

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

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,  
PLAINTIFF,

v.

AMERICAN SCREENING, LLC,  
DEFENDANT.

CIVIL ACTION  
No. 21-1978

JURY DEMAND

**COMPLAINT**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Imani Jackson (“Ms. Jackson”). As alleged with greater particularity below, the defendant, American Screening, LLC, removed Ms. Jackson, because of her race.

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 of the Civil Rights Act of 1964 (“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 Eastern 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 (“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, American Screening, LLC has continuously been a limited liability company doing business in the State of Louisiana and has continuously had at least 15 employees.

5. At all relevant times, American Screening, LLC 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, Ms. Jackson filed a charge of discrimination (“charge”) with the Commission alleging violations of Title VII by American Screening, LLC.

7. On or about September 1, 2020, the Commission issued to American Screening, LLC a letter of determination (“determination”) finding reasonable cause to believe that American Screening, LLC violated Title VII and inviting American Screening, LLC 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 American Screening, LLC to provide the opportunity to remedy the discriminatory practices described in the determination.

9. On or about September 22, 2020, the Commission issued to American Screening, LLC a notice of conciliation failure, advising that the Commission was unable to secure from it a conciliation agreement acceptable to the Commission.

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

#### STATEMENT OF CLAIMS

11. Since at least August 2, 2018, American Screening, LLC has engaged in unlawful employment practices in violation of Title VII, 42 U.S.C. § 2000e-2(a).

A. American Screening, LLC is a drug and medical testing supplies distributor. A staffing services provider referred Ms. Jackson to American Screening, LLC for a temporary-to-permanent sales position.

B. On or about August 2, 2018, an owner and the human resources manager at American Screening, LLC interviewed Ms. Jackson.

C. Ms. Jackson, who is African American, has tightly curled hair (“4-A” under the Andre Walker Hair Typing System). For the interview, Ms. Jackson wore a wig with straight hair (“1-A” or “1-B” under the Andre Walker Hair Typing System), which likely came from a person or persons

who were European or Native American. The wig was not permanent, and it took Ms. Jackson about 45 minutes to put it on each day that she wore it. To attach it, she covered her hair in a wig cap and then affixed the wig with glue. The wig was uncomfortable, especially in the heat and humidity, and time-consuming to maintain.

D. After the interview, American Screening, LLC selected Ms. Jackson for the position.

E. On August 13, 2018, Ms. Jackson began work at American Screening, LLC.

F. American Screening, LLC had the right to control when, where, and how Ms. Jackson performed her job at American Screening, LLC. Ms. Jackson worked at an American Screening, LLC, facility, and American Screening, LLC furnished all of the equipment, tools, and material that Ms. Jackson needed to perform her job. The senior recruiter at the staffing services provider informed Ms. Jackson that the human resources manager at American Screening, LLC would be Ms. Jackson's supervisor.

G. While working at American Screening, LLC, Ms. Jackson ordinarily wore dress pants, a blouse (with or without a sweater or a blazer), and dress shoes. Until mid-to-late September, Ms. Jackson also wore the wig she had worn to her interview.

H. In mid-to-late September, Ms. Jackson stopped wearing the wig and began wearing her own natural hair, usually in a neat bun. Other

employees also often wore their own hair in buns or in ponytails, but unlike Ms. Jackson, those employees did not have tightly curled hair.

I. Soon after Ms. Jackson stopped wearing the wig, on or about October 8, 2018, the owner, instructed a payroll manager and the human resources manager to “talk to [Ms. Jackson] about her hair and looking more professional,” noting that Ms. Jackson “came in with beautiful hair” but now “looks like she rolls out of bed.”

J. On or about October 9, 2018, the human resources manager informed the senior recruiter at the staffing services provider about the owner’s concerns. The senior recruiter informed the human resources manager—who informed then informed the owner—that “[e]mployers can require employees to have neatly groomed hair, but such rules must respect racial differences in hair” and that “employers should make sure grooming standards are race-neutral, adopted for nondiscriminatory reasons and consistently applied.” The owner asked the human resources manager: “Is [Ms. Jackson] going to fix her hair?”

K. On or about October 11, 2018, the owner told Ms. Jackson that her hair was unacceptable and instructed her to wear straight hair—that is, the wig—instead.

L. Also on or about October 11, 2018, the payroll manager and the human resources manager at American Screening, LLC told Ms. Jackson that the owner had told them to tell Ms. Jackson that her hair was unacceptable

and to instruct Ms. Jackson to wear straight hair instead. However, they also told Ms. Jackson that they thought Ms. Jackson's hair was acceptable and that the owner was acting unlawfully. They told her to find other work.

M. On or about October 12, 2018, the owner told the payroll manager and human resources manager: "She needs neatly groomed hair[.] Some days it's sticking every which way and looks like she just rolls out of bed and comes to work."

N. On or before October 18, 2018, the owner instructed the human resources manager to terminate Ms. Jackson. The human resources manager then informed the senior recruiter at the staffing services provider that American Screening, LLC was terminating Ms. Jackson.

O. American Screening, LLC terminated Ms. Jackson's employment on or about October 18, 2018.

P. On October 22, 2018, the owner told the senior recruiter at the staffing services provider that "[Ms. Jackson] was terminated not for performance" but instead "because I no longer needed her services."

Q. On or before November 1, 2018, American Screening, LLC replaced Ms. Jackson with an employee who was not African American.

12. The effect of American Screening, LLC's unlawful employment practices complained of above has been to deprive Ms. Jackson of equal employment opportunities and otherwise adversely affect her status as an applicant or employee because of her race in violation of Title VII.

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

14. American Screening, LLC acted with malice and/or reckless indifference to the federally protected rights of Ms. Jackson 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 American Screening, LLC its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from discriminating against its applicants or employees on the basis of race.

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

C. Order American Screening, LLC to make Ms. Jackson 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 American Screening, LLC to post and keep posted the notices required by Title VII, 42 U.S.C. § 2000e-10(a).

E. Order American Screening, LLC 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 American Screening, LLC to make Ms. Jackson 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 American Screening, LLC to make Ms. Jackson whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain and suffering, inconvenience, and humiliation, in amounts to be determined at trial.

H. Order American Screening, LLC 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,

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U.S. Equal Employment Opportunity  
Commission

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U.S. Equal Employment Opportunity  
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/s/ Andrew B. Kingsley

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COUNSEL FOR U.S. EQUAL  
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COMMISSION

**REGISTERED AGENT FOR SERVICE OF PROCESS:**

RON KILGARLIN, JR.  
9742 ST VINCENT AVE., SUITE 100  
SHREVEPORT, LA 71106

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

U.S. Equal Employment Opportunity Commission

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Andrew B. Kingsley, U.S. Equal Employment Opportunity Commission, 500 Poydras Street, Suite 809, New Orleans, Louisiana 70115, 504-208-8661

DEFENDANTS

American Screening, LLC

County of Residence of First Listed Defendant Caddo (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and descriptions.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 2000e-2. Brief description of cause: Discrimination on the basis of race.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [ ] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

October 27, 2021

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Louisiana

U.S. Equal Employment Opportunity Commission

Plaintiff(s)

v.

American Screening, LLC

Defendant(s)

Civil Action No. 2:21-cv-1978

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) American Screening, LLC
c/o Ron Kilgarlin, Jr.
9742 St. Vincent Ave., Suite 100
Shreveport, LA 71106

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 2:21-cv-1978

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: