

FILED

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

2010 APR 20 PM 3: 12

WADNER TRANCHANT,

Plaintiff,

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

Case No. 10-cv-233-FtM-29DNF

vs.

THE RITZ CARLTON HOTEL COMPANY, LLC
d/b/a THE RITZ CARLTON NAPLES and
EDWARD V. STAROS,

Defendants.

COMPLAINT

Plaintiff sues Defendants and alleges:

1. This is an action brought pursuant to Title 42 U.S.C. § 1981 and Title 28 U.S.C. § 1343, seeking compensatory damages, punitive damages, costs of litigation and reasonable attorney's fees, against the Defendants for committing acts in violation of Title 42 U.S.C. §1981.
2. This Court has original jurisdiction pursuant to Title 28 U.S.C., §§1331 and 1343.
3. The acts and conduct of which Plaintiff complains were committed within Collier County, Florida, and venue is proper in this district pursuant to 28 U.S.C. Section 1391(b).

4. Plaintiff is a citizen of the United States of America and seeks recovery of in excess of \$75,000.00 in damages against Defendants as is more specifically pled below.

5. Defendant THE RITZ CARLTON HOTEL COMPANY, LLC, d/b/a THE RITZ CARLTON NAPLES (Hereafter "RITZ,") acting at all material times through its Vice President and Managing Director, Edward V. Staros (Hereafter STAROS), supervisors, agents, servants and employees, was at all material times, a limited liability company created in the state of Maryland and doing business in Collier County, Florida. Defendant STAROS is a citizen of the State of Florida.

6. At all material times Plaintiff and Defendant RITZ were employee and employer, respectively, with Plaintiff working as a restaurant captain and food server.

7. On or about February 28, 2010, the Rodney Morgan family arrived as guests of Defendant RITZ and specified to Defendants their preference to not be served by "people of color" or with "foreign accents."

8. This preference was entered into the computer system of Defendant RITZ at the direction of Defendant STAROS, with the further notation that "...as per Mr. Staros this couple is very very prejudice [sic] and do like like [sic] ppl of color or foreign accents."

9. Subsequently, on March 12, 2010, Defendants instructed the serving staff regarding the stated prejudice of the Morgan family with their reservation for “Banquette Seating” in the Grill Restaurant through its computer notification system and word of mouth.

10. Plaintiff is a black United States of America citizen of Haitian origin.

11. Plaintiff’s normal duties entailed providing service to guests, including the serving of food, but as Plaintiff began to provide such services on March 12, 2010, he was prevented by his immediate supervisors from doing so as to the Morgan family because they did not want to be waited on by a black person per the instructions of Defendant STAROS.

12. Such conduct was not welcomed by Plaintiff.

13. The conduct of Defendants, and other supervisory employees of Defendant RITZ, was motivated by the fact that Plaintiff is Black.

14. Other employees of Defendant RITZ also encountered similar treatment on multiple occasions.

15. Such conduct toward Plaintiff was so severe or pervasive that a reasonable person in Plaintiff’s position would find Plaintiff’s work environment to be hostile or abusive.

16. Plaintiff believed his work environment to be hostile or abusive as a result of Defendants’ conduct.

17. At such time, and subsequently, Plaintiff was humiliated, embarrassed, frightened, intimidated, subject to undeserved shame and suffered severe emotional distress which is continuing and for which Plaintiff has sought medical and psychological treatment.

18. Defendant's actions as alleged above constitute a violation of the prohibitions of 42 U.S.C. §1941 in that Plaintiff has been denied the enjoyment of all benefits, privileges, terms, and conditions of his employment relationship with Defendant RITZ.

19. As a direct and proximate result of Defendant's action and violations of Title 42 U.S.C. §1941, Plaintiff has been damaged.

20. Defendants' actions as alleged above, and through a pattern of invidious discrimination, were done by Defendant RITZ, through its managing employees including the Vice President and Managing Director of the hotel, Defendant STAROS, intentionally and with malice, or with such recklessness as to be tantamount to intentional conduct, and Plaintiff is therefore entitled to an award of punitive damages.

WHEREFORE Plaintiff demands judgment for damages, both compensatory and punitive, against Defendants, jointly and severally, together with costs of the action and attorney fees.

PLAINTIFF DEMANDS TRIAL BY JURY.

By: 

MICHAEL R.N. McDONNELL

Florida Bar No. 124032

McDONNELL TRIAL LAW

5150 Tamiami Trail North

Suite 501, Newgate Tower

Naples, Florida 34103

(239) 434-7711 telephone

(877) 613-7485 facsimile

Co-counsel for Plaintiff

And

SCOTT MARTIN ROTH

Florida Bar No. 0763403

LAW OFFICES OF SCOTT MARTIN ROTH & ASSOCIATES, P.A.

2500 Airport Road South

Naples, Florida 34112

(239) 530-3733 telephone

(239) 530-7684 facsimile

Co-counsel for Plaintiff