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Court of Common Pleas

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Confirmation Nbr. 1489021

DANIELLE NELSON, ET AL.

CV 18 903466

vs.

Judge: BRENDAN J. SHEEHAN

BAHAMA BREEZE HOLDINGS, LLC, ET AL.

Pages Filed: 31

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

<p>Danielle Nelson 1303 W. Juniper Ave., Apt. 2223 Gilbert, AZ 85233,</p> <p>Abiola Adeyemon 3650 Grosvenor Road Cleveland Heights, OH 44118</p> <p>Shunnah Antoine 1082 Roslyn Ave. Akron, OH 44320</p> <p>Akeesha Archie 1894 Buchtel Street Twinsburg, OH 44087</p> <p>Keshia Johnson Chambers 9594 Ledge Acres Dr. Macedonia, OH 44056</p> <p>Elaina Cheatwood 19201 Van Aken Blvd. Apt. 408 Shaker Heights, OH 44122</p> <p>Prince Cheatwood 19201 Van Aken Blvd. Apt. 408 Shaker Heights, OH 44122</p> <p>Chivonna Childs 1911 Beverly Hills Drive Euclid, OH 44117</p> <p>Jasmine Finch 6871 Ames Rd., Apt. 216 Parma, OH 44129</p> <p>Kimberly Glenn 2256 Maplewood Road Cleveland Heights, OH 44118</p> <p>Maurice Grayer 796 Lincoln Blvd. Bedford, OH 44146</p>	<p>Case No.</p> <p>Judge</p>
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Eugenia Green
1850 Parker Lane
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Holly Green
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Willoughby, OH 44094

Jasmine Green
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Bedford Heights, OH 44146

Anntwinette Martin
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Euclid, OH 44123

Sahabahddin Muhammad
924 East 223rd Street
Euclid, OH 44123

Robin Patterson
2116 Helmsdale Drive
Euclid, OH 44143

Waverly Powell
6809 Mayfield Road, Apt. 953
Mayfield Heights, OH 44124

Heather Rice
3135 Whitethorn Road
Cleveland Heights, OH 44118

Nicole Richardson
3819 Roselawn Ave.
Woodmere, OH 44122

Keisha Smith
17716 Van Aken Blvd
Shaker Heights, OH 44122

Chante Spencer
1337 Winston Road
South Euclid, OH 44121

<p>and</p> <p>Colleen Williams 3550 Riedham Road Shaker Heights, OH 44120</p> <p>Plaintiffs,</p> <p>v.</p> <p>Bahama Breeze Holdings, LLC c/o Corporate Creations Network, Inc. 110 E. Court St. Cincinnati, OH 45202,</p> <p>Francis Skupnik 19544 Cherry Stone Lane Strongsville, OH 44136,</p> <p>and</p> <p>Devin Jenkins 834 Helmsdale Rd. Cleveland Heights, OH 44112,</p> <p>Defendants.</p>	
<p>COMPLAINT WITH JURY DEMAND</p>	

NATURE OF ACTION

This is an action brought under R.C. 4112.02(G) to vindicate rights against race discrimination in places of public accommodation and other violations of state law. The Bahama Breeze Island Grille in Orange Village, Ohio invites the public to “explore island flavors in a warm and welcoming atmosphere.” But instead, the restaurant targeted Plaintiffs for dining while black. The atmosphere Plaintiffs faced on June 19, 2018 was neither warm nor welcoming. Their party waited an hour to be seated despite having a reservation and then endured glacial and disinterested service throughout the evening. Before most guests had eaten or received checks, a manager called the police to

falsely report that the group was threatening not to pay their bill. Another manager stood with officers demanding receipts before these black patrons could leave the room, even to use the restroom. Some guests never even received their food orders. Bahama Breeze and its staff treated these professional, educated patrons like criminals because of the color of their skin.

PARTIES

1. Plaintiff Danielle Nelson, M.A., is a school administrator as well as a published author, director, and producer. She recently relocated from Cleveland to Arizona. She is African-American.
2. Plaintiff Abiola Adeyemon, M.A., is a high-school Spanish teacher residing in Cleveland Heights, Ohio. She is African-American.
3. Plaintiff Shunnah Antoine operates a 24-hour daycare center and resides in Akron, Ohio. She is African-American.
4. Plaintiff Akeesha Archie, M.Ed., is an is an assistant principal residing in Twinsburg, Ohio. She is African-American.
5. Plaintiff Keshia Johnson Chambers, M.B.A., is a civil engineer residing in Macedonia, Ohio. She is African-American.
6. Plaintiff Elaina Cheatwood, M.B.A., is a high-school guidance counselor and success coach residing in Shaker Heights, Ohio. She is African-American.
7. Plaintiff Prince Cheatwood is a network administrator residing in Shaker Heights, Ohio. He is African-American.

