

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL BRANT,	:	CIVIL ACTION NO.:	_____
	:		
<i>Plaintiff,</i>	:		
	:		
v.	:		
	:		
THE CHOP SHOP I, INC.,	:		
	:		
<i>Defendant.</i>	:	<b><u>JURY TRIAL DEMANDED</u></b>	
_____	:		

**COMPLAINT AND JURY DEMAND**

**I. PRELIMINARY STATEMENT:**

1. This is an action for an award of damages, declaratory and injunctive relief, attorney’s fees and other relief on behalf of Plaintiff, Daniel Brant (“Plaintiff Brant”), a former employee of Defendant, The Chop Shop I, Inc. (“Defendant”), who has been harmed by the Defendant’s discriminatory employment practices.

2. This action is brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), et seq., as amended by the Civil Rights Act of 1991, at 42 U.S.C. §1981(a) (“Title VII”).

**II. JURISDICTION AND VENUE:**

3. The original jurisdiction of this Court is invoked, and venue is in this district, pursuant to 28 U.S.C. §1331 and §1391, and Plaintiff Brant’s claim is substantively based on Title VII.

4. All conditions precedent to the institution of this suit have been fulfilled. On May 28, 2009, a Notice of Right to Sue was issued by the United States Equal Employment Opportunity Commission. This action has been filed within ninety (90) days of receipt of said notice.

**III. PARTIES:**

5. Plaintiff, Daniel Brant, is an individual and citizen of the Commonwealth of Pennsylvania, residing therein at 1725 South Ringgold Street, Philadelphia, Pennsylvania 19145.

6. Defendant, The Chop Shop I, Inc., is a corporation duly organized and existing under the laws of the Commonwealth of Pennsylvania, with a place of business located at 513 South Street, Philadelphia, Pennsylvania 19147.

7. At all times relevant hereto, Defendant was acting through its agents, servants and employees, who were acting within the scope of their authority, course of employment, and under the direct control of the Defendant.

8. At all times material herein, Defendant has been an “employer” as defined under Title VII, and is subject to the provisions of said Act.

**IV. STATEMENT OF FACTS:**

9. Plaintiff Brant, a male individual, was employed by the Defendant from in or about February of 2008 until on or about August 3, 2008, the date of his unlawful termination.

10. During the course of his employment with the Defendant, Plaintiff Brant held the position of Stylist and at all times maintained a satisfactory job performance rating in said capacity.

11. Defendant initially hired Plaintiff Brant to work at its Temple University location at 1930 Liacouras Walk, Philadelphia, Pennsylvania 19122, where he worked five (5) days per week, eight (8) hours per day.

12. Plaintiff Brant typically dresses in women's dress pants and shirts, and wears shoes with a heel. He curls his eye lashes and uses brown mascara, and also uses gel blush to color his cheeks. His hair is about chin-length.

13. Beginning in or about May of 2008 and continuing until his unlawful termination, Defendant subjected Plaintiff Brant to discriminatory remarks and actions based on his sex, male, and his failure to conform to stereotypes regarding how males should appear and behave.

14. By way of example, in or about early May of 2008, Monica (LNU) ("Monica"), Supervisor, forbid Plaintiff Brant from wearing shorts and shoes with a heel in the workplace.

15. Upon information and belief, similarly situated female Stylists were not similarly made to abide by said dress code, evidencing Defendant's animus against Brant's failure to conform to male stereotypes.

16. By way of further example, in or about the end of May of 2008, Monica informed Plaintiff Brant of her belief that he was “too flamboyant” for the salon’s male clients. In response thereto, Plaintiff Brant stated that male clients had not complained about his services. Notwithstanding his record of satisfactory performance, Monica, acting on her unfounded belief that a male should not behave in a feminine manner, informed Plaintiff Brant that she would no longer be sending male clients to him. Said action negatively impacted Plaintiff Brant’s earnings as it reduced the amount of commissions and tips he received.

17. On or about May 31, 2008, Defendant transferred Plaintiff Brant to its location at 513 South Street, Philadelphia, Pennsylvania 19147, and decreased his schedule to one (1) day per week.

18. In connection thereto, Monica stated that the clientele at the aforementioned location were “more open-minded” and that she believed Plaintiff Brant would “do better” there, thus confirming that Defendant’s actions were motivated by his failure to conform to male stereotypes.

19. Thereafter, in or about early June of 2008, Sue (LNU) (“Sue”), Supervisor, forbid Plaintiff Brant from wearing shorts and shoes with a heel in the workplace.

20. Upon information and belief, similarly situated female Stylists in Defendant’s South Street location were not similarly made to abide by said dress code.

21. In or about July of 2008, Plaintiff Brant wore shoes with a small heel to the salon. In response thereto, Sue instructed Plaintiff Brant to leave the salon and return home.

