

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

ASHER LUCAS,

Plaintiff-Intervenor,

and

REGINA ZAVISKI and SAVANNAH
NURME-ROBINSON,

Proposed Plaintiff-Intervenors,

v.

BRIK ENTERPRISES, INC., dba CULVER'S
OF CLARKSTON, DAVISON
HOSPITALITY, INC., dba CULVER'S
HOSPITALITY OF DAVISON, FENTON
HOSPITALITY, INC., dba CULVER'S OF
FENTON, GB HOSPITALITY, INC., dba
CULVER'S OF GRAND BLANC, BLUE
WATER HOSPITALITY, INC.,

Defendants.

Case No. 24-cv-12817

Hon. Brandy McMillion

MOTION TO INTERVENE

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MOTION TO INTERVENE

Proposed Plaintiff-Intervenors, Regina Zaviski and Savannah Nurme-Robinson, by their attorneys from the American Civil Liberties Union Fund of Michigan, hereby move to intervene as Plaintiffs in this matter, and state the following in support of their motion:

1. The Equal Employment Opportunity Commission (“EEOC”) filed this action to address Defendants’ unlawful employment practices with regard to Asher Lucas, Regina Zaviski, Savannah Nurme-Robinson, and Jasper Sampson.

2. Asher Lucas is represented by counsel and has already intervened in this matter. Proposed Plaintiff-Intervenors now move to intervene in this action to protect their own interests.

3. Proposed Plaintiff-Intervenors’ right to intervene is supported by the brief filed in support of this motion.

4. In accordance with Fed. R. Civ. P. 24(c), proposed Plaintiff-Intervenors’ proposed Complaint in Intervention is attached as Exhibit 1.

5. In accordance with E.D. Mich. L.R. 7.1, on February 24, 2025, Proposed Plaintiff-Intervenors’ counsel sought concurrence from counsel for Plaintiff-Intervenor Asher Lucas and counsel for the EEOC, both of whom concur in the relief requested. On February 24, 2025, Proposed Plaintiff-Intervenors’

counsel sought concurrence also from counsel for Defendants, who has not responded as of the date and time of the filing of this motion.

Wherefore, under Fed. R. Civ. P. 24(a) and (b), and 42 U.S.C. § 2000e-5(f)(1), Regina Zaviski and Savannah Nurme-Robinson respectfully request that this Court enter an order allowing them to intervene in this action as Plaintiff-Intervenors by filing their proposed Complaint in Intervention.

Dated: February 27, 2025

Respectfully submitted,

By: /s/ Syeda F. Davidson
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Jay D. Kaplan (P38197)
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**BRIEF IN SUPPORT OF
MOTION TO INTERVENE**

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FACTUAL AND PROCEDURAL BACKGROUND

As alleged in Plaintiff's Complaint, Asher Lucas ("Mr. Lucas"), who is a transgender man, began working for Defendant Culver's of Clarkston in May 2021. From July 2021 until November 10, 2021, another employee of Defendants harassed Mr. Lucas based on his sex. This harassment included deliberately and repeatedly misgendering him,¹ asking whether he had gender reassignment surgery, speaking openly and negatively about Mr. Lucas's transgender status to other employees, and stating openly that Mr. Lucas should not work for Defendants because he was transgender. Mr. Lucas objected to the employee harassing him and complained to Defendants' managers, but Defendants failed to take prompt remedial measures to stop the harassment.

Savannah Nurme-Robinson ("Ms. Nurme-Robinson") was one of Mr. Lucas's co-workers and witnessed the harassment. Ms. Nurme-Robinson also complained to Defendants' managers about the harassment. Defendants' general manager told Ms. Nurme-Robinson that he would address the harassment. However, the harassing employee was permitted to persist in her harassment of Mr. Lucas and begin harassing another employee, who was a lesbian. The employee

¹ "Misgendering" is the practice of referring to someone using terms that do not reflect their gender identity. Often, this occurs by using pronouns that do not align with the person's gender identity. Repeatedly and deliberately misgendering a person is a tactic that is commonly used to bully and harass transgender people.

who was being harassed because she was a lesbian then also complained about the harasser, who received nothing but a verbal warning in her personnel file.

