

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

**Tamatha D. Johnson, on behalf of
herself and others similarly situated**

PLAINTIFF

v.

No. _____

**CHANCELLOR HOUSE LLC d/b/a
CHANCELLOR'S HOUSE d/b/a
CHANCELLOR'S GRILL;
ABC Corps.**

DEFENDANTS

(JURY TRIAL DEMANDED)

COMPLAINT

The Plaintiff was sexually harassed by the head chef at her work in a hotel restaurant. In retaliation for declining his advances, the chef reduced her hours and told her that she could come back to work if she didn't have a boyfriend. In addition, black employees like Plaintiff have been subject to segregationary rules intended to restrict their numbers at certain bathrooms, job titles, and public areas of the restaurant and hotel. These are violations of Title VII of the Civil Rights Act of 1964. For this reason, COMES NOW THE PLAINTIFF, by and through her attorney, and alleges as follows:

JURISDICTION, VENUE, JURY DEMAND

1. This court has jurisdiction under 28 U.S.C. § 1331 because the suit arises under federal law.
2. Venue is proper under 28 U.S.C. § 1391 because the Defendants and all work at issue were located in and around Oxford, Mississippi.
3. A jury trial is demanded on all issues so triable.

PARTIES

4. Plaintiff TAMATHA D. JOHNSON, is an African American (black) woman and former employee of Defendants.
5. Plaintiff is representative of the Plaintiff Class of black employees and applicants of the Defendants.
6. Defendant CHANCELLOR HOUSE LLC is a foreign corporation incorporated in Texas and operating a hotel plus restaurant in Oxford, Mississippi. The hotel is doing business as “CHANCELLOR’S HOUSE” and the restaurant is doing business as “CHANCELLOR’S GRILL.” Defendant is a former employer of Plaintiff. Defendant can be served via its registered agent in Mississippi, Capitol Corporate Services, Inc, 248 East Capitol Street, Suite 840, Jackson, MS 39201.
7. Defendant Chancellor House has more than 15 employees, and is an employer subject to Title VII of the Civil Rights Act of 1964.
8. Defendant ABC CORPS. is a pseudonymous defendant which represents all employers (as defined under Title VII) presently unknown who are liable for the unlawful activity alleged herein. This pleading will be amended to specifically name such defendants in the event any such are later identified.

ADMINISTRATIVE EXHAUSTION, FARAGHER/ELLERTH

9. Plaintiff was hired by Defendants in March 2017.
10. Plaintiff filed a charge with the Equal Employment Opportunity Commission in June 2017.
11. June 2017 is within 180 days of March 2017.

12. The EEOC investigated all claims raised in this Complaint.
13. The EEOC issued a notice of right to sue dated August 10, 2018.
14. This Complaint was filed in the Court's ECF system on or before November 5, 2018.
15. November 5, 2018, is within 90 days of August 10, 2018.
16. Plaintiff has complied with the administrative exhaustion requirements of Title VII.

FACTS

17. Defendants have a pattern or practice of forbidding black employees from using the restroom in the hotel. Most black employees are required to use another restroom in a less convenient location.
18. White employees and others are permitted to use the restroom in the hotel.
19. Defendants have a pattern or practice of preferring white applicants for jobs serving customers, and of disfavoring black applicants for such jobs.
20. The proportion of employees working in the kitchen who are black is higher than the proportion of employees serving food who are black.
21. Plaintiff Tamatha D. Johnson ("Ms. Johnson") was hired by Defendants as a pastry chef - a kitchen job - in March 2017.
22. At that time and at all relevant times thereafter, Mr. Josh Stetson was the Chef of Chancellor's Grill ("Chef Stetson").
23. Plaintiff did not receive notice of any harassment complaint policy from Defendants.

24. Plaintiff did not receive any specific training from Defendants concerning how to report harassment.
25. Defendants did not have any specific harassment complaint policy in the period from March 2017 through July 2017.
26. Throughout her employment, on a daily basis, Chef Stetson engaged in repeated and unwanted sexual harassment of Ms. Johnson.
27. This included deliberately brushing his clothed genitals against her bottom as he walked past her, commenting on her physical appearance and expressing his desire to engage in sexual activity with her, and groping/touching her inappropriately. This also included personal text messaging before, during and after work hours.
28. Chef Stetson would also ask Ms. Johnson to come to his apartment before or after work to discuss particular recipes, and she would decline.
29. Ms. Johnson made clear that she was not interested in sexual contact with Chef Stetson, and that his advances were unwelcome.
30. On one occasion, Chef Stetson contacted Ms. Johnson while she was at work and told her to pick him up from his apartment.
31. Ms. Johnson drove to Chef Stetson's house and waited in her truck outside.
32. Chef Stetson told her that he was waiting for a repair man to come, and that she should wait inside.
33. Ms. Johnson went into the apartment.

34. Chef Stetson then proceeded to ask to perform oral sex on Ms. Johnson and try to take off her clothes.
35. Ms. Johnson declined, stood up and tried to leave the apartment.
36. Chef Stetson blocked her way and would not permit her to leave.
37. Fortunately, there actually was a repair man on the way, and he arrived at that point. On the repair man's arrival, Ms. Johnson was able to leave the apartment.
38. In the car, Chef Stetson "apologized" and said he "only wanted to taste you."
39. Later that day, at work, Chef Stetson told Ms. Johnson to come to his office.
40. When she arrived, he instructed her to come in and close the door.
41. He then removed a towel from his lap to expose his erect penis.
42. He said "look how you've got me all hard from earlier."
43. Ms. Johnson turned in disgust and left.
44. Thereafter, Ms. Johnson reported Chef Stetson's unwanted sexual advances to the Sous Chef, Charlie Tisbury.
45. Chef Stetson was aware that Ms. Johnson had made this report.
46. Thereafter, Ms. Johnson asked for a few days off work.
47. Instead, Chef Stetson removed her completely from the schedule.
48. Weeks later, Chef Stetson told her that she could come back to work if she did not have a boyfriend, and that she should come by his apartment and afterward they would talk about the work schedule.

