

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

_____)	
ALVIN JACKSON, EMMANUEL JEAN)	
JOSEPH, and XAVIER VEAL,)	Civil Action No. _____
)	
Plaintiffs,)	
)	<u>COMPLAINT</u>
v.)	
)	Jury Trial Demanded
AMERICAN AIRLINES, INC.,)	
)	
Defendant.)	
_____)	

Plaintiffs Alvin Jackson, Emmanuel Jean Joseph, and Xavier Veal hereby bring this action against American Airlines for violations of 42 U.S.C. § 1981. By their attorneys, Public Citizen Litigation Group and Outten & Golden LLP, they allege the following facts:

Introduction

1. On January 5, 2024, American Airlines (herein referred to as “American”) engaged in blatant and egregious racial discrimination and profiling when it ejected Plaintiffs Jackson, Joseph, and Veal and five other Black male passengers from American Flight 832 (from Phoenix to JFK), without any valid reason, and solely based on their race.

2. Just prior to the scheduled take off, an American employee approached each Plaintiff, and, without explanation, ordered each to exit the plane immediately. After Plaintiffs rose from their seats in compliance with the directive, they observed that multiple other Black males were also being instructed to exit the plane. In fact, once they reached the jet bridge, it appeared to Plaintiffs that *all* of the Black male passengers on Flight 832 were being ordered off the plane.

3. When the Plaintiffs and five other Black male passengers left the airplane, they demanded an explanation. Representatives of American told them that they were removed from the flight because of a complaint about a Black male passenger who allegedly had offensive body odor. None of the Plaintiffs had offensive body odor and at no time did anyone ever specifically accuse any of them of having offensive body odor. When Plaintiffs pointed out that they were being treated unfairly due to the color of their skin, at least one of the American staff members said she did “not disagree.” Plaintiffs were told that they and the other Black male passengers would all have to be rebooked on another flight.

4. During the time Plaintiffs were stuck at the gate waiting to be rebooked, they continued to complain about the blatant race discrimination they were experiencing. After approximately an hour, and only after determining that there were no available American flights that evening on which the men could be rebooked, American reversed course and informed Plaintiffs that they could reboard Flight 832 and fly to JFK. The whole ordeal was traumatic, upsetting, scary, humiliating, degrading, and outrageous. American’s blatant profiling was malicious and racist.

5. Unfortunately, Plaintiffs’ experience while flying American was not an isolated instance. Indeed, American has a documented history of frequently subjecting its Black passengers (and other passengers of color) to blatant differential treatment and bigotry.¹

¹ See Jonathan Franklin, American Airlines passenger alleges discrimination over use of first-class restroom, NPR, (April 25, 2024, 5:02 a.m.) <https://www.npr.org/2024/04/25/1245583048/american-airlines-racial-discrimination-allegation-bathroom>; Amanda Starrantino, *Black musician says he was falsely accused of trafficking his own children on American Airlines flight*, CBS News, (Sept. 27, 2023, 5:04 p.m.) <https://www.cbsnews.com/losangeles/news/black-musician-accused-of-trafficking-his-own-children-aboard-american-airlines-flight/>; Kyle Arnold, American Airlines Faces a Flurry of Racial Discrimination Complaints, Aviation Pros, (Jan. 24, 2023), <https://www.aviationpros.com/airlines/news/21293384/american-airlines-faces-a-flurry-of-racial->

American’s pattern of racial bigotry toward Black passengers led the NAACP to issue a 2017 travel advisory warning Black travelers that they could be subjected to “disrespectful, discriminatory or unsafe conditions” on the air carrier and, stating that “[t]he growing list of

