

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA**

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
PLAINTIFF,

v.

AFFORDABLE RENT-TO-OWN, LLC, DOING BUSINESS AS
AFFORDABLE HOME FURNISHINGS,
DEFENDANT.

CIVIL ACTION
No. 3:22-CV-676

JURY DEMAND

COMPLAINT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 (“Title VII”) and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and protected activity and to provide appropriate relief to Christopher J. Hodge (“Mr. Hodge”). As alleged with greater particularity below, the defendant, Affordable Rent-to-Own, LLC, doing business as Affordable Home Furnishings (“Affordable Home Furnishings”), subjected Mr. Hodge to a hostile work environment because of his race and discharged him because he reported that hostile work environment.

JURISDICTION & VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 451, § 1331, § 1337, § 1343, and § 1345. This action is authorized and instituted pursuant to Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed in the State of Louisiana and, therefore, within the jurisdiction and venue of the

United States District Court for the Middle District of Louisiana pursuant to Title VII, 42 U.S.C. § 2000e-5(f)(3).

PARTIES

3. Plaintiff, the U.S. Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Affordable Home Furnishings has continuously been an entity doing business in the State of Louisiana and has continuously had at least 15 employees.

5. At all relevant times, Affordable Home Furnishings has continuously been an employer engaged in an industry affecting commerce under Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

ADMINISTRATIVE PROCEDURES

6. More than 30 days prior to the institution of this action, Mr. Hodge filed a charge of discrimination (“charge”) with the Commission alleging violations of Title VII by Affordable Home Furnishings.

7. On or about October 25, 2022, the Commission issued to Affordable Home Furnishings a letter of determination (“determination”) finding reasonable cause to believe that Affordable Home Furnishings violated Title VII and inviting it to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. The Commission engaged in communications with Affordable Home Furnishings to provide the opportunity to remedy the discriminatory practices described in the determination.

9. On or about January 20, 2022, the Commission issued to Affordable Home Furnishings a notice of conciliation failure, advising that the Commission was unable to secure a conciliation agreement acceptable to the Commission.

10. All conditions precedent to the institution of this action have been fulfilled.

STATEMENT OF FACTS

11. Affordable Home Furnishings rents and sells furniture.

12. On or about August 5, 2019, Affordable Home Furnishings hired Mr. Hodge, who is African American or Black, as a store manager in training at its Airline Highway store in Baton Rouge, Louisiana. On or about October 4, 2019, Affordable Home Furnishings transferred Mr. Hodge to its Florida Boulevard store, which is also in Baton Rouge, Louisiana.

13. On or about October 12, 2019, Mr. Hodge was with an account manager, who is White, when the account manager began using the word “nigger.” Mr. Hodge told the account manager that the word was unwelcome and offensive and asked him not to use it. The account manager continued to use it.

14. On or about October 15, 2019, Mr. Hodge was again with the account manager when the account manager continued using the word “nigger.” Mr. Hodge again asked the account manager not to use it.

15. On or about October 17, 2019, Mr. Hodge passed the practical and written store manager exams with scores of 100% and 98%.

16. On or about October 19, 2019, Mr. Hodge was again with the account manager when the account manager continued using the word “nigger.” Mr. Hodge again asked the account manager not to use it.

17. On or about October 25, 2019, Mr. Hodge was again with the account manager when the account manager continued using the word “nigger.” Mr. Hodge again asked the account manager not to use it.

18. On or about October 28, 2019, Mr. Hodge met with the assistant store manager, a supervisor, and told her that the account manager had repeatedly used the word “nigger.” He told her that use of the word was unwelcome and offensive.

19. Later, also on or about October 28, 2019, Mr. Hodge heard the assistant store manager, who is White, use the word “nigger” herself.

20. On or after October 28, 2019, Mr. Hodge met with the store manager and told him that the account manager and assistant store manager had been using the word “nigger” (hereinafter “n****r”). He told him that the use of the word was unwelcome and offensive.

21. On or about November 4, 2019, Affordable Home Furnishings discharged Mr. Hodge. Affordable Home Furnishings did not discharge the account manager, whose performance was similar to that of Mr. Hodge.