22. In connection to the aforesaid discriminatory comments and actions, Plaintiff Brant immediately called Kathy (LNU) (“Kathy”), Owner, and registered a complaint of sex discrimination.

23. In response thereto, Kathy stated to Plaintiff Brant that he was “walking a fine line” and that she “did not want [Plaintiff Brant] to ruin [her] business.” Plaintiff Brant subsequently inquired as to why he was made to abide by different rules than the other Stylists. In response thereto, Kathy stated, “it is okay for a girl to look like a dyke, but it is not socially acceptable for [Plaintiff Brant] to look like a girl.” Plaintiff Brant then stated that by insisting that he conform to male stereotypes, she was discriminating on the basis of sex. In response thereto, Kathy informed Plaintiff Brant that “this is how [she] wanted it to be, and if [Plaintiff Brant] wanted to keep [his] job, [he] had to do what [she] said.”

24. Shortly thereafter, Kathy stated to another Stylist that if Plaintiff Brant wanted to maintain his employment with Defendant that he would need to cut his hair and change his clothing, again confirming that Defendant’s employment practices discriminated against males who fail to conform to male stereotypes.

25. On or about August 3, 2008, Defendant terminated Plaintiff Brant's position of employment, allegedly due to his referring a client to another salon.

26. Significantly, Plaintiff Brant only referred said client to a different salon because Defendant did not offer the particular service the client sought. Furthermore, Plaintiff Brant had previously referred clients to other salons for this reason in the presence of supervisors, and had never been reprimanded or disciplined in connection therewith.

27. Plaintiff Brant believes and avers that the stated reason for his termination was pretextual and that the actions of Defendant were motivated solely on the basis of his sex and in retaliation for opposing unlawful sex discrimination within the workplace, in violation of Title VII of the Civil Rights Act of 1964 and 1991, as amended.

**COUNT I**  
**(Title VII - Sex Discrimination)**  
**Plaintiff Brant v. The Defendant**

28. Plaintiff Brant incorporates by reference paragraphs 1 through 27 as though fully set forth at length herein.

29. The actions of Defendant, through its agents, servants and employees, in subjecting Plaintiff Brant to discrimination in the terms, conditions and privileges of his employment, in reducing Plaintiff Brant's hours, and in terminating Plaintiff Brant's employment because of his sex, constituted a violation of Title VII.

30. The unlawful discriminatory employment practices engaged in by Defendant, as aforesaid, were in violation of the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e), et seq., as amended by the Civil Rights Act of 1991, at 42 U.S.C. §1981(a).

31. As a direct result of the Defendant's willful and unlawful actions as aforesaid, in violation of the Title VII, Plaintiff Brant has suffered emotional and psychological distress, humiliation, loss of self-esteem, and has sustained a loss of earnings, plus loss of future earning power, plus loss of back pay and front pay and interest due thereon.

**COUNT II**  
**(Title VII - Retaliation)**  
**Plaintiff Brant v. The Defendant**

32. Plaintiff Brant incorporates by reference paragraphs 1 through 31 as though fully set forth at length herein.

33. Based on the foregoing, Defendant has engaged in unlawful employment practices in violation of Title VII. The said unlawful practices for which Defendant is liable to Plaintiff Brant include, but are not limited to, subjecting Plaintiff Brant to the aforesaid instances of retaliation for his having opposed unlawful sex discrimination within the workplace by registering an internal complaint, ultimately resulting in his termination on August 3, 2008.

34. As a direct result of the aforesaid unlawful retaliatory employment practices engaged in by Defendant, as aforesaid, in violation of the Title VII, Plaintiff Brant has suffered emotional and psychological distress, humiliation, loss of self-esteem, and has sustained a loss of earnings, plus loss of future earning power, plus loss of back pay and front pay and interest due thereon.

**PRAYER FOR RELIEF**

35. Plaintiff Brant incorporates by reference paragraphs 1 through 34 of this Complaint as though fully set forth at length herein.

**WHEREFORE**, Plaintiff Brant requests that this Court enter judgment in his favor and against the Defendant and Order that:

a. the Defendant compensate Plaintiff Brant with a rate of pay and other benefits and emoluments of employment, to which he would have been entitled, had he not been subjected to unlawful discrimination and retaliation;

b. the Defendant compensate Plaintiff Brant with an award of front pay, if appropriate;

c. the Defendant pay to Plaintiff Brant compensatory damages for future pecuniary losses, pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses as allowable;

d. the Defendant pay to Plaintiff Brant punitive damages, pre and post

judgment interest, costs of suit and attorney and expert witness fees as allowed by law;

e. the Court award such other relief as is deemed just and proper.

**JURY DEMAND**

Plaintiff Brant demands a trial by jury.

**SIDNEY L. GOLD & ASSOCIATES, P.C.**

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Dated: July 30, 2009