

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

JANE ROE,

Plaintiff,

v.

G6 HOSPITALITY LLC.

and

M6 GOODLETTSVILLE, LLC,

Defendants.

CIVIL ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff JANE ROE by and through her undersigned counsel complains as follows:

PARTIES, VENUE, ADMINISTRATIVE EXHAUSTION

1. This is a hostile work environment disability harassment and retaliation case brought pursuant to The Tennessee Disability Act, T.C.A. § 8-50-103 (“TDA”) and the Tennessee Human Rights Act, T.C.A. § 4-21-101, *et seq.* (“THRA”), and a case of intentional infliction of emotional distress brought under Tennessee common law.
2. Plaintiff Jane Roe (“Plaintiff”), who is proceeding under a pseudonym, is a woman and a citizen of the state of Tennessee, residing in Davidson County, Tennessee.
3. At all relevant times herein she worked first as a Guest Services Manager and then Manager on Duty for Defendant G6 Hospitality LLC (“Motel 6”), and then as Manager on Duty for Defendant M6 Goodlettsville, LLC (“M6”).
4. Plaintiff is disabled within the meaning of the Tennessee Human Rights Act and the Tennessee Disability Act, because she is HIV-positive.
5. Plaintiff’s disability substantially limits her in major life activities including, but not

limited to, working, immune function, lymphatic function, musculoskeletal function, and digestive function, among others.

6. Defendants regarded Plaintiff as disabled.

7. Defendant Motel 6 is a Delaware corporation with its principal place of business in Carrollton, Texas. Motel 6 is a motel chain.

8. Defendant M6 is a Tennessee corporation and a franchisee of Motel 6, and from on or about December 5, 2019 to present it has operated the motel located at 323 Cartwright Street, Goodlettsville, TN 37072.

9. Defendant Motel 6 is an employer within the meaning of the Tennessee Disability Act.

10. Defendant M6 is an employer within the meaning of the Tennessee Disability Act.

11. Plaintiff filed a Charge of discrimination with the Equal Employment Opportunity Commission.

12. This Court has jurisdiction pursuant to T.C.A. § 16-10-101. Venue is proper pursuant to T.C.A. § 20-4-101 in that the cause of action arose in Davidson County and Defendant M6 resides here.

FACTUAL ALLEGATIONS

13. Plaintiff Roe began working for Defendant Motel 6 in or about April 2019, at which time it owned the motel located at 323 Cartwright Street, Goodlettsville, TN 37072.

14. Plaintiff's initial position was Guest Service Manager.

15. Plaintiff's supervisor was General Manager Patrick O'Sullivan.

16. The only other on-site manager was Shanae Gentry, the Housekeeping Manager.

17. Plaintiff is an HIV-positive woman.

18. Plaintiff takes medications to manage her HIV, and without the benefit of those medications, she would experience drastic degeneration in her immune function, lymphatic function, musculoskeletal function, and digestive function.
19. In or about July 2019, Plaintiff began taking a new HIV medication which had the potential side effect of causing dizziness and/or fainting.
20. Because she was concerned for her managers' safety if she fainted on the job and began bleeding, Plaintiff met with O'Sullivan and Gentry to advise them that if this were to occur, they should call 911 rather than touching her and potentially making contact with her blood, because she was HIV-positive.
21. Plaintiff told no one else employed by Defendant Motel 6 about her HIV status other than her two managers.
22. In or about September 2019, Defendant Motel 6 promoted Plaintiff to Manager On Duty.
23. Beginning in or about August to September 2019, Gentry engaged in a campaign of harassment against Plaintiff because she regarded Plaintiff as disabled and because Plaintiff was in fact disabled.
24. Gentry engaged in offensive harassing conduct toward Plaintiff on average daily, including but not limited to: telling numerous co-workers that Plaintiff "has AIDS," telling Motel 6 guests this information, and making disparaging remarks to Plaintiff regarding her health condition.
25. For example, a long-term Motel 6 guest approached Plaintiff and stated that Gentry had informed him that Plaintiff had AIDS, and asked her if it was true. Plaintiff was shocked and humiliated.

26. By way of further example, Gentry told multiple coworkers that Plaintiff “has AIDS,” causing those coworkers to approach Plaintiff to let her know.
27. As another example, Gentry told Plaintiff’s coworker who was pregnant that she should not use the employee restroom after Plaintiff, because she wouldn’t want the employee or her baby to “get AIDS.”
28. As another example, Gentry purchased and prominently left Clorox wipes in the workplace bathroom on the back of the toilet as a reference to Plaintiff being “unclean,” even though this was not a product Defendant Motel 6 ordered for its business.
29. As another example, Gentry made mocking comments about Plaintiff on approximately a daily basis, for instance, making statements to the effect “you look swollen today, are you sure your health is okay?”
30. As another example, Gentry told a Motel 6 guest not to touch money held by Plaintiff but rather just lay it on the counter.
31. As a further example, on multiple occasions Gentry called the hotel phone line, and when Plaintiff picked up, Gentry mocked her with statements to the effect “oh you’re a nasty bitch, you’re AIDS.”
32. On or about September 5, 2019, Plaintiff complained to her supervisor O’Sullivan regarding Gentry’s conduct. She showed O’Sullivan a text message advising Plaintiff that Gentry was publicizing her HIV status to others. O’Sullivan told Plaintiff not to let rumors bother her.
33. The harassment continued. A couple weeks later, in or about mid to late September 2019, Plaintiff again complained to O’Sullivan. This time, he stated that he would contact Alison Johnson, Defendant Motel 6’s Human Resources representative, and convey Plaintiff’s complaint.