STATEMENT OF CLAIMS

22. Since at least 2019, Affordable Home Furnishings has engaged in unlawful employment practices in violation of Title VII, 42 U.S.C. § 2000e-2(a). In

particular, Affordable Home Furnishing subjected Mr. Hodge to a hostile work environment based on his race by allowing an account manager and the assistant store manager to use the word “n****r.” Mr. Hodge reported their use of the word to Affordable Home Furnishings, which took no action in response except to discharge Mr. Hodge. Affordable Home Furnishings did not do take action to prevent the use of the word.

23. Affordable Home Furnishings failed to take prompt, remedial action after becoming aware of the harassment.

24. Since at least 2019, Affordable Home Furnishings has engaged in unlawful employment practices in violation of Title VII, 42 U.S.C. § 2000e-3(a). In particular, Affordable Home Furnishing discharged Mr. Hodge because he reported that an account manager and the assistant store manager were using the word “n****r,” thereby opposing and resisting the unlawful hostile work environment.

25. The effect of Affordable Home Furnishings’ unlawful employment practices complained of above has been to deprive Mr. Hodge of equal employment opportunities and otherwise adversely affect his status as an employee because of his race, and because he engaged in protected activity, in violation of Title VII.

26. The unlawful employment practices complained of above were intentional.

27. Affordable Home Furnishings acted with malice and/or reckless indifference to the federally protected rights of Mr. Hodge when it engaged in the unlawful employment practices complained of above.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Affordable Home Furnishings its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from discriminating against its applicants or employees because of race.

B. Order Affordable Home Furnishings to institute and carry out policies, practices, and programs that provide equal employment opportunities for applicants and employees who are African American or Black and that eradicate the effects of its past and present unlawful employment practices.

C. Order Affordable Home Furnishings to make Mr. Hodge whole, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement and/or front pay.

D. Order Affordable Home Furnishings to post and keep posted the notices required by Title VII, 42 U.S.C. § 2000e-10(a).

E. Order Affordable Home Furnishings to make and preserve all records relevant to the determination of whether unlawful employment practices have been or are being committed, in accordance with Title VII, 42 U.S.C. § 2000e-8(c).

F. Order Affordable Home Furnishings to make Mr. Hodge whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including job-search and medical expenses, in amounts to be determined at trial.

G. Order Affordable Home Furnishings to make Mr. Hodge whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including but not limited to emotional pain and suffering, inconvenience, and humiliation, in amounts to be determined at trial.

H. Order Affordable Home Furnishings to pay punitive damages for its malicious and/or reckless conduct, as described above, in amounts to be determined at trial.

I. Grant such further relief as the Court deems necessary and proper in the public interest.

J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by this Complaint that are triable to a jury.

Respectfully submitted,

Gwendolyn Young Reams
Acting General Counsel
U.S. Equal Employment Opportunity
Commission

Christopher Lage
Deputy General Counsel

U.S. Equal Employment Opportunity
Commission

Rudy L. Sustaita
Regional Attorney
U.S. Equal Employment Opportunity
Commission

Gregory T. Juge
Assistant Regional Attorney
U.S. Equal Employment Opportunity
Commission

/s/ Andrew B. Kingsley

Andrew B. Kingsley (Lead)
Senior Trial Attorney
U.S. Equal Employment Opportunity
Commission
New Orleans Field Office
Hale Boggs Federal Building
500 Poydras Street, Suite 809
New Orleans, LA 70130
Phone: (504) 208-8661
Email: andrew.kingsley@eeoc.gov
Louisiana Bar No. 35865

Elizabeth J. Owen
Senior Trial Attorney
U.S. Equal Employment Opportunity
Commission
New Orleans Field Office
Hale Boggs Federal Building
500 Poydras Street, Suite 809
New Orleans, LA 70130
Phone: (504) 635-2535
Email: elizabeth.owen@eeoc.gov
Louisiana Bar No. 33620

Peter Theis
Senior Trial Attorney
U.S. Equal Employment Opportunity
Commission
New Orleans Field Office
Hale Boggs Federal Building
500 Poydras Street, Suite 809

New Orleans, LA 70130
Phone: (504) 635-2548
Email: peter.theis@eeoc.gov
Louisiana Bar No. 34786

COUNSEL FOR U.S. EQUAL
EMPLOYMENT OPPORTUNITY
COMMISSION

REGISTERED AGENT FOR SERVICE OF PROCESS:

CHRIS OR STACI OVERTON
3118 WEST PINHOOK ROAD
LAFAYETTE, LA 70508