[discrimination-complaints](#); Mirna Alsharif, *Sha’Carri Richardson says she was removed from an American Airlines plane after arguing with a flight attendant*, NBC News, (Jan. 21, 2023, 4:59 p.m.), <https://www.nbcnews.com/news/us-news/shacarri-richardson-says-was-removed-american-airlines-plane-arguing-f-rcna66844>; Haaziq Madyun, *Former NFL players claim they were racially profiled on American Airlines flight to SF*, Kron 4, (Jan. 13, 2023, 5:53 p.m.), <https://www.kron4.com/news/bay-area/exclusive-former-nfl-players-claim-they-were-racially-profiled-on-american-airlines-flight-to-sf/>; David Dwork and Cody Weddle, *Passenger speaks to Local 10 after NFL star Odell Beckham Jr. escorted off airplane at Miami International Airport*, Dallas Morning News, (Nov. 27, 2022, 4:10 p.m.) <https://www.local10.com/news/local/2022/11/27/police-escort-nfl-star-odell-beckham-jr-off-airplane-at-miami-international-airport/>; Kate Duffy, *Passenger accuses American Airlines of racism, saying it barred her from boarding a delayed flights because of her tone of voice*, Business Insider, (Aug. 10, 2022, 7:01 a.m.), <https://www.businessinsider.com/american-airlines-passenger-banned-delayed-flight-tone-voice-2022-8>; David Hodges, *Black American Airlines passenger says she was called racial slur before being kicked off flight*, WBTV, (June 30, 2020, 6:36 p.m.), <https://www.wbtv.com/2020/06/30/black-american-airlines-passenger-she-was-called-racial-slur-before-beng-kicked-off-flight/>; Chris Isidore, *Passengers alleging racial discrimination sue American Airlines over Black man’s removal from flight*, CNN, (June 22, 2020, 5:25 p.m.), <https://www.cnn.com/2020/06/22/business/american-airlines-lawsuit-racial-discrimination/index.html>; David K. Li, *Two Muslim men from Texas claim they were racially profiled on American Airlines flight*, NBC News, (Sept. 20, 2019, 4:24 p.m.), <https://www.nbcnews.com/news/us-news/two-muslim-men-texas-claim-they-were-racially-profiled-american-n1057051>; Janice Gassam Asare, *American Airlines Accused of Racial Profiling - - Learning Lessons for Other Airlines*, Forbes, (July 12, 2019, 11:39 p.m.), <https://www.forbes.com/sites/janicegassam/2019/07/12/american-airlines-accused-of-racial-profiling-learning-lessons-for-other-airlines/?sh=58ca6da82d3b>; Yesha Callahan, *Black Passenger Says American Airlines Forced Her to Give Up Her 1st-Class Seat but Let Her White Friend Remain*, The Root, (May 9, 2017), <https://www.theroot.com/how-american-airlines-forced-black-passenger-to-give-up-1795045431>; Mark Joseph Stern, *Remember When American Airlines Called the Police to Force NAACP’s Rev. William Barber Off a Plane?*, Slate, (April 23, 2017, 12:44 p.m.) <https://slate.com/news-and-politics/2017/04/american-airlines-calls-police-to-force-naacps-william-barber-off-plane.html>; Rania Aniftos, *Jason Derulo Blames Racial Profiling for Heated Incident on American Airlines Flight*, Billboard, (Feb. 8, 2017), <https://www.billboard.com/music/pop/jason-derulo-racial-profiling-american-airlines-police-7685274/>; Frances Kai-Hwa Wang, *Brooklyn Men Allege Discrimination, File \$9 Million Lawsuit After American Airlines Encounter*, NBC News, (Jan. 21, 2016, 4:47 p.m.), <https://www.nbcnews.com/news/asian-america/brooklyn-men-allege-discrimination-file-9-million-lawsuit-after-american-n501476>; *American Airlines sued over alleged discrimination*, CBS News, (Jan. 19, 2016, 8:33 a.m.) <https://www.cbsnews.com/news/four-brooklyn-men-sue-american-airlines-after-being-booted-from-flight/>.

incidents suggesting racial bias reflects an unacceptable corporate culture and involves behavior that cannot be dismissed as normal or random.” The treatment that Plaintiffs experienced is, upon information and belief, part of an embedded culture at American that allows, if not engenders, racial profiling and discrimination against Black passengers.

6. American discriminated against Plaintiffs based on their race and the color of their skin, in violation of 42 U.S.C. § 1981. They seek declaratory relief, just compensation for their pain and suffering, a punitive damage award sufficient to deter American from discriminating against Black passengers in the future, and an award of costs and attorneys’ fees.

JURISDICTION AND VENUE

7. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343, as this action involves a federal question under 42 U.S.C. § 1981. Declaratory and equitable relief is authorized by 28 U.S.C. §§ 2201, 2202, and 1343.

8. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to these claims occurred in the Eastern District of New York.

9. This Court has personal jurisdiction over Defendant because Defendant conducts business in this judicial district.

PARTIES

10. Plaintiff Alvin Jackson, who is Black, resides in Brooklyn, New York. He is a musician and music teacher.

11. Plaintiff Emmanuel Jean Joseph, who is Black, resides in Brooklyn, New York. He is an actor.

12. Plaintiff Xavier Veal, who is Black, resides in Queens, New York. He is a production assistant on commercial television sets.