8. Plaintiff Chivonna Childs, Ph.D., is a psychologist residing in Euclid, Ohio. She is African-American.
9. Plaintiff Jasmine Finch, M.Ed., is a high-school counselor residing in Parma, Ohio. She is African-American.
10. Plaintiff Kimberly Glenn, M.S., is a benefits manager for a law firm who resides in Cleveland Heights, Ohio. She is African-American.
11. Plaintiff Maurice Grayer works in sewer construction for a local municipality and resides in Bedford, Ohio. He is African-American.
12. Plaintiff Eugenia Green, M.A., is a retired high-school principal residing in Twinsburg, Ohio. She is African-American.
13. Plaintiff Holly Green is a hairstylist who resides in Willoughby, Ohio. She is African-American.
14. Plaintiff Jasmine Green works for a marketing company and resides in Willoughby, Ohio. She is African-American.
15. Plaintiff Rachel Hill, M.A., hosts a public-affairs radio program and works as a freelance journalist. She resides in Shaker Heights, Ohio. She is African-American.
16. Plaintiff Mia Jones, M.A., is an IT professional residing in Bedford Heights, Ohio. She is African-American.
17. Plaintiff Anntwinette Martin is a stylist and substitute teacher residing in Euclid, Ohio. She is African-American.
18. Plaintiff Sahabahddin Muhammad is a real-estate broker and investment advisor who resides in Euclid, Ohio. He is African-American.

19. Plaintiff Heather Rice, Ph.D., is a nurse practitioner residing in Cleveland Heights, Ohio. She is African-American.
20. Plaintiff Robin Patterson, J.D., is a hearing officer residing in Euclid, Ohio. She is African-American.
21. Plaintiff Waverly Powell, M.A., is a school administrator residing in Mayfield Heights, Ohio. He is African-American.
22. Plaintiff Nicole Richardson, Ph.D., is a second-grade teacher residing in Woodmere, Ohio. She is African-American.
23. Plaintiff Keisha Smith, M.A., is a special-education teacher residing in Shaker Heights, Ohio. She is African-American.
24. Plaintiff Chante Spencer, M.A., is an elementary-school teacher residing in South Euclid, Ohio. She is African-American.
25. Plaintiff Colleen Williams, M.A., is a special-education teacher residing in Shaker Heights, Ohio. She is African-American.
26. Defendant Bahama Breeze Holdings, LLC is incorporated under the laws of Florida and operates a place of public accommodation: the Bahama Breeze restaurant at 3900 Orange Place, Beachwood, OH 44122 (“Bahama Breeze” or “the restaurant”). Its parent company is Darden Restaurants, Inc.
27. At the time of the relevant events, Francis Skupnik, who is a white male, was a manager at Bahama Breeze. He resides in Strongsville, Ohio.
28. At the time of the relevant events, Devin Jenkins, who is a white female, was a manager at Bahama Breeze. She resides in Cleveland Heights, Ohio.

FACTS

Danielle Nelson schedules a bon voyage party at Bahama Breeze.

29. Plaintiff Danielle Nelson made a reservation for a private party at Bahama Breeze on Tuesday, June 19, 2018. She planned the gathering to celebrate her upcoming relocation to Arizona and recent book deal. She spoke to a manager, Zechariah Quinn, who assured her that the restaurant would have a private area set up for her party.

30. In its marketing materials, Bahama Breeze touts “ultimate flexibility” for “whatever size party” and promises guests “an epic good time” where “everyone is happy.” Bahama Breeze failed to deliver on those promises.

31. Ms. Nelson and most of her party are post-graduate members of the Greater Cleveland Alumnae Chapter of the Delta Sigma Theta Sorority, Inc. This sorority was founded in 1913 at Howard University to promote academic excellence and service to those in need. For over 90 years, the Cleveland chapter had sustained the founders’ commitment to scholarship and public service rooted in Christian principles. The Cleveland chapter counts among its over 400 members Congresswoman Marsha L. Fudge, who previously served as president of the national chapter.

Ms. Nelson’s party is not timely seated despite a reservation, is repeatedly lied to about the cause of the delay, and receives inattentive and disinterested service.

32. Ms. Nelson and a few other guests arrived a little before six and let the staff know they had a reservation for their party.

33. Despite having a reservation, Ms. Nelson and her party were not timely seated.

34. From the main dining and bar area, Ms. Nelson and her party could see that the private area on the enclosed patio had been set up for their party.

35. It seemed from the time of their arrival that the staff did not want Ms. Nelson and her party there. The staff's attitude was poor and they failed to do basic things customary in the hospitality industry like seating people with reservations, timely taking orders and delivering drinks and meals, and apologizing for unexplained delays.

36. About 25–30 minutes after they arrived, Ms. Nelson followed up with the hostess about why they hadn't been seated. The hostess said the tables were being set up. But that was a lie. The tables had been set up earlier that day and were clearly ready and waiting for the party (and visible from the bar area where the group was waiting). Ms. Nelson and her party nevertheless continued to wait patiently in the bar area for the restaurant to seat them in the party area.

37. When Jasmine Green asked manager Defendant Devin Jenkins about seating the party, Ms. Jenkins, in a harsh and disrespectful tone responded, "You guys are just going to have to wait." When Ms. Green began to speak again, Ms. Jenkins *walked away* as Ms. Green was talking. It was evident from Ms. Jenkins's tone and demeanor that she was hostile to Ms. Nelson's party. Ms. Jenkins's attitude started off bad and became worse throughout the evening.

38. Ms. Jenkins's hostile and dismissive approach to Ms. Green and the other black patrons set the tone for the entire evening and infected the staff's approach to serving Plaintiffs.

39. By 6:30, at least 20 friends were crammed in the bar area waiting to be seated for the 6:00 p.m. reservation.

40. During this time, a server came by and asked why the hostess hadn't seated them yet because she (the server) had set up their area earlier that afternoon.

41. As Ms. Nelson and her party waited in the bar area, Ms. Jenkins walked through the group and made rude remarks such as "you're in my way." Ms. Jenkins also yelled at staff members saying, "You need to get them out of my way."

42. As the group waited in the bar for permission to be seated, manager Defendant Francis Skupnik complained that, "There are far too many people here."

43. Bahama Breeze is a full-service restaurant. At no time during the evening of June 19 did the number of patrons in the restaurant exceed the restaurant's capacity to serve the assembled guests. At no time that evening did the total number of patrons in the restaurant exceed the permissible number of persons permitted in the space under the applicable fire codes.

44. On information and belief, Mr. Skupnik has never openly complained to patrons about the number of guests in a party of white people.

45. As with Ms. Jenkins's attitude, Mr. Skupnik's hostile and combative approach to these black patrons set the tone for the entire evening and infected the staff's approach to serving Plaintiffs.

46. On information and belief, Ms. Jenkins and Mr. Skupnik were communicating with each other and with other staff via walkie-talkie/headset throughout the evening.

47. No one apologized for the long wait despite a reservation. No one explained why Ms. Nelson and her group weren't being seated.

48. When no staff would seat them, at approximately 7:00, the group seated themselves in the private area that had been set up earlier in the day for their party.

“You and your people”

49. As Ms. Nelson’s party was sitting down, Ms. Jenkins told Ms. Nelson in a venomous tone, “You and your people cannot leave out of this room for anything.” Ms. Jenkins then *walked away* before Ms. Nelson could respond. There was no justification for Ms. Jenkins’s unprovoked hostility.

50. When Ms. Jenkins referred to Ms. Nelson and her “people,” Ms. Jenkins was referring to black people.

51. Ms. Jenkins had no right to segregate Ms. Nelson and her party and thus preclude their full enjoyment of the restaurant.

52. It is not customary in the restaurant industry to tell guests that they cannot leave a room when the entire restaurant is open to the public.

53. On information and belief, it is not Bahama Breeze’s standard policy to tell guests that they cannot leave a room when the entire restaurant is open to the public.

Bahama Breeze assigns a single server for Ms. Nelson’s entire party; the service is abnormally slow – even for a large party – and staff did not apologize or offer to correct a myriad of errors.

54. After Ms. Nelson and her party seated themselves, a lone server appeared and explained she would be the only one serving their party of over 20 guests. No one explained why only one server would be serving a party over 20 guests.

55. It is customary in the restaurant industry for a group of 20-plus people to be assigned at least two servers if not more.

56. On information and belief, it is Bahama Breeze's standard policy to assign two or more servers to a group of 20-plus people.

57. At no time during the entire evening did the restaurant allocate a sufficient number of servers to adequately and timely serve the number of guests in Ms. Nelson's party.

58. The server admitted to Ms. Nelson that the area had been set up for her party much earlier in the day, saying, "I don't know she wouldn't let them seat you all earlier. I had this area set up for you at 2:30 p.m. It's been ready." The server indicated she was referring to Ms. Jenkins.

59. The staff was not attentive and would not stay in the area. At the outset, the server did not bring enough menus or waters to accommodate the number of guests present. Ms. Nelson and her party experienced very long wait times to place drink or food orders. Ms. Nelson and her party experienced very long wait times to receive drink or food orders. And some members of the party never received what they ordered.

60. Some of the orders were never delivered. For example, Plaintiff Kim Glenn placed a food order that was never delivered despite her repeated follow up with the server. In another instance, Plaintiff Keshia Johnson Chambers inquired about a food order that was never delivered. She alerted the server to the problem, and the server alerted Ms. Jenkins, who ignored the server, *walked away*, and did nothing to help remedy the issue. Ms. Chambers then cancelled her food order. Another guest expressed that she had a severe dairy allergy. Before her food was delivered, the server

said not to eat it when it came because it had dairy in it. The server did not apologize or offer to correct the error.

61. Other Plaintiffs did not receive portions of their orders (such as side dishes or condiments). These errors were never corrected.

62. Plaintiff Keshia Smith placed an order at the bar, indicated she was moving to party area, and never received her order. She asked the server. The server shrugged. Ms. Smith went back to bar to follow up and saw her order sitting on the side of the bar. A white patron (not with Ms. Nelson's party) said the food had been sitting there for a while. The white male bartender denied this when Ms. Smith asked. She took the order to her table. It was cold.

63. By contrast, some people in Ms. Nelson's party who were frustrated with the excessive wait times to place an order with the server placed to-go orders online or by phone and got their food swiftly.

64. Bahama Breeze did not provide a number of Plaintiffs with the food they ordered. And staff did not apologize or correct the numerous errors.

65. At least one guest in Ms. Nelson's party witnessed the poor, slow service and made the decision not to place an order. Other guests who became frustrated with the excessive wait times to order went out to the bar area. For example, Plaintiff Mia Jones went to the bar intending to place a drink order. She waited for 20 minutes without being served by the white male bartender. When a white female sat down beside her, the bartender served her immediately. Ms. Jones was astonished at this disparate treatment, which was so obviously discriminatory that the white lady felt awkward and

was apologetic to Ms. Jones. The bartender eventually served Ms. Jones but was standoffish and clearly had a problem serving her. After making her wait, he slammed her drink down in front of her.

66. While Ms. Nelson's party was underway, Ms. Jenkins repeatedly entered the enclosed patio area where they were seated and made a big show of performing a head count of the assembled guests. As she did so, her attitude and body language were hostile and displayed unjustified aggravation with the assembled guests.

67. There was no reason for Ms. Jenkins to repeatedly count the guests in Ms. Nelson's party, or to do so in a way that was not professional and discreet.

68. Ms. Jenkins also expressed her hostility toward Ms. Nelson and her party by glaring at them when Ms. Jenkins entered the room.

The sorority's executive board has a reservation and likewise is not timely seated or served.

69. In addition to Ms. Nelson's party, the executive board of the Cleveland chapter of Delta Sigma Theta (all black women) had a separate reservation for eight people at 6:00. Chapter president Plaintiff Nicole Richardson was part of this executive meeting. Their table was not ready at the appointed time and their party was waiting in the bar for an extended period. When the sorority leadership asked about their reservation being honored, Ms. Jenkins was nasty and hateful to them as well. There was no legitimate reason for Ms. Jenkins to react viciously when asked about the restaurant honoring a reservation.

70. Dr. Richardson and her meeting companions waited over an hour—on a Tuesday—to be seated for their 6:00 p.m. reservation.

71. Dr. Richardson and her party were seated in the back of the restaurant and not in the enclosed patio area where Ms. Nelson and her guests were seated.

72. Once Dr. Richardson and her party were seated, they received poor service. Her order was not delivered correctly. The error was not corrected until after her party had finished eating. Another of her dining companions experienced similar difficulties.

73. When Dr. Richardson and her party complained, Mr. Skupnik brushed off their concerns and did not apologize.

74. In the restaurant industry, it is customary for staff to apologize for any little problem whether or not it is within their control to remedy. For a manager not to apologize for actual errors in patrons' orders is extremely unusual.

75. Dr. Richardson and her party were treated in a markedly hostile manner by the restaurant staff and management.

One guest requests her check so she can leave in time for work, but the server and manager do not timely provide it.

76. One guest at Ms. Nelson's party, Shunnah Antoine, had to be at work that evening. She requested her bill and was told she had to wait for all the bills to come out. She explained that she needed to leave for work. The server would not relent.

77. When the server refused to bring Ms. Antoine her bill, she asked for a manager. Ms. Jenkins appeared. Ms. Antoine asked again for her bill. Ms. Jenkins was hostile and rude in her tone and body language and did not help Ms. Antoine. Ms. Jenkins said Ms. Antoine couldn't get her bill until Ms. Nelson's entire party had been served. Ms. Antoine begged for her bill, explaining that she needed to leave to be on time to work. Ms. Antoine operates a 24-hour daycare, so parents were relying on her to be at the

facility on time to provide childcare. She even said she would leave her debit-card number if the bill was not delivered before she had to leave. Ms. Jenkins remained dismissive of Ms. Antoine's pleas. Ms. Jenkins *walked away* while Ms. Antoine was speaking. At no time did Ms. Antoine threaten to leave without paying her tab.

78. Finally, Ms. Jenkins and a different server came with Ms. Antoine's bill. Ms. Antoine paid her bill and left for work without further ado.

79. There was no legitimate basis for the server to refuse to provide Ms. Antoine's bill when she asked for it.

80. There was no legitimate basis for Ms. Jenkins's unexplained hostility to Ms. Antoine request to have her bill so she could make it to work on time.

81. It is not customary in the restaurant industry to require all guests in a party to wait to receive a bill until everyone else in the party has been served.

82. On information and belief, it is not Bahama Breeze's standard policy to require all guests in a party to wait to receive a bill until everyone else in the party has been served.

83. It is customary in the restaurant industry to bring a guest her bill when she requests it.

84. On information and belief, it is Bahama Breeze's standard policy to bring a guest her bill when she requests it.

Manager Francis Skupnik calls the police to falsely report that Ms. Nelson's party was "unruly" and that guests were "threatening" to "walk out without paying."

