

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

STANLEY THOMPSON	*	DOCKET NO:
	*	
Plaintiff	*	
v.	*	JUDGE:
	*	
LANGENSTEIN’S OF METAIRIE, INC.	*	MAGISTRATE:
	*	
Defendant	*	
	*	

* * * * *

COMPLAINT

NOW COMES Complainant Stanley Thompson, through undersigned counsel, who respectfully alleges as follows:

I. INTRODUCTION

1. This is an action for damages to redress employment discrimination on the basis of sex and retaliation in violation Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. §§2000e *et seq.* During the time of his employment as front-end manager of Langenstein’s of Metairie, Inc., Mr. Thompson, an African American gay man, was regularly subjected to pervasive harassing comments of a sexual nature by his co-workers and superiors. Shortly after Mr. Thompson complained of the harassing comments to his boss, he was terminated.

II. PARTIES, JURISDICTION, AND VENUE

2. Complainant Stanley Thompson is a person of the full age of majority and a Louisiana resident domiciled in Orleans Parish, Louisiana.

3. Made Defendant is Langenstein’s of Metairie, Inc., a domestic business corporation authorized to do and doing business in the State of Louisiana, and the Eastern District of Louisiana.

4. Jurisdiction is conferred upon this Court pursuant to federal question jurisdiction, 28 U.S.C. § 1331, which exists over Plaintiff’s Title VII claims.

5. Supplemental jurisdiction over Complainants' state law claims is invoked under both Rule 18 of the Federal Rules of Civil Procedure and 28 U.S.C. § 1367, because they are part of the same case or controversy as Complainants' federal claims.

6. Venue is proper under 28 U.S.C. § 1391(b)(2) because the events giving rise to the claims asserted occurred in the Eastern District of Louisiana. Venue is also proper in the Eastern District of Louisiana pursuant 28 U.S.C. § 1391 and 42 U.S.C.A. § 2000e-5(g).

III. ADMINISTRATIVE REMEDIES

7. Complainant satisfied all administrative prerequisites for filing suit under Title VII.

8. On November 27, 2019, Mr. Thompson filed a charge with the Equal Employment Opportunity Commission ("EEOC"). On April 14, 2020, the EEOC issued Mr. Thompson a Notice of Right to Sue letter.

9. This suit is being filed within ninety (90) days of Complainants' receipt of the Notice of Right to Sue.

IV. FACTS

10. In June 2019, Complainant Stanley Thompson ("Mr. Thompson") was hired by Defendant Langenstein's of Metairie, Inc. ("Langenstein's") as a full-time front-end manager with a salary of seven hundred fifty (\$750.00) dollars per week. His job duties included being responsible for the daily management of the front of the store, including managing cashiers and cash registers, and ensuring each customer received outstanding customer service in a friendly environment.

1. Mr. Thompson was employed by Raising Cane's as a cashier for eight years prior to joining Langenstein's and was enthusiastic about the increased pay and opportunity to advance in his career.

2. Mr. Thompson, who has XX years' experience in retail and food/beverage sales, completed a two-week training period at Langenstein's River Ridge and then started working full time at Langenstein's Metairie location.

3. Mr. Thompson made immediate improvements to the store's scheduling and cash management systems, for which he was praised by his fellow employees and managers.

4. In August 2019, Mr. Thompson's paycheck was short and he inquired about it to Store Manager Danny Credo ("Mr. Credo). Mr. Credo told Mr. Thompson he was now making fifteen dollars (\$15.00) an hour because 'there were too many salaried employees at the store'. Despite the pay cut, Mr. Thompson's job duties did not change.

5. From the beginning of his employment with Langenstein's, Mr. Thompson's superiors regularly subjected him to unwanted comments of a sexual nature which caused Mr. Thompson humiliation and anxiety during work hours and any time he thought about returning to work.

6. On one occasion, Mr. Danny Credo, store manager, and Nicole Hymel, assistant store manager, were discussing sexual matters in the cash office where Mr. Thompson was working at the computer. Mr. Credo said he was getting old and needed Viagra but was too embarrassed to buy it for himself. He turned to Mr. Thompson and said, "You wouldn't mind going get me some Viagra, right Stanley." Mr. Thompson was uncomfortable and embarrassed. He laughed off the comment and left the office.

7. On another occasion, Mr. Thompson walked into the cash office and Grocery Manager Lisa Helm said to him, "Your pants are so tight. I am surprised they don't rip when you sit down. You can see your big sausage in there." Mr. Thompson was humiliated and embarrassed, but he again laughed it off and left the office.

8. The comments above are two examples of the type of inappropriate and unprofessional comments made by store managers to Mr. Thompson on a regular basis, sometimes in the presence of customers and other store employees.

9. Mr. Thompson was also informed by store employees that store managers were speaking in a derogatory manner about Mr. Thompson and his style of dress, including criticizing the head covering he wears before and after his shift. The managers referred to it as a “doo rag”, a colloquial description of head covering that African Americans are often generalized to wear. He stopped wearing the head covering after he learned of the derogatory comments.

10. On one occasion, Mr. Thompson was informed by a store employee, who is also a gay man, that Grocery Manager Lisa Helm asked the employee why Mr. Thompson “couldn’t be more of a gay like him.”

11. On or about August 30, 2019, Mr. Thompson approached Mr. Credo, reported the comments to him, and told him that the inappropriate comments were unfair, wrong and he wanted and needed them to stop. Mr. Credo agreed with Mr. Thompson and said he would call a store meeting to address the problem.

12. A week later, on September 6, 2019, Mr. Credo informed Mr. Thompson that he was terminated because he did not meet the job requirements.

13. Mr. Credo fired Mr. Thompson for complaining about the hostile work environment that Mr. Credo and others had created for Mr. Thompson.

14. Langenstein’s follows an employee disciplinary system for employment infractions as follows: (1) a verbal warning; (2) a written warning; and (3) termination.

15. During his employment with Langenstein's, Mr. Thompson never received a verbal or written warning regarding his work performance, his style of dress, or otherwise. The only feedback he ever received about his job performance was positive feedback.

16. Mr. Thompson has never been terminated from a job for performance issues or otherwise.

17. On November 27, 2019, Mr. Thompson filed a charge with the Equal Employment Opportunity Commission.

18. On December 4, 2019, District Manager Patrick Brackins called Mr. Thompson to offer him an assistant store manager position at Langenstein's Uptown location. Mr. Thompson, who had just started a new job at Walgreen's, declined the offer.

19. On April 14, 2020, the EEOC issued Mr. Thompson a Notice of Right to Sue letter.

V. COUNT 1 – 42 U.S.C. § 2000e-2(a) - Hostile Work Environment

20. Complainant re-alleges and incorporate herein by reference all of the foregoing allegations.

21. As described in the preceding paragraphs, Complainant, member of a protected class, was subjected to sex-based unwelcome harassment / hostile work environment in the workplace.

22. The harassment affected a term, condition or privilege of Complainant's employment by causing him emotional distress and anxiety.

23. Complainant advised his supervisor, Store Manager Danny Credo, of the pervasive hostile work environment and instead of taking remedial measures to prevent or correct the behavior, Mr. Credo terminated Complainant's employment.

VI. COUNT 2 – 42 U.S.C. § 2000e-3(a) - Retaliation

24. Complainant re-alleges and incorporate herein by reference all of the foregoing allegations.

25. Complainant engaged in protected activity by reporting the hostile work environment he was being subjected to his supervisor, Store Manager Danny Credo.

26. After Complainant reported the hostile work environment, Store Manager Danny Credo retaliated against Mr. Thompson by terminating his employment.

V. PRAYER FOR RELIEF

WHEREFORE, Complainant prays judgment be entered in his favor and against Defendant in an amount sufficient to adequately compensate him for his lost wages and emotional distress damages, costs and attorney's fees as provided by Title VII, legal interest thereon from date of judicial demand until paid, all costs of this suit, and for all other general and equitable relief deemed appropriate by this Court or allowable by law.

Dated: July 13, 2020

STERNBERG, NACCARI & WHITE, LLC

/s/ Natalie K. Mitchell

NATALIE K. MITCHELL, La. Bar No. 32599

M. SUZANNE MONTERO, La. Bar No. 21361

SCOTT L. STERNBERG, La. Bar No. 33390

935 Gravier Street, Suite 2020

New Orleans, Louisiana 70112

Telephone: 504.324.2141

Facsimile: 504.534.8961

natalie@snw.law | suzy@snw.law | scott@snw.law