13. Defendant American Airlines, Inc. is a United States-based airline incorporated in Delaware with headquarters in Fort Worth, Texas. It regularly and systematically conducts business in the Eastern District of New York.

FACTS

14. Before the incident that is the subject of this complaint, Plaintiffs did not know each other. They had never spoken to each other before January 5, 2024.

15. In late 2023, each Plaintiff traveled to California for different reasons. Mr. Jackson, a professional musician, went to California to tour with his band. Mr. Joseph went to Los Angeles to spend the holidays with friends. Mr. Veal helped a friend move from Brooklyn to Los Angeles.

16. All three Plaintiffs purchased airline tickets to fly on American on January 5, 2024, from Hollywood Burbank Airport in California to JFK Airport in New York. The scheduled flight involved a layover and change of planes at Sky Harbor International Airport in Phoenix, Arizona.

17. On January 5, after each Plaintiff landed in Phoenix, they proceeded to their departure gate and boarded American Airlines Flight 832. Flight 832 was originally scheduled to depart Phoenix at 4:17 PM and arrive at JFK at 10:59 PM.

18. Plaintiffs settled in their ticketed seats. They were not seated near each other.

19. Right before takeoff, an American employee approached each of them and, without explanation, ordered them off the plane. Each Plaintiff complied with the directive, stood, gathered his belongings, and began to exit the plane. Upon doing so, Plaintiffs could observe that American had ordered a number of other Black males off the plane as well. There

were no white individuals ordered off the plane, and it appeared to Plaintiffs that all of the Black male passengers on Flight 832 were ordered off the plane.

20. Plaintiffs' experiences of being ejected from the plane, for no valid reason and without explanation, were extremely upsetting. Plaintiffs' experience of having to walk through the center aisle and exit the plane, while the crew and other mostly white passengers looked on, was humiliating, degrading, and deeply traumatizing.

21. As soon as Plaintiffs, along with the other Black men, exited the plane, and while standing on the jet bridge, they demanded an explanation. At least one Plaintiff was told that they were kicked off the plane due to a complaint about an offensive body odor.

22. None of the Plaintiffs had offensive body odor nor were any specifically accused of having bad body odor.

23. They told the American representative with them that it looked like they were just thrown off the plane because they were Black, and that it was "discrimination." The American representative responded, "I agree. I agree."

24. Plaintiffs were instructed to proceed down the jet bridge to the gate area. They complied.

25. Once they arrived at the gate, a different American representative confirmed that Plaintiffs and the other Black men had been removed from the flight at the behest of a white male flight attendant, allegedly because of a complaint about offensive body odor of a Black male passenger.

26. When Mr. Joseph stated that the white male flight attendant had given him an attitude because of the color of his skin, an American representative responded, "Correct. I do not disagree with you."

27. An American representative also conveyed that they had been removed from the flight at the behest of the pilot.

28. After Plaintiffs and the other Black men were ejected from the plane, American announced to the mostly white remaining passengers that the men had been removed due to a complaint about offensive body odor.

29. Plaintiffs were informed at the gate that they and the other Black male passengers would all have to be rebooked on another flight.

30. Then, after a while, an American representative told Plaintiffs that they could not get them on any alternate American flight to JFK that evening.

31. Several individuals who appeared to be managerial employees of American walked down the jet bridge to the plane to speak to the employees still on the plane.

32. After approximately one hour, with Plaintiffs continuing to press for answers and to demand to be permitted to re-board the flight, American changed course and told Plaintiffs and the other Black men that they would be permitted to re-board the aircraft.

33. At multiple times during the incident, Plaintiffs asked the American representatives with whom they were speaking for their names. Multiple American representatives refused these requests. In a particularly brazen act, one representative deliberately concealed her name badge from the Plaintiffs. She refused to provide her contact information, and instead took Mr. Joseph's cell phone number and promised to contact him, but never did.

34. Plaintiffs chose to re-board the flight, notwithstanding significant misgivings and the humiliation from their initial removal from the flight, because each of them needed to get home that evening.

35. Plaintiffs were directed to return to their original seats. Mr. Joseph requested a different seat, to minimize the chance of having to interact with the white male flight attendant responsible for the removal of the Black male passengers. There was an available seat in first class that American could have allowed Mr. Joseph to sit in. Instead, however, American staff upgraded an Asian woman to first class, and then allowed Mr. Joseph to take her original seat in coach.