85. Unbeknownst to Ms. Nelson and the rest of her party, before most of their food was even served or bills distributed, Mr. Skupnik called and made a false report to Orange Village police at approximately 8:30 p.m. saying that Ms. Nelson and her party were "unruly guests" who were "threatening" to "walk out without paying."

86. No guest in Ms. Nelson's party was unruly.

87. Before police arrived, Ms. Nelson's party was in good spirits and socializing peacefully at a normal volume.

88. No guest in Ms. Nelson's party threatened to leave without paying.

89. Mr. Skupnik's report to police was false.

90. Mr. Skupnik's false report is documented in the audio recording of the call Plaintiffs obtained from Orange Village police.

91. Mr. Skupnik's assumption that the patrons in Ms. Nelson's party were not going to pay was based not on anything Plaintiffs had done but on invidious stereotypes about black criminality.

92. No reasonable person could observe a group of college-educated, professional people like Ms. Nelson and her party and assume they were going to skip out on the check.

93. When Orange Village police arrived, Ms. Jenkins lied to the police. She falsely told officers that the group was causing a disturbance and threatened to leave without paying.

94. Ms. Jenkins's false report to police is documented in the police report prepared by the responding officers that Plaintiffs obtained from Orange Village police.

95. Ms. Jenkins's assumption that the patrons in Ms. Nelson's party were not going to pay was based not on anything Plaintiffs had done but on invidious stereotypes about black criminality.

96. Neither Mr. Skupnik nor Ms. Jenkins alerted the police that Ms. Antoine—the guest whose request for her check had apparently prompted the false report to police—had received her bill and paid her tab without incident.

97. Calling the police was an assault on Plaintiffs' privacy and dignity. Defendants refused to afford Plaintiffs the respect and consideration afforded to white patrons, including the presumption that they will pay their bills.

Orange Village police arrive and detain Ms. Nelson and her guests as manager Devin Jenkins demands receipts from Ms. Nelson's guests to prove they paid their bills.

98. When Plaintiffs Chante Spencer and Maurice Grayer attempted to leave a little after 8:30 p.m., Ms. Jenkins—accompanied by two Orange Village police officers—accosted Ms. Spencer and Mr. Grayer and demanded their receipts to prove they had paid.

99. Ms. Spencer was training for a fitness competition and did not order any food or beverages. She explained that she did not have a bill.

100. Mr. Grayer was leaving with a to-go box because his food had been served cold and he planned to reheat it at home. As he attempted to pass, one of the officers

grabbed Mr. Grayer's shoulder and told him to cooperate. Mr. Grayer complied and returned to the private dining area to get his receipt so he would be permitted to leave.

101. After accosting Ms. Spencer and Mr. Grayer, Ms. Jenkins and the police stood guard at the door to the enclosed patio area and detained Ms. Nelson's party. And the word spread through the party that the guests would not be permitted to leave the area unless they would produce a receipt proving they had paid.

102. When the police arrived, most of the guests at Ms. Nelson's party had not yet received a bill. Some guests were still waiting to receive food and others had not even ordered yet. Some guests who had already paid were not provided receipts and so could not prove they had paid even though they had.

103. Given how long members of Ms. Nelson's party had been waiting to receive their orders, it was a particularly painful slap in the face to be held hostage until they could produce a receipt, especially for those who had not received their meals, let alone their checks.

104. Plaintiff Jasmine Green was one of the few guests who had eaten and paid when the police arrived (having placed a to-go order by phone). She had paid her bill by credit card, signed the slip, and left it in the check holder, which the server then collected. After the police arrived, Ms. Green attempted to go out to her car to charge her cell phone. She was turned back at the door by Ms. Jenkins and the police because she could not produce her receipt proving she paid. Ms. Jenkins said, "I don't care. I need to see your bill," when Ms. Green explained that the server had taken her receipt. Ms. Green went back to her table and tried to get the server's attention to ask for a copy

of her receipt. Ms. Green was unable to get the server's attention to do so. She remained seated until the police left the area.

105. Once the group learned that they were not free to leave without producing a receipt, another employee (not the original server – she had disappeared by this time) brought in checks for those party members who had been served. This employee then disappeared, and no one was collecting the payment. The group continued to wait, this time to pay their bills.

106. Many members of Ms. Nelson's party were afraid to approach Ms. Jenkins and the police for fear of what kind of response any confrontation might trigger. Plaintiffs feared for their personal safety as Ms. Jenkins used the police as her own private security force to intimidate Ms. Nelson and her friends and enforce Ms. Jenkins's earlier insistence that she "and [her] people" could not leave the room. Ms. Jenkins chuckled as the party endured this scrutiny and suffered the humiliation of being treated as criminals.

107. Meanwhile, members of the party who had not been served were not permitted to go to the bar to order drinks or food, and were forbidden to go over to the fire-pit side of the patio, or to the restroom.