CAUSE OF ACTION

COUNT 1: Title VII: Sexual harassment: Hostile work environment

38. Plaintiff incorporates all allegations set forth in all other sections of this complaint.

39. Defendants are prohibited by Title VII of the Civil Rights Act of 1964 from discriminating against Plaintiff on the basis of her sex.

40. This includes the maintenance of a hostile work environment on the basis of sex.

41. Defendants violated these provisions and Plaintiff was harmed, as described above.

42. Defendants are liable for these violations, and for the remedies described below.

COUNT 2: Title VII: Sexual harassment: *Quid pro quo*

43. Plaintiff incorporates all allegations set forth in all other sections of this complaint.

44. Defendants are prohibited by Title VII of the Civil Rights Act of 1964 from discriminating against Plaintiff on the basis of her sex.

45. This includes engaging in *quid pro quo* discrimination in which an employee is threatened or offered changes in the terms and conditions of her employment in exchange for sexual favors.

46. Defendants violated these provisions and Plaintiff was harmed, as described above.

47. Defendants are liable for these violations, and for the remedies described below.

COUNT 3: Title VII: Sexual discrimination

48. Plaintiff incorporates all allegations set forth in all other sections of this complaint.
49. Defendants are prohibited by Title VII of the Civil Rights Act of 1964 from discriminating against Plaintiff on the basis of her sex.
50. This includes any adverse personnel action which is motivated by her sex.
51. Defendants took adverse personnel actions motivated by Plaintiff's sex, and Plaintiff was harmed, as described above.
52. Defendants are liable for these violations, and for the remedies described below.

COUNT 4: Title VII: Retaliation

53. Plaintiff incorporates all allegations set forth in all other sections of this complaint.
54. Defendants are prohibited by Title VII of the Civil Rights Act of 1964 from retaliating against Plaintiff because she opposed unlawful discrimination or participated in the EEOC process.
55. Defendants took retaliatory actions against Plaintiff intended to dissuade her and others from engaging in such protected activity under the Act, and Plaintiff was harmed, as described above.
56. Defendants are liable for these violations, and for the remedies described below.

COUNT 5: Title VII: Race discrimination

57. Plaintiff incorporates all allegations set forth in all other sections of this complaint.

58. Defendants are prohibited by Title VII of the Civil Rights Act of 1964 from discriminating against any employee or applicant for employment on the basis of race.

59. This includes maintaining racial preferences in hiring, job locations, or assignments.

60. This includes maintaining a segregated or partially segregated workplace.

61. Defendants violated these provisions, and in so doing harmed Plaintiff and the entire class of black or African-American employees and applicants which she represents.

62. Defendants are liable for these violations, and for the remedies described below.

COUNT 6: Section 1981: Race Discrimination

63. Plaintiff incorporates all allegations set forth in all other sections of this complaint.

64. Defendants are prohibited by Section 1981 of the Civil Rights Action of 1866 from impairing or denying to any person or class of persons the same rights, benefits, privileges, terms and conditions in employment contracts as are enjoyed by white citizens.

65. This includes maintaining racial preferences in hiring, job locations, or assignments.

66. This includes maintaining a segregated or partially segregated workplace.

67. Defendants violated these provisions, and in so doing harmed Plaintiff and the entire class of black or African-American employees and applicants which she represents.

68. Defendants are liable for these violations, and for the remedies described below.

REMEDIES

Plaintiff seeks all remedies available, including but not limited to the following:

- a. A final judgment declaring that the actions of Defendant described herein violate the law as alleged;
- b. Back wages;
- c. An injunction curing the violations alleged herein, and prohibiting any future similar violations;
- d. Any other equitable relief as the court deems appropriate.
- e. Compensatory damages for emotional distress and any other non-pecuniary harms flowing from the actions alleged herein;
- f. Consequential damages and any other pecuniary harms flowing from the unlawful acts complained of herein;
- g. Punitive damages commensurate with the misconduct and necessary to deter violations of the law;
- h. Notice given to all employees regarding the violations found by this court, and notifying such employees of the order entered proscribing any future similar violations;
- i. Pre and post judgment interest;

- j. Attorney fees;
- k. Costs; and
- l. Any other relief available under any applicable principle in law or equity.

The foregoing Complaint is respectfully submitted on behalf of Plaintiff by and through counsel:

/s/Joel Dillard Date: November 3, 2018

Joel Dillard

JOEL F. DILLARD, PA

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Jackson, MS 39202

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M.S. Bar No. 104202

Counsel for Plaintiff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tamatha D. Johnson

(b) County of Residence of First Listed Plaintiff Marshall (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Joel F. Dillard, PA, 775 N. Congress St. Jackson MS 39202, 601-509-1372

DEFENDANTS

CHANCELLOR HOUSE LLC d/b/a CHANCELLOR'S HOUSE d/b/a CHANCELLOR'S GRILL

County of Residence of First Listed Defendant Lafayette (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known) Timothy M. Peeples, Daniel Coker Horton & Bell PA, PO Box 1396 Oxford MS 38655

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship and business location (Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation).

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title VII of the Civil Rights Act of 1964. Brief description of cause: Sexual harassment, sex discrimination, retaliation race discrimination class action.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 11/03/2018 SIGNATURE OF ATTORNEY OF RECORD /s/Joel Dillard

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Chancellor's Grill Sued by Ex-Chef Over Alleged Sexual Harassment, Racial Discrimination](#)
