

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

L.R.A. (a minor))	
by and through her next friend)	
and Mother, T.A.,)	
Kansas City, Missouri 64151,)	
)	
Plaintiff,)	JURY TRIAL DEMANDED
)	
v.)	Case No. 05-6024-CV-SJ-DW
)	
MINNESOTA REGIS CORPORATION)	
d/b/a/ Regis Corporation)	
Serve: National Registered Agents, Inc.)	
300-B East High Street)	
Jefferson City, Missouri 65101,)	
)	
Defendants.)	

COMPLAINT

COMES NOW Plaintiff, L.R.A. by and through her next friend and mother, T.A., and by her attorneys, and states the following for her cause of action against Defendant:

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial on all issues raised herein.

JURISDICTION AND VENUE

1. This Court has jurisdiction of Plaintiff's 42 U.S.C. § 1981 race discrimination claim pursuant to 28 U.S.C. §§ 1343 and 1331. The Court has jurisdiction of Plaintiff's state law claims under 28 U.S.C. § 1367 because the state law claims of negligent hiring, negligent training, and negligent supervision are so related to her federal claim that they form part of the same case or controversy under Article III of the United States Constitution.

2. The Court has jurisdiction over Defendant because the unlawful acts alleged in this Complaint were committed in Platte County, Missouri, which lies within the Western Division of the United States District Court for the Western District of Missouri. In addition, Defendant has minimum contacts with the Western District of Missouri and the State of Missouri.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a substantial part of the acts or omissions giving rise to Plaintiff's claims occurred in Platte County, Missouri, which lies within the Western Division of the United States District Court for the Western District of Missouri, and because Defendants conduct business within the Western District of Missouri.

PARTIES

4. Plaintiff is a twelve-year-old African American female, and a citizen of the United States, residing in Kansas City, Platte County, Missouri.

5. On information, Defendant Regis Corporation ("Regis") is a foreign for-profit corporation, in good standing, registered in Missouri, incorporated in Minnesota, with its offices at 7201 Metro Boulevard, Minneapolis, Minnesota 55439.

GENERAL ALLEGATIONS APPLICABLE TO ALL CLAIMS

6. On information and belief, Regis owns and operates the SmartStyle Family Hair Salon ("Smartstyle") located in the front of the Wal-Mart store at 8551 N. Boardwalk, Kansas City, Missouri. SmartStyle is a full-service establishment that provides hair care services and sells professional salon products for home consumption.

7. On July 7, 2004, at about 2:20 p.m., L.R.A. her father, and her younger brother

came to SmartStyle seeking a wash, cut, and styling for L.R.A.

8. On information and belief, they spoke with stylist Carla Stepp (“Stepp”), an employee of SmartStyle who was currently available and asked her to perform the desired services.

9. Stepp refused to provide the desired services and gave as her reason that she “did not do ethnic hair.”

10. The father, believing that SmartStyle was connected to Wal-Mart exited the salon and complained to a Wal-Mart Assistant Manager named Brian.

11. The father then returned to SmartStyle where he was still unable to obtain beauty services for L.R.A.

12. The father then left SmartSyle with both of his children without obtaining the desired wash, cut, and styling for Plaintiff.

CAUSES OF ACTION

COUNT I: RACE DISCRIMINATION (42 U.S.C. § 1981)

13. Plaintiff hereby incorporates by reference paragraphs 1 through 12 as if fully set forth.

14. Regis, through its employee and agent, Stepp, declined to enter into a contract for services to wash, cut, and style Plaintiff’s hair.

15. Stepp’s reasons for declining to enter into a contract with L.R.A. were based on racial grounds as evidenced by her statement, “I don’t do ethnic hair.” Presumably, Stepp was prepared to wash, cut, and style the hair of a Caucasian.

16. The acts and omissions of Defendant were willful, wanton, malicious, and

outrageous, showed disregard of Plaintiff's rights, and were performed knowingly, intentionally and maliciously, by reason of which Plaintiff is entitled to an award of punitive damages in an amount to be proved at trial.

17. The acts, omissions, conduct, and behavior of Defendant caused Plaintiff to suffer damages including, but not limited to: inconvenience, insult, mental distress, embarrassment, humiliation, anxiety, and emotional pain and suffering.

18. Plaintiff is entitled to recover from the defendant reasonable attorneys' fees and expenses, as provided by 42 U.S.C. § 1988.

WHEREFORE, Plaintiff requests that the Court, after a trial by jury of her claims, enter judgment against Defendant, for her actual damages, nominal damages and punitive or exemplary damages as are proven at trial, for attorney fees and expenses pursuant to 42 U.S.C. § 1988, for costs herein, and for any such further legal and equitable relief as the Court deems appropriate.