108. Plaintiffs, who had endured slow and disinterested service throughout the evening, now had to wait to even use the bathroom until after they had paid.

The treatment to which Defendants subjected Plaintiffs is inconsistent with the restaurant's typical operating practices.

109. Defendants do not treat white patrons like they treated Plaintiffs.

110. It is customary in the restaurant industry to bring guests the food they order.

111. On information and belief, it is Bahama Breeze's standard policy to bring guests the food they order.

112. It is customary in the restaurant industry to apologize when an error is made in an order.

113. On information and belief, it is Bahama Breeze's standard policy to apologize when an error is made in an order.

114. It is customary in the restaurant industry to correct errors in food orders, particularly when a customer has indicated a severe allergy.

115. On information and belief, it is Bahama Breeze's standard policy to correct errors in food orders, particularly when a customer has indicated a severe allergy.

116. Defendants do not segregate parties of white patrons or attempt to restrict their free movement within the restaurant as Defendants did to Plaintiffs.

117. Defendants do not check white patrons' receipts before allowing them to use the restroom or otherwise move freely around the building as Defendants did to Plaintiffs.

118. It is not customary in the restaurant industry to check patrons' receipts before allowing them to use the restroom or otherwise move freely around the building.

119. On information and belief, it is not Bahama Breeze's standard policy to check patrons' receipts before allowing them to use the restroom or otherwise move freely around the building.

120. Defendants do not check white patrons' receipts before allowing guests to move freely about the restaurant and surrounding area, including going outside to smoke or retrieve things from their cars, as Defendants did to Plaintiffs.

121. It is customary in the restaurant industry to allow guests to move freely about the restaurant and surrounding area, including going outside to smoke or retrieve things from their cars without having to provide a receipt.

122. On information and belief, it is Bahama Breeze's standard policy to allow guests to move freely about the restaurant and surrounding area, including going outside to smoke or retrieve things from their cars without having to provide a receipt.

123. Defendants do not require each departing white guest to show a receipt to a manager before the guest is permitted to leave, as Defendants did to Plaintiffs.

124. It is not customary in the restaurant industry to require each departing guest to show a receipt to a manager before the guest is permitted to leave.

125. On information and belief, it is not Bahama Breeze's standard policy to require each departing guest to show a receipt to a manager before the guest is permitted to leave.

126. Defendants do not try to restrict white patrons from ordering at the bar, as Defendants did to Plaintiffs.

127. It is not customary in the restaurant industry to refuse to allow patrons to order at the bar if they prefer to order at the bar.

128. On information and belief, it is not Bahama Breeze's standard policy to refuse to allow patrons to order at the bar if they prefer to order at the bar.

129. Like Ms. Jenkins, Mr. Skupnik insisted that Ms. Nelson's party stay within the enclosed patio area and not go to the bar. While the police were present, he hovered over the enclosed patio area glaring at the party with a menacing facial expression.

130. By confining Ms. Nelson and her party to the enclosed patio area unless they could produce a receipt, the restaurant denied Ms. Nelson's party the right to place orders at the bar that the restaurant extends to white patrons.

When questioned, Ms. Jenkins admitted that no one threatened to leave without paying, and that she only suspected someone in the party would do so.

131. In conversation with various members of Ms. Nelson's party, Ms. Jenkins admitted that no one from Ms. Nelson's party had left without paying.

132. In conversation with various members of Ms. Nelson's party, Ms. Jenkins admitted that no one from Ms. Nelson's party had threatened to leave without paying.

133. In conversation with various members of Ms. Nelson's party, Ms. Jenkins admitted that no one from Ms. Nelson's party had threatened the staff.

134. In conversation with various members of Ms. Nelson's party, Ms. Jenkins admitted that she only *suspected* that someone was going to "walk out on their bill." Ms. Jenkins offered no explanation for why she harbored this suspicion.

Ms. Jenkins's and Mr. Skupnik's respective false reports to police, and the police presence those reports engendered, humiliate Plaintiffs.

135. Ms. Nelson was humiliated that the police had been called on her party. She promised the officers she would make sure the group paid.

136. Other Plaintiffs who spoke to Ms. Jenkins and the officers gave similar assurances.

137. Plaintiffs and other members of their party were humiliated as well at being targeted for special scrutiny and suspicion.

138. Other patrons in the restaurant were staring as the police hovered as if Ms. Nelson and her party had committed a crime. Defendants' conduct—including blocking the doorway to check receipts—created a spectacle with Plaintiffs on display and subjected them to the scorn and ridicule of the other restaurant guests. It was humiliating.

139. The officers did not leave restaurant until 30–45 minutes later. They remained seated in patrol car parked conspicuously in the parking lot as the group left.

The hostility continues after bills are distributed, with servers repeatedly demanding of guests whether they are going to pay their bills.

