

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
AYMAN JARRAH, a/k/a DAVE )  
YURMAN, LAND GUARDIAN, )  
INC., formerly d/b/a GASLAMP, )  
and currently d/b/a 360 MIDTOWN, )  
)  
Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION NO. 4:16-CV-2906

**COMPLAINT**

The United States of America alleges:

1. This action is brought by the Attorney General on behalf of the United States to enforce Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 2000a-5(a) and 28 U.S.C. § 1345.

3. Venue is proper in the Southern District of Texas pursuant to 28 U.S.C. § 1391(b) because (a) a substantial part of the events giving rise to the claims alleged herein arose in this District, and (b) Defendants reside in and do business in this District.

DEFENDANTS

4. Defendant Ayman Jarrah, a/k/a Dave Yurman, lives in Houston, Texas.

5. Defendant Land Guardian, Inc., is a registered domestic company in Texas. At all times relevant to this complaint, Defendant Land Guardian, Inc., has operated a bar, restaurant,

and/or nightclub located in Houston, Texas. That establishment was formerly known as “Gaslamp,” located at 2400 Brazos Street in Houston, Texas. The establishment is now known as “360 Midtown,” which is located at the same address and in the same physical space as Gaslamp.

6. Defendant Ayman Jarrah is the president, director, registered agent, and corporate shareholder of Defendant Land Guardian, Inc. Defendant Ayman Jarrah has authority to act on behalf of Defendant Land Guardian, Inc., and is responsible for the management and operation of all activities of Defendant Land Guardian, Inc.

7. At all times relevant to this complaint, Defendants Ayman Jarrah and Land Guardian have owned and operated a three-story establishment located at 2400 Brazos Street, which was formerly called Gaslamp and is now known as 360 Midtown.

8. The establishment known as Gaslamp included a bar and grill located on the first floor, a nightclub located on the second floor known as “Elysium,” and a rooftop nightclub located on the third floor known as “Gaslamp Terrace.”

9. The establishment known as 360 Midtown includes a bar on the first floor, a nightclub located on the second floor known as “The Hampton Room,” and a rooftop nightclub located on the third floor known as “Skybar.”

10. At all times relevant to this complaint, Gaslamp sold food and alcohol for consumption on the premises while it was in operation.

11. At all times relevant to this complaint, 360 Midtown has sold alcohol for consumption on the premises.

12. A substantial portion of the food and/or drinks served by Gaslamp and 360 Midtown have moved in interstate commerce.

13. At all times relevant to this complaint, Gaslamp and Midtown 360 have offered patrons, including out-of-state travelers, entertainment such as in-state and out-of-state televised sporting events, a disc jockey, dancing, live music, and games such as “Magnet Pong” and “Ring Toss.” A substantial portion of the materials used in the operation of Gaslamp and 360 Midtown—including, for example, plates, glasses and utensils, tables and chairs, kitchen appliances, music and disc jockey equipment, televisions, games, and hookahs—have moved in interstate commerce.

14. The establishment formerly known as Gaslamp and currently known as 360 Midtown is a place of public accommodation within the meaning of 42 U.S.C. § 2000a(b).

15. The operation of the establishment formerly known as Gaslamp and currently known as 360 Midtown affects commerce within the meaning of 42 U.S.C. § 2000a(c).

#### TITLE II VIOLATIONS

16. Since at least October 2014 to the present, the Defendants, through their own actions or the actions of their officers, employees and agents, implemented policies and practices that deny African-American, Hispanic, and Asian-American patrons, on account of their race, color, and/or national origin, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of the establishment formerly known as Gaslamp and currently known as 360 Midtown. These policies and practices have included (1) charging African-Americans, Hispanics, and Asian-Americans a cover charge to enter the establishment while not imposing such a charge on similarly situated white patrons; and (2) otherwise discouraging and/or denying African-American, Hispanic, and Asian-American patrons admission to the establishment while offering admission to similarly situated white patrons.

17. Defendant Jarrah was responsible for devising, implementing, and instructing employees and agents to carry out the discriminatory practices and policies described above at the establishment formerly known as Gaslamp and currently known as 360 Midtown. In providing such instructions to employees and agents, Defendant Jarrah used racial slurs, such as “n\*\*ger”, and/or other derogatory terms when referring to African-American, Hispanic, and/or Asian-American patrons.

18. Consistent with Defendant Jarrah’s instructions, in numerous instances since at least October 2014, Defendants charged African-American, Hispanic, and Asian-American patrons a cover charge (ranging from at least \$10 - \$20) to enter Gaslamp when similarly situated white patrons were not charged such a fee. For example, in November 2014, a Gaslamp employee charged a group of four Asian-American patrons \$10 per person to enter Gaslamp. Within minutes, the group observed a Gaslamp employee charging African-American patrons but permitting white patrons to enter without paying. Similarly, on September 11, 2015, a Gaslamp employee charged three African-American patrons a \$20 cover charge, which the African-American patrons declined to pay. Approximately 30 minutes later, these African-American patrons observed (1) white patrons entering Gaslamp without being charged; and (2) other African-American, Hispanic, and Asian-American patrons being charged a cover and/or being denied entrance to Gaslamp. Moments later, when one of the three African-American patrons again attempted to enter Gaslamp, the Gaslamp employee again attempted to charge him \$20. The African-American patron did not enter the establishment.

19. Consistent with Defendant Jarrah’s instructions, since at least October 2014, Gaslamp denied numerous African-American, Hispanic, and Asian-American patrons entry based on alleged dress code violations when similarly dressed white patrons were permitted to

enter. For example, in October 2014, an African-American patron was denied entry for wearing a midriff shirt and high-waisted pants. Moments later, Gaslamp permitted another white patron to enter even though she was wearing a similarly-styled midriff shirt and high-waisted pants. At the time of the incident, Gaslamp did not have a dress code posted and the Gaslamp website did not contain a dress code. At the time of the incident, photographs appearing on social media platforms promoting Gaslamp contained images of white Gaslamp customers wearing similarly-styled midriff shirts.

20. The Defendants' conduct described in Paragraphs 16 through 19 constitutes a pattern or practice of resistance of the full and equal enjoyment by African-American, Hispanic, and Asian-American individuals, on account of these individuals' race, color, and/or national origin, of rights secured by 42 U.S.C. §§ 2000a, *et seq.*, and the pattern or practice is of such a nature and is intended to deny the full exercise of such rights.

#### PRAYER FOR RELIEF

WHEREFORE, the United States requests that the Court enter an Order:

1. Declaring that the discriminatory practices and policies of the Defendants violate Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, *et seq.*;
2. Enjoining the Defendants, their employees, agents, and successors, and all other persons in active concert or participation with them, from engaging in any act or practice which, on the basis of race, color, or national origin, denies or abridges any rights secured by Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, *et seq.*; and
3. Requiring the Defendants, their employees, agents, and successors, and all other persons in active concert or participation with the Defendants, to take such affirmative steps as

may be necessary to remedy the effects of past unlawful conduct and to prevent the recurrence of discriminatory conduct in the future.

The United States further prays for such additional relief as the interests of justice may require.

This 28th day of September, 2016.

Respectfully submitted,

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