Defendants' lack of action against the harasser empowered her to increase her harassment against Mr. Lucas by obtaining his birth name, sharing it with other employees without Mr. Lucas's consent, and recruiting other employees to engage in harassment against him. On November 10, 2021, Regina Zaviski ("Ms. Zaviski") was working at Culver's of Clarkston. Mr. Lucas, Ms. Nurme-Robinson, and the harasser were also working. The harasser told Ms. Zaviski that Mr. Lucas "was really a girl" and that she had learned Mr. Lucas's "real name." Ms. Zaviski opposed the harasser's comments and was concerned that she had obtained and was sharing Mr. Lucas's birth name without his consent. Ms. Zaviski told the harasser that she would report her to Defendants' general manager and did so the same day. Mr. Lucas also complained again the same day, this time adding that he was afraid because the harasser had obtained his birth name and was sharing it. The same day, Jasper Sampson, who also worked at Culver's of Clarkston, also complained about the harassment that he witnessed.

When Ms. Zaviski reported the harasser's conduct, Defendants' general manager responded that he had spoken to the harasser before. Mr. Lucas, Ms. Zaviski, Ms. Nurme-Robinson, and Jasper Sampson all met in Defendants' Clarkston office to discuss Defendants' failure to take prompt, remedial measures

to stop the harassment of Mr. Lucas. After Ms. Zaviski's shift, she again contacted Defendants' general manager about the harasser. Ms. Zaviski suggested that the harasser be fired due to the severity of her actions and explained that she would not be comfortable returning to work until then. Defendants' general manager responded that he was "fully capable of handling this situation properly and ha[d] done so before and accept[ed her] resignation."

On November 11, 2021, Defendants' general manager, in consultation with Defendants' owner, also fired Mr. Lucas, Ms. Nurme-Robinson, and Jasper Sampson in retaliation for opposing the harassment and complaining about the harasser.

On February 15, 2022, Mr. Lucas filed a Charge of Discrimination with the EEOC. Charge of Discrimination, Ex. 1. The charge alleged claims for discrimination and retaliation. *Id.* On May 8, 2024, the EEOC issued a letter of determination, finding reasonable cause that Defendants violated Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 *et seq.* ("Title VII"), by failing to take prompt remedial action to stop the harassment of Mr. Lucas, and by retaliating against Mr. Lucas and "a class of individuals" for opposing or complaining about the harassment. Letter of Determination, Ex. 2. The EEOC attempted conciliation among all parties, including Mr. Lucas, Ms. Zaviski, Jasper Sampson, and "each affected class member." Draft Conciliation Agreement, Ex. 3.

The conciliation failed, and the EEOC brought suit in its own name against Defendants for discriminating against Mr. Lucas based on his sex, and for retaliating against Mr. Lucas, Ms. Zaviski, Ms. Nurme-Robinson, and Jasper Sampson, in violation of Title VII. The Complaint filed by the EEOC was filed “to provide appropriate relief to Charging Party Asher Lucas, Jasper Sampson, Regina Zavinski [sic], and Savannah Nurme-Robinson.” Complaint, ECF No. 1, PageID.1. It included, in detail, the actions that Defendants took against Proposed Plaintiff-Intervenors and sought relief on their behalf.

At the time that the Complaint was filed, Proposed-Intervenors had no reason to intervene, because they believed that the EEOC would adequately represent their interests. However, the EEOC has since reversed course on protecting the rights of transgender employees under the Trump administration. Julian Mark and Beth Reinhard, *Trump Administration Moves to Drop Transgender Discrimination Cases*, The Washington Post (Feb. 15, 2025), attached hereto as Ex. 4. Specifically, the EEOC has moved to dismiss its claims in multiple workplace discrimination cases filed on behalf of transgender employees across the nation. *Id.* Although discrimination against transgender employees was recognized to be a violation of Title VII by the U.S. Supreme Court in *Bostock v. Clayton County, Ga.*, 590 U.S. 644 (2020), the EEOC’s motions to dismiss its claims in such cases assert that the suits “may be inconsistent” with an executive order directing federal

agencies to “recognize that women are ‘biologically female, and men are biologically male.’” Ex. 4. Proposed Plaintiff-Intervenors now move to intervene formally in this case to protect their own interests.

ARGUMENT

I. Ms. Zaviski and Ms. Nurme-Robinson have a statutory right to intervene, and their motion is timely.

“On timely motion, the court must permit anyone to intervene who is given an unconditional right to intervene by a federal statute.” Fed. R. Civ. P. 24(a)(1). In determining whether a motion to intervene is timely, a court will consider:

(1) the point to which the suit has progressed; (2) the purpose for which intervention is sought; (3) the length of time preceding the application during which the proposed intervenor knew or reasonably should have known of his interest in the case; (4) the prejudice to the original parties due to the proposed intervenor’s failure, after he or she knew or reasonably should have known of his or her interest in the case, to apply promptly for intervention; and (5) the existence of unusual circumstances militating against or in favor of intervention.

Grubbs v. Norris, 870 F.2d 343, 345 (6th Cir. 1989).

Proposed Plaintiff-Intervenors have an unconditional right to intervene under Title VII, which provides that, where the EEOC brings a civil action against a respondent on behalf of an employee who has suffered discrimination or retaliation, “[t]he person or persons aggrieved shall have the right to intervene in [the] civil action brought by the Commission” 42 U.S.C. § 2000e-5(f). The Complaint filed by the EEOC was brought to “provide appropriate relief” to proposed Plaintiff-Intervenors, and names them specifically as aggrieved parties

who were fired in retaliation for opposing the harassment of Mr. Lucas under Title VII. The EEOC's Complaint also specifically states the adverse actions that Defendants took against proposed Plaintiff-Intervenors. Because the EEOC brought suit to vindicate the rights of Mr. Lucas and proposed Plaintiff-Intervenors, they have an unconditional statutory right to intervene in this case.

Proposed Plaintiff-Intervenors' motion is also timely. They filed this motion shortly after learning that the EEOC would no longer represent their interests and immediately after the EEOC filed a motion to dismiss its own claims. Defendants will not be prejudiced by proposed Plaintiff-Intervenors' participation because the EEOC attempted to conciliate their claims and have placed Defendants on notice regarding proposed Plaintiff-Intervenors' claims against them. Further, no discovery has been conducted at this time.

Finally, the EEOC's lawsuit alleges that "[t]he effect of firing Lucas, Sampson, Zavinski [sic], and Nurme-Robinson the day after they opposed and complained of the harassment and practices in paragraph 20 were to retaliate against them for engaging in protected activity, in violation of Title VII." Complaint, ECF No. 1, PageID. 15, ¶ 23. This is the same claim that Ms. Zaviski and Ms. Nurme-Robinson seek to bring to protect their own interests. Thus, their intervention is also permitted under Fed. R. Civ. P. 24(b)(1)(A) and (B).

II. Ms. Zaviski and Ms. Nurme-Robinson should be permitted to intervene under the single-filing rule.

Timely filing of a charge with the EEOC is a prerequisite to suit under Title VII. 42 U.S.C. § 2000e-5(e). However, in a multiple-plaintiff, non-class action suit, a plaintiff may be excused from filing an EEOC charge under the “single filing rule” if one plaintiff has filed a timely EEOC charge, and the plaintiffs who did not file a charge have claims that arise out of similar treatment in the same time frame. *EEOC v. Wilson Metal Casket Co.*, 24 F.3d 836, 839-40 (6th Cir. 1994). The purpose of the filing requirement is to “give notice of potential Title VII liability to an alleged wrongdoer and to allow the EEOC to attempt to conciliate with the wrongdoer rather than go to court.” *Id.* at 839. When the non-filed charge arises out of the same timeframe and is substantially related to the charge that was filed, the plaintiffs who did not file a charge “need not satisfy Title VII’s filing requirement to recover.” *Id.* at 840. This is also known as “piggybacking” the unfiled claim onto the claim that was filed with the EEOC. *See Howlett v. Holiday Inns, Inc.*, 49 F.3d 189, 194 (6th Cir. 1995). “A charge will be adequate to support piggybacking under the single filing rule if it contains sufficient information to notify prospective defendants of their potential liability and permit the EEOC to attempt informal conciliation of the claims before a lawsuit is filed.” *Id.* at 195. Before filing suit, the EEOC must only make a good faith attempt at conciliation. *See EEOC v. Keco Indus., Inc.*, 748 F.2d 1097, 1102 (6th Cir. 1984).

Here, the EEOC made findings of retaliation by Defendants against Ms. Zaviski and Ms. Nurme-Robinson and issued a letter of determination stating that “like and related and growing out of the investigation, the evidence revealed a class of individuals who were also discharged on or around November 2021 for opposing or complaining of the harassment.” Ex. 2. The EEOC also attempted to conciliate Ms. Zaviski’s claim and Ms. Nurme-Robinson’s claim, as the proposed conciliation agreement includes settlement amounts for Ms. Zaviski and “each affected class member.” Ex. 3. Finally, as noted above, the EEOC’s Complaint states that “[t]his is an action . . . to provide appropriate relief to Charging Party Asher Lucas, Jasper Sampson, Regina Zavinski [sic], and Savannah Nurme-Robinson.” Complaint, ECF No. 1, PageID.1. Mr. Lucas’s charge against Defendants was sufficient to prompt the EEOC to investigate Defendants’ retaliation against Ms. Zaviski and Ms. Nurme-Robinson, and the EEOC filed suit to address those claims as well. Therefore, intervention by Ms. Zaviski and Ms. Nurme-Robinson is proper here.

CONCLUSION AND RELIEF REQUESTED

Because they have a statutory right to intervene, because their motion to do so is timely, and because their claims are substantially related to the lawsuit already filed, Ms. Zaviski and Ms. Nurme-Robinson should be allowed to intervene as Plaintiff-Intervenors. Accordingly, Ms. Zaviski and Ms. Nurme-Robinson

respectfully request that this Court enter an order allowing them to intervene in this action as Plaintiff-Intervenors by filing their proposed Complaint in Intervention, which is attached to this Motion as Exhibit 5.

Dated: February 27, 2025

Respectfully submitted,

By: /s/ Syeda F. Davidson
Syeda F. Davidson (P72801)
Jay D. Kaplan (P38197)
Daniel S. Korobkin (P72842)
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Counsel for Proposed Plaintiff-Intervenors

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Exhibit 1

EEOC Charge of Discrimination

EEOC Form 5 (11/09)

<p>CHARGE OF DISCRIMINATION</p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p style="text-align: center;">EEOC 471-2022-00779</p> <p style="text-align: center;">FEPA</p>
<p>Michigan Department Of Civil Rights and EEOC</p> <p>_____</p> <p style="text-align: center;"><i>State or local Agency, if any</i></p>	

Name (<i>indicate Mr., Ms., Mrs.</i>)	Home Phone	Year of Birth
Mr. Asher Lucas	[REDACTED]	

Street Address

[REDACTED]

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No.
CULVER?S	Unknown Number Of Employees	

Street Address

6910 Sashabaw Road

CLARKSTON, MI 48348

Name	No. Employees, Members	Phone No.

Street Address City, State and ZIP Code

<p>DISCRIMINATION BASED ON</p> <p>Sex</p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <table style="width:100%;"> <tr> <td style="width:50%;">Earliest</td> <td style="width:50%;">Latest</td> </tr> <tr> <td style="text-align: center;">05/08/2021</td> <td style="text-align: center;">11/11/2021</td> </tr> </table>	Earliest	Latest	05/08/2021	11/11/2021
Earliest	Latest				
05/08/2021	11/11/2021				

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Mr. Asher Lucas</p> <p>02/15/2022</p> <p style="text-align: center;"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (<i>month, day, year</i>)</p>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

- 1. FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
- 2. AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
- 3. PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
- 4. ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
- 5. WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

Exhibit 2

Letter of Determination



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Detroit Field Office

477 Michigan Avenue, Room 865
Detroit, MI 48226
Intake Information Group: (800) 669-4000
Intake Information Group TTY: (800) 669-6820
Detroit Direct Dial: (313) 774-0020
FAX (313) 226-2778
Website: www.eeoc.gov

Charge No.: 471-2022-00779

Asher Lucas



Charging Party

Culver's
6910 Sashabaw Road
Clarkston, MI 48348

Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of this charge.

The Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, and timeliness, deferral and all other requirements for coverage have been met.

The Charging Party alleged that he was subjected to harassment due to his gender identity and discharged in retaliation for participating in protected activities in violation of Title VII of the Civil Rights Act of 1974, as amended ("Title VII").

Evidence gathered during the investigation indicates that the Charging Party was subjected to ongoing harassment due to his gender identity and discharged in retaliation for participating in protected activity at the Respondent's Clarkston, Michigan facility, in violation of Title VII. In or around November 2021, the Charging Party was subjected to repeated misgendering and comments about his gender identity. Respondent knew or should have known of the harassment but failed to take prompt remedial action to stop the harassment. On or about November 11, 2021, the Charging Party complained about the harassment to the Respondent. The next day, the Charging Party was terminated. Evidence revealed that the legitimate, nondiscriminatory reasons articulated by the Respondent are pretexts to hide retaliation.

Like and related and growing out of the investigation, the evidence revealed a class of individuals who were also discharged on or around November 2021 for opposing or complaining of the harassment. Respondent's alleged reasons for discharging other individuals were not substantiated in the investigation.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation, conference, and persuasion.

Having determined that there is reasonable cause to believe that violations have occurred, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. If you wish to participate in conciliation, please email Investigator Tina Griffin at tina.griffin@eeoc.gov within 10 days from the date of this Determination. The confidentiality provisions of the statute and Commission Regulations apply to information discussed or given during conciliation.

When the Respondent declines to enter into conciliation discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the Commission, the Commission shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved persons, and the Commission.

On Behalf of the Commission:

Deanna E. Wooten

Digitally signed by Deanna E.
Wooten
Date: 2024.05.08 14:14:20 -04'00'

For

Michelle F. Eisele
District Director

Date

Exhibit 3

Draft Conciliation Agreement



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Detroit Field Office

477 Michigan Avenue, Room 865
Detroit, MI 48226
(313) 774-0020
TTY 800-669-6820
FAX (313) 226-2778

U.S. Equal Employment Opportunity Commission

In the Matter of:

Charge No.: 471-2022-00779

Conciliation Agreement

Asher Lucas
[REDACTED]

Charging Party

And

Culver's
6910 Sashabaw Road
Clarkston, Michigan 48348

Respondent

An investigation having been made under Title VII of the Civil Rights Act of 1964, as amended by the U.S. Equal Employment Opportunity Commission (EEOC) and reasonable cause having been found, the parties do resolve and conciliate this matter as follows:

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I. GENERAL PROVISIONS

1. Charging Party agrees not to sue the respondent with respect to any allegations contained in the above-referenced charge. EEOC agrees not to use the above-referenced charge as the jurisdictional basis for filing a lawsuit against the respondent. However, nothing in this Agreement shall be construed to preclude EEOC and/or any aggrieved individual(s) from bringing suit to enforce this agreement in the event that the respondent fails to perform the promises and representations contained herein. Neither does it preclude the Charging Party or the Commission from filing charges in the future.
2. EEOC reserves all rights to proceed with respect to matters like and related to these matters but not covered in this Agreement and to secure relief on behalf of aggrieved persons not covered by the terms of this Agreement.
3. The Respondent agrees that it shall comply with all requirements of **Title VII of the Civil Rights Act of 1964, as amended.**
4. The Parties agree that there shall be no discrimination or retaliation of any kind against any person because of opposition to any practice declared unlawful under **Title VII of the Civil Rights Act of 1964** or because of the filing of a charge, giving of testimony or assistance, or participation in any manner in any investigation, proceeding, or hearing under the named statutes.
5. Respondent agrees that EEOC may review compliance with this Agreement. As a part of such review, EEOC may require written reports regarding compliance, inspect Respondent's premises at reasonable times, interview employees, and examine and copy relevant documents.
6. This Agreement shall remain in full force and effect until two (2) years after the date of execution and until verification of full compliance with its terms is obtained.
7. The Parties agree that the rights of all unlocated persons entitled to specific relief as provided for under the terms of this Agreement are preserved.