140. After Ms. Nelson spoke to the manager and police and promised that everyone would pay, the hostility continued. The server made a big show of handing Ms. Nelson her bill and asking her again if she was going to pay. The server stood hovering over Ms. Nelson as she tried to—finally—eat her now-cold meal, and pestered her about when she would pay.

141. As servers distributed checks to other party members, the server would repeatedly, openly, and conspicuously ask if the guest was going to pay.

142. Defendants do not repeatedly, openly, and conspicuously ask if the white guests are going to pay, as Defendants did to Plaintiffs.

143. It is not customary in the restaurant industry to ask a guest if he or she plans to pay the check. Nor is it customary to ask that multiple times of the same guest.

144. It is customary in the restaurant industry to assume a guest is going to pay the bill unless there is clear reason to believe otherwise.

145. The treatment Ms. Nelson and her party received from the Bahama Breeze managers and staff turned what should have been a joyous celebration into a nightmare. Ms. Nelson was mortified at having to assure and reassure the staff and law enforcement that she and her friends were not criminals. And Plaintiffs were humiliated at being accused of intending to leave without paying their bills.

146. All members of the party paid their bills that evening.

147. Members of the party – including each of the Plaintiffs – perceived the markedly hostile manner in which they received service.

Bahama Breeze representatives apologize and acknowledge that one manager was terminated for mistreating Ms. Nelson's party.

148. Before Ms. Nelson left, the original server apologized for how the party was mistreated. The server acknowledged that Ms. Jenkins had pulled the server aside and told her to treat the party as she had done. The server seemed ashamed of how she behaved in following Ms. Jenkins's orders. Another server had remarked while the police were arriving that she couldn't believe the manager had called the police on their party.

149. In the days after the events at issue, Ms. Jones received a call from Charlie Davis, Senior Vice President at Bahama Breeze's parent company, Darden Restaurants. Mr. Davis apologized for how Plaintiffs were treated. He admitted that what they experienced is not how guests are customarily treated at Bahama Breeze. He admitted that Plaintiffs should not have been treated this way.

150. Although Mr. Davis apologized – repeatedly – and openly acknowledged that Plaintiffs were treated differently from how Bahama Breeze treats its patrons, Ms. Jones perceived his apology as insincere and declined his offer to return for a “free meal.”

151. In response to online complaints about how Bahama Breeze staff treated the party, the company tweeted the following:






Replying to @rolandsmartin

We clearly fell short of delivering great service to our guests. The manager involved no longer works for us because they mistreated a guest, which is inconsistent with our values. We spoke with members of the party to personally apologize & invite them back.

8:10 PM - 22 Jun 2018

6 Retweets 15 Likes 

  6  15

152. On information and belief, Ms. Jenkins was terminated for her racially discriminatory treatment of Ms. Nelson and her party, but Mr. Skupnik remains employed by Bahama Breeze.

CLAIM 1
PUBLIC-ACCOMMODATIONS DISCRIMINATION
UNDER R.C. 4112.02(G) AGAINST ALL DEFENDANTS

153. Plaintiffs incorporate all previous allegations.
154. Plaintiffs are black and therefore members of a protected class.
155. Plaintiffs sought to make or enforce a contract for services ordinarily provided by Bahama Breeze.
156. Bahama Breeze and its employees, including specifically Mr. Skupnik and Ms. Jenkins, on the basis of race and color, denied to Plaintiffs the right to the full enjoyment of the accommodations, advantages, facilities, and privileges of the place of public accommodation, namely the Bahama Breeze, in that Plaintiffs were deprived of services while similarly situated persons outside the protected class were not.
157. Plaintiffs received services in a markedly hostile manner and in a manner that a reasonable person would find objectively discriminatory.
158. Plaintiffs subjectively experienced the service provided as markedly hostile and racially discriminatory.
159. Plaintiffs were not timely seated, either in Ms. Nelson's party or Ms. Richardson's board meeting, despite having a reservation.
160. The restaurant did not provide a customary number of servers for a party the size of Ms. Nelson's party.
161. Staff were not responsive to the group's requests. Some members of Ms. Nelson's party never received their food. Others had to make repeated requests for service or to receive a bill. Still others had to resort to placing to-go orders or ordering at the bar.

162. Mr. Skupnik called the police to falsely report that Ms. Nelson's party was unruly and threatening not to pay even though both of those things were untrue.

163. When police arrived, Ms. Jenkins falsely reported to them that Ms. Nelson's party was causing a disturbance and threatened to leave without paying even though both of those things were untrue.

164. Once the police stood guard with Ms. Jenkins, Ms. Nelson and her guests were intimidated and humiliated. Plaintiffs were alarmed and embarrassed at being treated like criminals for no reason.

165. Staff continued to question whether guests would pay after Ms. Nelson and other party members assured police and restaurant employees that all bills would be paid.

