

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SCOTT MOREHEAD,

Plaintiff,

v.

THE SECOND CITY, INC.,

Defendants.

Case No. 17-cv-06539

**COMPLAINT FOR DISCRIMINATION AND RETALIATION IN VIOLATION OF 42
U.S.C. §2000e et seq. (TITLE VII) AND 42 U.S.C. §1981**

Scott Morehead, by and through her attorneys, Aaron B. Maduff and Walker R. Lawrence of Maduff & Maduff LLC, complains against Defendant, The Second City (hereafter “Second City”) as follows:

Introduction

1. Plaintiff, Caucasian, held two positions with Second City, as a cast member in “A Red Line Runs Through It”, and as a writer for other programs. He faced a series of racial slurs from an African American cast member and his complaints to the company resulted in failed promises to resolve the situation. Eventually, he was suspended from the cast and not renewed as an actor as would have otherwise been the case. Plaintiff files this complaint for discrimination and discriminatory harassment, and for retaliation.

Parties

2. Plaintiff, Scott Morehead (“Morehead” or “Plaintiff”), is a Caucasian citizen of the United States who at all relevant times resided within the territorial jurisdiction of the United States District Court for the Northern District of Illinois. At all relevant times, Plaintiff was an employee within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 *et seq.*

3. Defendant, The Second City, INC., (“Second City”) is a corporation located within the territorial jurisdiction of the United States District Court for the Northern District of Illinois. At all relevant times, Defendant Second City was an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 *et seq.*

Procedural Prerequisites

4. Plaintiff filed a timely charge of race discrimination, Charge number 440-2017-01294, with the Equal Employment Opportunity Commission (“EEOC”) on or about December 15, 2016

5. The EEOC issued a notice of Right to Sue on Charge number 440-2017-01294 on August 31, 2017, which Plaintiff received on or about September 6, 2017.

6. This complaint is timely filed within ninety days of Plaintiff’s receipt of his Right to Sue notice.

Jurisdiction

7. This Court has subject matter jurisdiction over Plaintiff's race discrimination claim under 42 U.S.C. §2000e *et seq.* (Title VII of the Civil Rights Act of 1964), and 42 U.S.C. §1981 pursuant to 28 U.S.C. § 1331, as this claim involves a federal question.

Venue

8. Venue is proper in this district pursuant to 28 U.S.C. §1391(b) because Defendant resides in this district and a substantial part of the events or omissions giving rise to the claim occurred in this district.

Facts

Background

9. Scott Morehead was a Caucasian actor under contract with Second City.
10. Morehead first became involved with Second City in 2006 when he started taking classes through it.
11. Second City often develops its own talent through its educational programs.
12. Some students develop their skills to the point that Second City places them under contract for one or more of their professional endeavors.
13. Morehead became involved with his first production with Second City in 2010.
14. In 2015 Morehead came under contract with Second City as a writer for commercial programs.
15. It is typical for actors under contract with Second City to complete one show and move on to others.
16. Any new shows are done with new contracts.

17. Morehead has done seven contracts including theatrical, touring, and resident stage contracts.

18. Typically actors will have 3-4 resident stage contracts with Second City before taking their careers elsewhere.

19. Second City is the premier comedy organization in Chicago with many actors moving on to Saturday Night Live, professional theater, or television and/or movies.

“A Red Line Runs Through It”

20. In or around January of 2016, Morehead signed a contract with Second City to write and act in an ETC program entitled “A Redline Runs Through It.”

21. The program was written by Morehead and other members of the cast from approximately January to April of 2016.

22. The program went into production in April of 2016 and was scheduled to conclude its run in or around January of 2017.

23. The majority of the cast of this program was minority.

24. During the course of the program, one of the African-American cast members, Aeaia Bullock embarked upon a campaign of racial harassment toward Morehead. This included:

- a. Calling him “White Jesus”;
- b. Stating that she “wishes that all white people were dead”;
- c. Threatening to “slap the shit” out of him (presumably because he is Caucasian);

- d. Holding up a sign that says “I hate honkies” during a show and then explaining backstage that “what the audience doesn’t know is that I meant I hate white people”;
- e. Calling Morehead a “cracker”;
- f. Complaining that the show was a “white ass show”;
- g. Stating that they should “shoot” Morehead (again presumably because he is Caucasian); and
- h. Physically throwing her shoulder into his chest during a show.

Retaliatory Termination

25. During the relevant time period, Second City had no policy directing employees to make a complaint of discrimination to a particular person.

26. In May of 2016, Morehead made a formal complaint of discrimination to Alison Riley, the show’s producer.

27. Ms. Riley promised that she would deal with the situation, but failed to do so.

28. Morehead made several other complaints during the course of the production and Second City took no action.

29. In September of 2016, Morehead was physically assaulted by Ms. Bullock and made a complaint to the stage manager, Laura Hamm.

30. Shortly thereafter, Morehead was told that he was being suspended from the production indefinitely.

31. Morehead was not given a reason for his suspension or why it was indefinite.

32. Morehead was replaced in that production by another actor until the end of its run.

33. Morehead was not offered a new acting contract as he would otherwise have expected and was told would happen before he made his complaint of discrimination.

Demand for Relief for Discrimination and Retaliation
in Violation of 42 U.S.C. §2000e et seq.
(Title VII of the Civil Rights Act of 1964, as amended) and
42 U.S.C. §1981

34. Plaintiff restates and re-alleges paragraphs 1 through 33 as paragraph 34 of this Demand for Relief.

35. By virtue of the foregoing, Defendant violated Title VII by discriminating and retaliating against Plaintiff on the basis of his race and his complaint of racial discrimination.

36. As a result of Defendants' unlawful acts, Plaintiff has suffered damages of a pecuniary and non-pecuniary nature.

37. Defendants' violations were wanton and willful, warranting the imposition of punitive damages.

WHEREFORE, Plaintiff, Scott Morehead, respectfully requests that this Honorable Court enter judgment in his favor and against Defendant Second City for back pay, lost benefits, front pay, compensatory damages, punitive damages, attorneys' fees and costs, and for such other and further relief this Court deems just and equitable.

PLAINTIFF DEMANDS A TRIAL BY JURY

Respectfully submitted,
Scott Morehead

By: /s/ AARON B. MADUFF

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