

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

LAURENA PARKER,

Plaintiff,

vs.

Case No. _____

SOUTHWEST AIRLINES CO.,

Defendant

_____ /

COMPLAINT

COMES NOW, the Plaintiff, Laurena Parker (“Plaintiff”), by and through her undersigned legal counsel, and hereby brings this action against the Defendant, Southwest Airlines Co.

(“Southwest”), and states and alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. This action arises from Defendant's harassment of and discrimination against Plaintiff during a December 2017 flight from Las Vegas to Tampa, during which Southwest's employees acted in a discriminatory manner toward the Plaintiff, who is an African American..
2. Southwest had no legitimate nondiscriminatory reason to justify its treatment of the Plaintiff. Rather, Southwest's actions were motivated by Plaintiff's race and color.
3. Federal law expressly provides that an “air carrier or foreign air carrier may not subject a person in air transportation to discrimination on the basis of race, color, national origin, or ancestry.” 49 U.S.C.A. § 40127(a).

4. Plaintiff brings this action under 42 U.S.C.A. § 1981, Title VI the Civil Rights Act of 1964 (42 U.S.C.A. § 2000d). Plaintiff seeks compensatory and punitive damages.

5. Because of Southwest's discriminatory acts, Plaintiff was denied the right to make and enforce a contract and subjected to unlawful discrimination.

6. This Court has jurisdiction over this action pursuant to 28 U.S.C.A. §§ 1331, 1332, and 1343.

7. Venue is proper under 28 U.S.C. Section 1391, because:

a. Southwest maintains a large business presence in this judicial district, has substantial contacts in this district and is subject to personal jurisdiction in this district at the time of the commencement of this action;

b. Plaintiff entered into a contract with Southwest in Hillsborough County, Florida when she purchased her airline tickets in Hillsborough County, Florida;

c. There is no satisfactory remedy available to Plaintiff that may be more conveniently brought in a jurisdiction other than this judicial district;

d. All relevant factors of private interest favor this judicial district as the proper forum, and under Federal law there is a presumption against disturbing Plaintiff's initial forum choice even where parties are foreign; and

e. Factors of public interest weigh in favor of this judicial district as the proper forum.

8. Plaintiff is a resident of Citrus County, is over the age of eighteen (18) years, and is otherwise *sui juris*.

9. Southwest is a foreign corporation with its principal place of business in Dallas, Texas. Southwest conducts business throughout the United States and maintains a large business presence in this District.

GENERAL ALLEGATIONS

12. Southwest employs pilots, flight attendants and other staff on its airliners to assist in the transportation of its customers on flights.

13. All major airlines, including Southwest, are required by law to provide flight attendants for the safety and security of the traveling public. Although the primary job of the flight attendants is to ensure that security and safety regulations are followed, attendants also try to make flights comfortable and enjoyable for passengers.

15. At all material times, a flight attendant named "Carmen", an employee and/or agent of Southwest, and acting within the scope of her employment.

16. At all material times, "Jane Doe" was a Southwest employee and/or agent of Southwest, and acting within the scope of his/her employment.

17. At all material times, "John Doe" was a Southwest co-pilot, employee and/or agent of Southwest, and acting within the scope of his/her employment.

18. Plaintiff is a 71 year old female African American who is a retired probation officer,

19. Plaintiff purchased a Southwest ticket to travel from Las Vegas back to Tampa. By purchasing an airline ticket, Plaintiff formed a contract with Southwest.

20. On December 11, 2017 Plaintiff boarded Southwest's flight Number 551 in Las Vegas for a flight home to Tampa, Florida.

21. Plaintiff was designated to board in accordance with Southwest's "open boarding" policies as a member of "Group C." When Plaintiff boarded the plane she noticed that the window seat in a particular row was unoccupied, and Plaintiff confirmed that the seat was available with a flight attendant named "Carmen."

22. The other two seats in that row were occupied by a Caucasian couple. As Plaintiff attempted to seat herself, the Caucasian woman in that row of seats started screaming and

holding her nose stating that she was allergic to Plaintiff, that Plaintiff could not sit in the intended window seat, and that Plaintiff needed to move.

23. When Plaintiff replied that she did not want to move and that she had been advised by the flight attendant that the seat was available, the Caucasian man seated next to the abusive Caucasian woman yelled “Shut the f**k up and move!”

24. Flight attendant “Carmen” then interceded and sided with the Caucasian couple by reversing herself and denying that she had advised Plaintiff that she could take the window seat next to the Caucasian couple.

25. When Plaintiff protested, Carmen proceeded to the cockpit and returned with an individual (“John Doe”) who identified himself as the co-pilot. The co-pilot, instead of addressing the abusive Caucasian couple, commenced to lecture Plaintiff, in front of all of the other passengers, about the dubious “fact” that certain people are allergic to other people, and that therefore Plaintiff should find another seat.

26. When Plaintiff hesitated before attempting to comply, she was immediately escorted off the plane by the pilot, co-pilot and security.

27. Throughout this episode Plaintiff was treated as if she was the wrongdoer and a pariah. As a result of this bizarre, hostile and racially charged event Plaintiff was humiliated in front of the other passengers, caused to be in shock and disbelief, and was reduced to tears.

