphs 1 through 71 of the Complaint as if set forth fully herein.
73. Jakall and Hamade, as Lindblad's superiors, required that she engage in Defendants' discriminatory hiring practices under the guise of "demographics" and "balance" as a condition of her employment.

74. When Lindblad questioned these practices as unlawful, Jakall and Hamade engaged in intimidating, hostile, and threatening conduct to force Lindblad to comply with practices.
75. Jakall and Hamade created a hostile work environment and retaliated against Lindblad for challenging and reporting the discriminatory employment practices.
76. Jakall and Hamade's actions contravened Defendants' purported "comprehensive anti-harassment/discrimination and EEO policies."
77. Lindblad advised Defendant Pellici, owner/operator, of the above-referenced misconduct of Jakall and Hamade on multiple occasions. Upper management was well-aware of the discriminatory conduct.
78. Despite actual knowledge of both the unlawful employment practices that Jakall and Hamade were imposing and enforcing on Lindblad, and the hostile and intimidating manner in which they sought to obtain her acceptance of and compliance with those practices, Defendants did not take prompt or adequate action to remedy their misconduct. By failing to do so, Defendants effectively endorsed and condoned the unlawful employment practices and Jakall and Hamade's conduct regarding same.
79. Instead, Defendants continued to employ Jakall and Hamade in supervisory and operational positions where they remained free to impose and enforce discriminatory employment practices on Defendants' behalf. By doing so, Defendants endorsed and condoned the discriminatory employment practices and Jakall and Hamade's conduct regarding same.

80. As a result of Defendants' negligent and reckless supervision and retention of Jakall and Hamade, Lindblad suffered actual damages, including physical and emotional distress, in an amount to be determined at trial.

81. Because Defendants' lack of supervision and retention of Jakall and Hamade reflected condonation of both the discriminatory employment practices that they imposed and enforced and the hostile and abusive manner in which they sought Lindblad's compliance with same, Defendants acted willfully, wantonly, and recklessly. As such, Lindblad is also entitled to punitive damages.

**FIFTH AND SIXTH CAUSES OF ACTION: DISCRIMINATION AND
HOSTILE WORK ENVIRONMENT UNDER 42 U.S.C. § 1981**

82. Lindblad restates and realleges Paragraph 1 through 81 as if set forth fully herein.

83. By the conduct described above, Defendants intentionally deprived Lindblad of rights and protections afforded under 42 U.S.C. § 1981.

84. Defendants knew or reasonably should have known about the hostile work environment within the company and failed to take appropriate remedial actions.

85. Defendants directly created or participated in the creation of the hostile and abusive work environment, exhibited gross negligence in supervising subordinates who directly created or participated in the creation of the hostile and abusive work environment, and/or failed to take action upon receiving information about a hostile and abusive work environment that was occurring in violation of 42 U.S.C. § 1981.

86. As a result of the discrimination in violation of 42 U.S.C. § 1981 by Defendants, Lindblad suffered adverse employment consequences. Lindblad was caused to suffer

lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her detriment.

87. In their race-based discrimination in violation of 42 U.S.C. § 1981, Defendants have acted with malice or deliberate indifference to the rights of Lindblad, entitling her to an award of punitive damages.

88. Pursuant to 42 U.S.C. §§ 1981 and 1988, Lindblad is entitled to actual damages, punitive damages, injunctive relief, and reasonable attorneys' fees and costs.

(42 U.S.C. § 1981 – Retaliation)

89. Lindblad restates and realleges Paragraphs 1 through 88 as if set forth fully herein.

90. Lindblad engaged in activity protected by 42 U.S.C. § 1981 by making reports regarding race-based discriminatory conduct that she experienced while employed by the defendants to her supervisors and human resources.

91. Defendants subjected Lindblad to adverse employment actions and subjecting her to a hostile work environment.

92. Lindblad's adverse employment actions were a direct and proximate result of Lindblad's protected complaints and reports regarding Defendants' race-based discriminatory conduct.

93. As a result of the retaliation by Defendants in violation of 42 U.S.C. § 1981, Lindblad suffered adverse employment consequences. Lindblad was caused to suffer lost past and future wages, professional opportunities, other valuable benefits and emoluments of employment as well as to endure severe emotional pain and trauma, all to her

detriment.

94. In their retaliatory actions alleged in violation of 42 U.S.C. § 1981, Defendants have acted with malice or deliberate indifference to the rights of Lindblad, thereby entitling her to an award of punitive damages.

95. Pursuant to 42 U.S.C. §§ 1981 and 1988, Lindblad is entitled to actual damages, punitive damages, injunctive relief, and reasonable attorneys' fees and costs.