34. The harassment continued on approximately a daily basis.
35. In or about October 2019, Plaintiff complained to O'Sullivan again regarding Gentry's harassment, asking what was the outcome of her complaint. O'Sullivan stated that he had conveyed her complaint to Defendant Motel 6 Human Resources, and that Johnson had asked why Plaintiff told anyone her HIV status.
36. O'Sullivan stated that he wished he could fire Gentry but his hands were tied.
37. At no time did Defendant Motel 6 Human Resources ever contact Plaintiff regarding her complaints.
38. Defendant Motel 6 never took any action to stop Gentry's harassment.
39. Beginning in or about November 2019, Gentry began referring to Plaintiff's health condition with other employees as "sugar water," making comments in front of Plaintiff, for instance: "don't get no sugar water today!"
40. On or about November 5, 2019, corporate manager Josh Gilmore visited the motel at 323 Cartwright Street to inform all the employees that this corporate-owned location was going to be sold to a franchisee in the following month.
41. Plaintiff approached Gilmore during his visit and complained about Gentry's harassment.
42. Gilmore asked Plaintiff if she had proof. Plaintiff attempted to show him text messages on her cell phone from coworkers stating that Gentry had told them about Plaintiff's health condition, but Gilmore refused to look at the text messages.
43. Gilmore told Plaintiff to let him talk to his boss and he would get back to her.
44. Neither Gilmore nor anyone else employed by Defendant Motel 6 got back to Plaintiff.
45. On or about December 5, 2019, the motel at 323 Cartwright Street was sold to Defendant M6, which began operating the motel.

46. Defendant M6 continued to employ O'Sullivan for several weeks after it bought the motel. Dharmik Patel, whom Plaintiff knew as "Dan," became General Manager and Plaintiff's new supervisor.
47. The employees at the motel had the option to quit their jobs but remain eligible to receive unemployment, and Gentry chose to do so, stating that she was "not working for any Indians, I'm gonna take my unemployment."
48. Gentry continued to call the hotel phone line to make derogatory comments to Plaintiff, including but not limited to on December 6, 2019.
49. On or about December 5, on a day she was working a shift, Plaintiff approached a man she knew only as "Manish," who was an employee of Defendant M6 and one of the new owners of the motel, while he was standing outside.
50. Plaintiff told Manish that she was looking forward to working for him, but just wanted him to know that she may have an upcoming lawsuit against Defendant Motel 6.
51. Manish reacted with shock and fear, smacking his forehead and saying "oh I'm not involved am I?!"
52. Plaintiff was worried she had done something wrong by being honest with him, and reassured him, "no, this is against Motel 6 Corporate related to health issues I have, and it involved a different coworker who is no longer with the company."
53. Manish and the employee he was standing with, whom Plaintiff knew to be the individual setting up payroll for the franchise, began conversing in another language, seeming upset, and she quickly excused herself to go back inside.
54. In early December 2019, Plaintiff began taking a new HIV medication that caused temporary side effects she worried could impact the quality of her work.

55. Desiring to ensure she kept up good work performance, on or about Monday, December 9 Plaintiff called O'Sullivan to let him know she would need to take the day off. O'Sullivan told her to talk to Patel, because "I'm not the boss anymore."

56. Plaintiff had a text message exchange with Patel to request the time off, which he granted.

57. On Tuesday, December 10, the medication's side effects had not yet resolved. Plaintiff had a second text message exchange with Patel asking to be excused from her Wednesday shift, but specifying that she would return to work for her scheduled shift on Friday, December 13 at 10pm.

58. On Wednesday, December 11, O'Sullivan called Plaintiff and told her "sorry to have to tell you this, they're letting you go." Shocked and upset, Plaintiff asked why Patel wasn't telling her this. O'Sullivan told her not to be upset with the manager, and that she was not being let go because of the recent days off, but for "other reasons."

59. Plaintiff pressed O'Sullivan to tell her what were the other reasons, in light of the fact that she had no prior discipline or write-ups, no warnings, nor any other performance problems, but O'Sullivan did not tell her.

60. O'Sullivan stated that although she was being let go, Plaintiff could finish out the weekend shifts for which she was already scheduled, which were for Friday, December 13, Saturday, December 14, and Sunday, December 15.