36. American Flight 832 departed Phoenix almost an hour late, at 5:09 PM.

37. Upon information and belief, Mr. Jackson and Mr. Veal were attended by the very same white male flight attendant who had initiated the discriminatory removal. He continued to be rude and at no point did he apologize for what American had just put them through.

38. Throughout the ordeal—from the moment of their re-boarding, throughout the entire flight, in each interaction with the contentious flight attendant, and continuing until landing—the three Plaintiffs experienced profound feelings of embarrassment, humiliation, anxiety, anger, and distress. The act of returning to their seats after the unwarranted delay, navigating past the almost exclusively white passengers, several of whom eyed them with undue suspicion, compounded their humiliation.

39. During the flight and upon their arrival at the baggage claim, several other passengers approached the Plaintiffs to express feelings of sympathy and shock over what happened.

40. The flight arrived at JFK at approximately 11:30 pm, 30 minutes after its scheduled arrival time. The delay was attributable solely to American Airlines' racist decision to pull the Black male passengers from the flight.

41. Upon landing at JFK but before deboarding, Mr. Jackson asked to speak with an American employee on the plane about what had transpired. His request was refused, and he was instead quickly rushed off the plane and told that he could speak to an American representative about the incident once he deplaned. That was another lie: by the time the plane landed and taxied to the gate, it was almost midnight, and there were no American employees available at JFK to speak with him.

42. American's decision to remove Plaintiffs from the flight was not based on any legitimate rationale. It was an act of blatant discrimination and/or racial profiling, and it was done with malice and in flagrant disregard of Plaintiffs' rights. Indeed, it is near impossible to imagine that American would ever treat its white customer base in a similar manner. But for Plaintiffs' race and skin color, they would not have been removed from the flight. Plaintiffs contracted with American but were subjected to disparate—and substantially worse—terms and conditions of contract than white passengers.

43. As a direct consequence of this flagrant discrimination, Plaintiffs have suffered greatly. This was a traumatizing event. It was scary, extremely frustrating, embarrassing, degrading, and humiliating. It is upsetting to the Plaintiffs to this day.

44. Moreover, the incident did not just inflict immediate distress; it also resurfaced and intensified the emotional trauma from past encounters with racism and discrimination. American's actions not only revisited these old wounds but also deepened them, exacerbating Plaintiffs' suffering and sense of alienation.

CLAIM FOR RELIEF

45. Plaintiffs hereby repeat, reiterate, and re-allege each and every allegation in each of the preceding paragraphs, as though fully set forth herein.

46. 42 U.S.C. § 1981 provides that “[a]ll persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts . . . as is enjoyed by white citizens . . .” 42 U.S.C. § 1981(a). Under the statute, the phrase “make and enforce contracts” includes “the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.” 42 U.S.C. § 1981(b).

47. When Plaintiffs contracted with American for passage on Flight 832, they had a right to be treated equally to white passengers and without discrimination—a right which American violated. Plaintiffs were subjected to discriminatory, and substantially worse, performance, benefits, privileges, terms, and conditions of their contract with American, solely due to their race and color.

48. American’s racial discrimination against Plaintiffs was intentional and malicious.

49. As a direct and proximate result of American’s unlawful discrimination in violation of Section 1981, Plaintiffs have suffered, and continue to suffer, severe mental anguish and emotional distress for which they are entitled to an award of damages.

50. American’s unlawful and discriminatory actions constitute malicious, willful, and wanton violations of Section 1981, for which Plaintiffs are entitled to an award of punitive damages.

PRAYER FOR RELIEF

Plaintiffs respectfully seek:

(1) A declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate 42 U.S.C. § 1981;

(2) An award of compensatory damages in an amount to be determined at trial to compensate each Plaintiff for the discrimination they experienced, to including damages for fear,

humiliation, embarrassment, mental pain, suffering, and inconvenience;

(3) An award of punitive damages in an amount to be determined at trial that would punish Defendant for its malicious, willful, wanton, callous, and reckless conduct and effectively deter Defendant from engaging in similar conduct in the future;

(4) Award Plaintiffs prejudgment interest on all amounts due;

(5) Award Plaintiffs reasonable attorneys' fees and costs.

JURY TRIAL DEMAND

Plaintiffs demand a trial by jury for all issues of fact and damages stated herein.

Dated: April XX, 2024

Respectfully submitted,

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