166. Overall, restaurant staff from the servers to the bartender to the managers did not behave that evening as workers in the restaurant industry typically act. Restaurant employees, particularly at a successful corporate chain like Bahama Breeze, are typically polite and responsive to guest needs and requests. Employees do not typically walk away when a guest is talking to them. Employees do not typically try to restrict guests' movements by, e.g., telling them that they must stay at their tables or that they cannot order at the bar. Employees typically apologize for errors in orders and try to correct problems swiftly (and then reiterate the apologies). Employees do not typically call the police and lie about guests' behavior. Employees do not typically insist on checking receipts to prove a guest paid. Yet Defendants did all these things to Plaintiffs. And Defendants did so because Plaintiffs are black.

167. On the basis of race, Plaintiffs were denied the full enjoyment of and the right to have access to the restaurant's services in the same manner as all other customers.

168. Defendants' treatment of Plaintiffs had nothing to do with their conduct and everything to do with their blackness.

169. Defendants' treatment of Plaintiffs was markedly hostile and motivated by their membership in a protected class.

170. Defendants' treatment of Plaintiffs – including making false accusations against them to law enforcement – was intimidating, unjust, and motivated by Plaintiffs' race.

171. Defendant Bahama Breeze failed to train its employees not to discriminate against patrons of color or single them out for special scrutiny and suspicion.

172. As a direct and proximate result of this conduct, Plaintiffs have suffered economic and non-economic loss, emotional distress, humiliation, anxiety, and loss of esteem and self-worth.

173. Plaintiffs are entitled to punitive damages to punish Defendants and deter them and others similarly situated from engaging in these unlawful discriminatory practices in the future.

CLAIM 2
AIDING OR INCITING DISCRIMINATION
UNDER R.C. 4112.02(J) AGAINST DEFENDANTS SKUPNIK AND JENKINS

174. Plaintiffs incorporate all previous allegations.

175. Aiding or inciting public-accommodations race discrimination is an unlawful discriminatory practice.

176. Defendant Skupnik aided or incited the restaurant's and Ms. Jenkins's unlawful discriminatory practices described above.

177. Defendant Jenkins aided or incited the restaurant's and Mr. Skupnik's unlawful discriminatory practices described above.

178. Defendants Skupnik and Jenkins made the decision to treat Plaintiffs differently than similarly situated white patrons, including to make false accusations about them to law enforcement.

179. On information and belief, these Defendants have never contacted law enforcement to falsely accuse white patrons of dining and dashing.

180. As a direct and proximate result of this conduct, Plaintiffs have suffered economic and non-economic loss, emotional distress, humiliation, anxiety, and loss of esteem and self-worth.

181. Plaintiffs are entitled to punitive damages to punish Defendants and deter them and others similarly situated from engaging in these unlawful discriminatory practices in the future.

CLAIM 3
MAKING FALSE ALARMS UNDER R.C. 2917.32 AND R.C. 2307.60
AGAINST DEFENDANTS SKUPNIK AND JENKINS

182. Plaintiffs incorporate all previous allegations.

183. Under Ohio law, it is illegal to initiate a report of an alleged crime knowing the report is false and likely to cause public inconvenience or alarm.

184. Under Ohio law, it is illegal to report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

185. Defendant Skupnik made a false report to Orange Village police that Ms. Nelson and her party were unruly and threatening not to pay their bills. When Mr. Skupnik made this false report, he knew that the group was not unruly or threatening not to pay their bills. Mr. Skupnik further knew that calling the police would likely subject Ms. Nelson and her party to inconvenience and alarm, which it did.

186. When the police arrived, Defendant Jenkins likewise made a false report to Orange Village police that some of the guests were causing a disturbance and threatened to leave without paying. She also falsely reported to police that some of the guests used profanity and disrespected her. When Ms. Jenkins made this false report, she knew what she was saying was false. She further knew that lying to the police would likely subject Ms. Nelson and her party to inconvenience and alarm, which it did.

187. As a direct and proximate result of this conduct, Plaintiffs have suffered economic and non-economic loss, emotional distress, humiliation, anxiety, and loss of esteem and self-worth.

188. Plaintiffs are entitled to punitive damages to punish Defendants and deter them and others similarly situated from similar misconduct in the future.

PRAYER FOR RELIEF

Plaintiffs respectfully request the following relief from the Court:

- A. Judgment in Plaintiffs' favor on all claims for relief;
- B. Full compensatory economic and non-economic damages, including damages for emotional distress, in excess of \$25,000;
- C. Punitive and exemplary damages;

- D. Pre-judgment and post-judgment interest;
- E. Costs and other reasonable expenses incurred in maintaining this action, and the reasonable attorneys' fees incurred in maintaining this action;
- F. To protect other consumers, injunctive relief requiring Defendants to stop discriminating against black customers and to discipline and provide diversity training to all employees, supervisors, and managers;
- G. To protect the public and protect against the squandering of public resources, injunctive relief precluding Defendants from future abuses of the 911 emergency-response system to harass black patrons;
- H. All other relief in law or equity to which Plaintiffs are entitled and that the Court deems equitable, just, or proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues within this complaint.

Dated: September 10, 2018

Respectfully submitted,

THE CHANDRA LAW FIRM LLC

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