61. In disbelief, Plaintiff called Patel the same day to verify that she was really fired. Patel reiterated that she was being let go but could finish out her scheduled shifts first. Plaintiff insisted that she could not understand why she was being fired. Patel told her, "you'll have to talk to Dean, he can explain all this to you."

62. Plaintiff understood “Dean” to be a higher-level manager whom she had never met. She asked Patel for Dean’s phone number, but Patel stated that he was out of town, and that “Dean will call you.” Plaintiff never received any call from Dean.

63. On Friday, December 13, 2019, Patel texted Plaintiff asking if she would be working her scheduled night shift, which was one of the pre-scheduled weekend shifts he had stated she could finish despite being fired. Plaintiff, humiliated at being asked to come in to work despite being fired, did not respond.

64. Plaintiff applied for unemployment compensation on December 15, 2019, which application Defendant M6 did not oppose.

65. On December 29, 2019, Plaintiff returned to the hotel to pick up her final check from work with M6. She met and spoke with Patel.

66. Plaintiff recorded this meeting, during which she and Patel had the following exchange:

Roe: Hello. I'm here to get my check.

Patel: Here you go.

Roe: And I just want to know, like **was there a reason why I was fired?**

Patel: **No, there's not, there's not, it's just we don't need any--we don't need you anymore, that's the only reason.**

Roe: **Even though my performance was good and I was--**

Patel: **Your performance is, it was good, but we just got more people now, more than enough people.**

Roe: More than enough people?

Patel: Yeah. Yeah.

Roe: Because when you guys bought I was told that my shift was guaranteed, that I wasn't gonna get fired.

Patel: That was not my decision, but if you wanna come talk to Dean, you can come talk to Dean.

Roe: When will Dean be in?

Patel: This...tell me when you're gonna be here and I'll, I'll, I'll text you when he's here.

Roe: You'll text me?
Patel: Yeah.
Roe: **So it wasn't because of performance or anything I did?**
Patel: **Yeah, yeah.**
Roe: **Okay. Because I just wanna know if I was a bad worker, then--**
Patel: **No, you're a good worker,** it's just--you can come talk to Dean.
Roe: Okay. Okay, thank you.

(emphasis added).

67. The harassment and Defendant Motel 6's inaction in response to her complaints caused Plaintiff severe emotional distress, including causing Plaintiff to frequently cry at work, and inducing depression for which she was forced to seek counseling, and for which she was prescribed psychiatric medication.

COUNT I
Hostile Work Environment in Violation of the Tennessee Disability Act
And the Tennessee Human Rights Act
Against Defendant Motel 6

68. Plaintiff incorporates by reference all preceding paragraphs.

69. Plaintiff was qualified for her positions as Guest Services Representative and Manager On Duty, and able to perform the essential functions of her job.

70. Defendant Motel 6 engaged in illegal, intentional discrimination by creating a hostile work environment because of Plaintiff's disability.

71. Defendant Motel 6 engaged in illegal, intentional discrimination by creating a hostile work environment because Defendant regarded Plaintiff as disabled.

72. As a consequence of Defendant's conduct, Plaintiff suffered emotional distress.

73. Defendant's actions proximately caused Plaintiff's injuries.

COUNT II
Retaliation in Violation of the Tennessee Disability Act

and the Tennessee Human Rights Act
Against Defendant M6

74. Plaintiff incorporates by reference all preceding paragraphs.
75. Plaintiff was qualified for her position as Manager On Duty, and able to perform the essential functions of her job.
76. Defendant M6 engaged in illegal retaliation by, inter alia, terminating Plaintiff's employment as its response to her opposition to disability discrimination.
77. As a consequence of Defendant's conduct, Plaintiff suffered emotional distress.
78. Defendant's actions proximately caused Plaintiff's injuries.

COUNT III
Intentional Infliction of Emotional Distress Under Tennessee Law
Against Defendant Motel 6

79. Plaintiff incorporates by reference all preceding paragraphs.
80. Defendant Motel 6 engaged in extreme and outrageous conduct with the intention of, or reckless disregard for, causing Plaintiff emotional distress, by, inter alia, failing to act in the face of continuous, deliberate, degrading mistreatment by her coworker.
81. As a consequence of Defendant's conduct, Plaintiff suffered severe emotional distress.
82. Defendant's actions proximately caused Plaintiff's injuries.

JURY DEMAND

Plaintiff demands a trial by jury for all issues in this action for which a jury is available.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. Declare Defendants' conduct complained of herein to be in violation of Plaintiff's rights as secured by the TDA, the THRA, and Tennessee common law;
- B. Award Plaintiff compensatory damages to be determined by the jury at the

time of trial;

- C. Award Plaintiff back pay and front pay to be determined at the time of trial;
- D. Award Plaintiff punitive damages to be determined by the jury at the time of trial;
- E. Award Plaintiff reasonable attorneys' fees and costs, including the fees and costs of experts, incurred in prosecuting this action; and
- F. Grant such further relief as the Court deems necessary and proper.

Dated: December 3, 2020
Nashville, TN

Respectfully submitted,

Local Counsel:

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