COUNT II: NEGLIGENT HIRING

19. Plaintiff hereby incorporates by reference paragraphs 1 through 18 as if fully set forth.

20. Regis owned a duty to Plaintiff and other "ethnic" customers to provide beauty salon services on a non-discriminatory basis.

21. On information and belief, Regis breached that duty by failing to investigate adequately the background and abilities of its stylists, specifically Stepp, before hiring and retaining her in order to determine whether, or not, Stepp was trained and competent to cut "ethnic" hair.

22. As a result of Regis' breach of duty, Plaintiff was injured when Stepp refused to cut and style Plaintiff's hair, a service that she was prepared to offer white clients.

23. The acts and omissions of Defendant were willful, wanton, malicious, and outrageous, showed disregard of Plaintiff's rights, and were performed knowingly, intentionally, and maliciously, by reason of which Plaintiff is entitled to an award of punitive damages in an amount to be proved at trial.

24. The acts, omissions, conduct, and behavior of Defendant caused Plaintiff to suffer damages including, but not limited to: inconvenience, insult, mental distress, embarrassment, humiliation, anxiety, and emotional pain and suffering.

WHEREFORE, Plaintiff requests that the Court, after a trial by jury of her claims, enter judgment against Defendant, for her actual damages, nominal damages and punitive or exemplary damages as are proven at trial, for costs herein, and for any such further legal and equitable relief as the Court deems appropriate.

COUNT III: NEGLIGENT TRAINING

25. Plaintiff hereby incorporates by reference paragraphs 1 through 24 as if fully set forth.

26. Regis owned a duty to Plaintiff to provide training to any of their stylists who lacked the ability and skill to cut and style "ethnic" hair.

27. On information and belief, Regis failed to provide training to their employee, Stepp, on how to cut and style "ethnic" hair.

28. As a result of Regis' breach of duty, Plaintiff was injured when Stepp refused to cut and style Plaintiff's hair, a service that she was prepared to offer white clients.

29. The acts and omissions of Defendant were willful, wanton, malicious, and outrageous, showed disregard of Plaintiff's rights, and were performed knowingly, intentionally and maliciously, by reason of which Plaintiff is entitled to an award of punitive damages in an amount to be proved at trial.

30. The acts, omissions, conduct, and behavior of Defendant caused Plaintiff to suffer damages including, but not limited to: inconvenience, insult, mental distress, embarrassment, humiliation, anxiety, and emotional pain and suffering.

WHEREFORE, Plaintiff requests that the Court, after a trial by jury of her claims, enter judgment against Defendant, for her actual damages, nominal damages and punitive or exemplary damages as are proven at trial, for costs herein, and for any such further legal and equitable relief as the Court deems appropriate.

COUNT IV: NEGLIGENT SUPERVISION

31. Plaintiff hereby incorporates by reference paragraphs 1 through 30 as if fully set forth.

32. Regis had a duty to supervise their employees so that their stylists knew they were to accept all customers regardless of their race and to verify that they were skilled and prepared to cut and style hair in a non-discriminatory manner.

33. On information and belief, Regis breached that duty by failing to provide the necessary supervision.

34. As a result of Regis' breach of duty, Plaintiff was injured when Stepp refused to cut and style Plaintiff's hair, a service that she was prepared to offer white clients.

35. The acts and omissions of Defendant were willful, wanton, malicious, and

outrageous, showed disregard of Plaintiff's rights, and were performed knowingly, intentionally and maliciously, by reason of which Plaintiff is entitled to an award of punitive damages in an amount to be proved at trial.

36. The acts, omissions, conduct, and behavior of Defendant caused Plaintiff to suffer damages including, but not limited to: inconvenience, insult, mental distress, embarrassment, humiliation, anxiety, and emotional pain and suffering.

WHEREFORE, Plaintiff requests that the Court, after a trial by jury of her claims, enter judgment against Defendant, for her actual damages, nominal damages and punitive or exemplary damages as are proven at trial, for costs herein, and for any such further legal and equitable relief as the Court deems appropriate.

Respectfully submitted,

ARTHUR BENSON & ASSOCIATES

By: s/ Arthur A. Benson II
Arthur A. Benson II Mo. Bar #21107
4006 Central Avenue (Courier Zip: 64111)
P.O. Box 119007
Kansas City, Missouri 64171-9007
(816) 531-6565
(816) 531-6688 (telefacsimile)
abenson@bensonlaw.com

Attorneys for Plaintiff