CLASS CAUSES OF ACTION

VIOLATIONS OF 42 U.S.C. § 2000e et seq. ("TITLE VII") and 42 U.S.C. § 1981: EMPLOYMENT DISCRIMINATION AND DISPARATE TREATMENT ON THE BASIS OF RACE/ETHNICITY

96. Brantley restates and realleges Paragraphs 1 through 95 of the Complaint as if set forth fully herein, particularly the Class Allegations set forth at Paragraphs 16-27.

97. Title VII and 42 U.S.C. § 1981 prohibit employers from discriminating against job applicants on the basis of race or ethnicity.

98. Defendants engaged in discriminatory employment practices against job applicants, including Brantley and members of the putative class, in violation of Title VII and 42 U.S.C. § 1981 by refusing to consider applications from African-American and Hispanic prospective employees and from individuals whose names were "black-sounding" or considered to belong to "minority" applicants.

99. These applicants were deprived of fair and equal consideration of their employment applications and subjected to disparate treatment solely on the basis of their race or ethnicity (or Defendants' perception thereof).
100. Because of Defendants' discriminatory application and hiring process, these applicants were robbed of the opportunity to present their qualifications, credentials, and character as part of the employment process. This contravenes public policy, undermines societal values, and violates the law.
101. For example, Brantley is a college student with substantial fast-food experience, including a prior position at McDonald's®. She would have been able to provide positive recommendations from her supervisors at the prior fast-food restaurants where she worked, had she been given the opportunity to support her application with an informal or formal interview.
102. Brantley and the putative class members were harmed and damaged by Defendants' unlawful practices in violation of Title VII and 42 U.S.C. § 1981 in an amount to be determined at trial. Further, because Defendants were fully aware of and condoned these practices, its violations were malicious and reckless, and therefore Brantley and the putative class are entitled to punitive damages and the recovery of reasonable attorneys' fees and costs.
103. Further, Defendants should be enjoined from engaging in these discriminatory practices in the application and hiring process.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Lindblad and Brantley pray for the following relief:

- a. Judgment against Defendants for actual damages (including physical suffering and emotional distress) suffered by Lindblad in an amount to be proven at trial, which naturally flow from Defendants' statutory violations, wrongful termination of Lindblad in contravention of South Carolina public policy, and tortious conduct;
- b. Judgment awarding Lindblad punitive damages in an amount to be determined at trial for Defendants' malicious and reckless violations of Title VII, 42 U.S.C. §1981, and willful and wanton tortious conduct;
- c. Judgment awarding Lindblad reasonable attorneys' fees and costs incurred in enforcing her rights under Title VII and 42 U.S.C. § 1981;
- d. Entry of a declaratory judgment, stating that Defendants' practices, policies and procedures subjected Plaintiff Lindblad to racial discrimination, harassment, retaliation, making her work environment a hostile workplace in violation of Title VII;
- e. Enjoining Defendants from implementing or enforcing any policy, procedure, or practice that denies employees of any race the full and equal enjoyment of Defendants' benefits, pay increases, promotional opportunities and advancement within the company, and specifically enjoin them to take the following steps to prevent racial discrimination and

harassment, including but not limited to hostile work environment in their workplace:

(i) to develop, implement, promulgate, and comply with a policy providing for the training of each and every employee in the civil rights of employees in the workplace, including but not limited to racial harassment, discrimination and retaliation;

(ii) to develop, implement, promulgate, and comply with a policy providing for reporting and investigation of complaints regarding civil rights abuses, including but not limited to racial harassment, discrimination and retaliation;

(iii) to develop, implement, promulgate, and comply with a policy providing for disciplinary measures to be imposed upon any person found responsible for civil rights abuses, including but not limited to racial harassment, discrimination and retaliation.

- f. An Order certifying the putative class;
- g. Judgment awarding Brantley and the class members compensatory damages in an amount to be proven at trial for Defendants' violations of Title VII and 42 U.S.C. § 1981;
- h. Judgment awarding Brantley and the class members punitive damages in an amount to be determined at trial for Defendants' malicious and reckless violations of Title VII and 42 U.S.C. § 1981;

- i. Judgment awarding Brantley and class members reasonable attorneys' fees and costs associated with the class representation under Title VII and 42 U.S.C. § 1981;
- j. Granting Brantley and the class members injunctive relief enjoining Defendants from engaging further in its discriminatory practices in the application and hiring process;
- k. For such other relief as the Court deems just and equitable.

JURY DEMAND

Plaintiffs demand a jury trial on all issues so triable.

Respectfully submitted,

Dated: May 15, 2018

MHC LAW, LLC

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VERIFICATION

I, Molly R. Hamilton Cawley, declare as follows:

I am the attorney for Plaintiffs, and have read the foregoing Complaint with Jury Demand and know the contents thereof. I am informed and believe that the matters stated therein are true and, on that ground, allege that the matters stated therein are true.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 15th day of May, 2018, at Charleston, South Carolina.

/s/Molly R. Hamilton Cawley
Molly R. Hamilton Cawley