28. Southwest’s crew enflamed the situation by choosing to support and comfort an obviously racist couple instead of aiding the victim of the apparent abuse (the Plaintiff).

29. While on board Southwest flight No. 551, Plaintiff was subjected to racially charged, discriminatory comments and repeated insults from other passengers which were condoned and abetted by Southwest’s flight attendants, co-pilot and other staff.

30. Plaintiff reasonably understood the term the Caucasian woman's alleged allergy to the Plaintiff relate to her race and skin color.

31. As a result of the foregoing events, Plaintiff endured fear, humiliation, embarrassment, mental pain, suffering and inconvenience.

32. The actions of Southwest's crew were intentional, malicious, willful, wanton, and callous.

33. The actions of Southwest's crew showed reckless disregard for Plaintiff's civil and constitutional rights.

**COUNT I
DISCRIMINATION UNDER 42 U.S.C.A. § 1981**

34. Plaintiff re-alleges the allegations set forth above in paragraphs 1 through 33 as if set forth herein in full.

35. On December 11, 2018 and at all times relevant to the events described above, the pilots and flight attendants for Southwest flight 551 were employees, agents, and/or representatives of Southwest and acting within the scope of their employment.

36. The discriminatory practices described above were carried out: (i) at the direction of and with the consent, encouragement, knowledge, and ratification of the Southwest; (ii) under Southwest's authority, control, and supervision; (iii) and/or within the scope of employees' employment.

37. Southwest is liable for the unlawful acts of its employees, agents, and/or representatives directly and/or under the doctrine of respondeat superior.

38. Southwest engaged in intentional discrimination based on Plaintiff's race and color, and caused Plaintiff to suffer deprivation of her right to make and enforce her contract with Southwest.

39. Southwest's actions violated 42 U.S.C.A. § 1981.

40 Southwest's conduct caused Plaintiff to suffer damages, including humiliation, shame, despair, embarrassment, mental pain, and anguish.

WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Declare that the actions of Defendant described above constituted discrimination on the basis of race, color, ethnicity, alienage, ancestry, and/or national origin in violation of 42 U.S.C.A. § 1981, 42 U.S.C.A. § 2000d and 49 U.S.C.A. § 41705;
- b. Award Plaintiffs compensatory damages in an amount to be determined at trial to compensate them for being deprived of their right to make and enforce contracts due to their perceived race, color, national origin, ethnicity, and/or ancestry, including damages for fear, mental pain, inconvenience, humiliation, embarrassment and emotional distress as provided under 42 U.S.C.A. § 1981 and 42 U.S.C.A. § 2000d;
- c. Award Plaintiffs punitive or exemplary damages against Defendant under the provisions of 42 U.S.C.A. § 1981 and 42 U.S.C.A. § 2000d;
- d. Award Plaintiffs reasonable attorney's fees and the costs incurred in this action pursuant to but not limited to 42 U.S.C.A. § 1981 and 42 U.S.C.A. § 2000d as stated in 42 U.S.C.A. § 1988; and
- e. Award Plaintiffs such other relief as the Court deems just and proper.

COUNT II

VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 (42 U.S.C.A. § 2000d)

41. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 33 as though fully set forth herein.

42. Southwest is the recipient of federal financial assistance. Plaintiff engaged in intentional discrimination based on Plaintiffs' race and color.

43. Southwest's actions violated Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. § 2000d.

44. Southwest's conduct caused Plaintiff to suffer damages, including humiliation, shame, despair, embarrassment, mental pain, and anguish.

WHEREFORE, Plaintiffs respectfully request that this Court:

- a. Declare that the actions of Defendant described above constituted discrimination on the basis of race, color, ethnicity, alienage, ancestry, and/or national origin in violation of 42 U.S.C.A. § 1981, 42 U.S.C.A. § 2000d and 49 U.S.C.A. § 41705;
- b. Award Plaintiffs compensatory damages in an amount to be determined at trial to compensate them for being deprived of their right to make and enforce contracts due to their perceived race, color, national origin, ethnicity, and/or ancestry, including damages for fear, mental pain, inconvenience, humiliation, embarrassment and emotional distress as provided under 42 U.S.C.A. § 1981 and 42 U.S.C.A. § 2000d;
- c. Award Plaintiffs punitive or exemplary damages against Defendant under the provisions of 42 U.S.C.A. § 1981 and 42 U.S.C.A. § 2000d;
- d. Award Plaintiffs reasonable attorney's fees and the costs incurred in this action pursuant to but not limited to 42 U.S.C.A. § 1981 and 42 U.S.C.A. § 2000d as stated in 42 U.S.C.A. § 1988; and
- e. Award Plaintiffs such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues so triable.

Respectfully submitted this 4th day of April, 2018.

BLACK ROCK TRIAL LAWYERS

By: /s/ Gil Sanchez

Gil Sanchez, Esq.

Florida Bar Number: 735981

201 S. Westland Avenue

Tampa, FL 33601

(813) 254-1777 Office

(813) 254-3999 Facsimile

gil@blackrocklaw.com

litigation@blackrocklaw.com

Attorney for Plaintiff