II. EMPLOYMENT POLICIES AND PRACTICES

1. *Cessation Provision.* Respondent agrees to cease discriminating on the basis of sexual orientation or gender identity in all phases of employment including recruitment, hiring, job assignment, promotion, training, investigation procedures, and other terms, conditions or privileges of employment.
2. *Other Targeted Equitable Relief.*
 - a. Respondent agrees to establish an effective policy prohibiting discrimination on the basis of sexual orientation and/or gender identity and retaliation; Respondent further agrees to provide employees with the name and telephone number to report claims of employment discrimination and provide employees with an anonymous source to report claims of discrimination within sixty (60) days of the execution of the agreement.
 - b. Respondent agrees to distribute the Title VII policy addressing sexual orientation and gender identity and retaliation to all employees electronically and provide for an opportunity for questions and answers.

- c. Respondent agrees to provide Title VII training with an emphasis on sexual orientation and gender identity discrimination, and retaliation to all managers, team leaders, and staff under the employment of Brik Enterprises, Inc. dba Culver's of Clarkston and all of Respondent's Michigan locations within one hundred and twenty (120) days of this agreement. No later than thirty (30) days prior to conducting Training, Respondent shall submit all training materials to be used to the EEOC, which may in its discretion, review the materials and comment as to form and content. The EEOC agrees to submit comments, if any, to Respondent's training materials to Respondent's counsel no later than ten (10) business days after receipt thereof. If Respondent contracts with the EEOC to conduct the training, Respondent will not have to supply the materials identified above as part of its reporting obligation. The Respondent may contact Outreach & Education Coordinator Samuel Bills at (313) 774-0016, samuel.bills@eoc.gov, regarding the EEOC's virtual and in-person Customer Specific Training opportunities.
- d. Respondent agrees to remove warning notices or other negative performance write-ups from Charging Party and Class Member personnel files.
- e. Respondent agrees to provide a written signed job reference which indicates Charging Party's and Class Members' dates of employment and that each was a good employee. In addition, if Respondent is contacted by a prospective employer, Respondent will provide a positive job reference for Charging Party or Class Members and shall make no mention of Charging Party's sex harassment complaint, EEOC complaint, or Class Members' involvement.

III. CHARGING PARTY RELIEF

1. Respondent agrees to pay Charging Party the amount of \$9,860.00 dollars in backpay including interest within thirty (30) days of the execution of this agreement.
2. Respondent agrees to pay Charging Party the amount of \$50,000.00 dollars in compensatory damages within thirty (30) days of the execution of the agreement.
3. Respondent agrees to pay Charging Party the amount of \$50,000.00 dollars in punitive damages within thirty (30) days of the execution of the agreement.
4. Respondent agrees to pay Charging Party \$40,000.00 dollars in attorney fees within 30 days of the execution of the agreement.

IV. AFFECTED CLASS RELIEF

1. Respondent agrees to pay Jasper Sampson the amount of \$4,598.00 dollars in backpay including interest within thirty (30) days of the execution of this agreement.
2. Respondent agrees to pay Regina Zaviski the amount of \$2,080.00 dollars in backpay including interest within thirty (30) days of the execution of this agreement.
3. Respondent agrees to pay each affected class member \$15,000.00 dollars in compensatory damages within thirty (30) days of the execution of the agreement.
4. Respondent agrees to pay each affected class member \$30,000.00 dollars in punitive damages within thirty (30) days of the execution of the agreement.

V. NOTICE REQUIREMENT

The Respondent agrees to sign and conspicuously post the Notice to Employees found as Attachment A. Respondent will post copies of the Notice on all employee bulletin boards for a

period of one year or until approved for removal by the Director of the Equal Employment Opportunity Commission. Respondent agrees to also send a copy of the Notice to Employees electronically to all employees using either Respondent's Human Resources Information System ("HRIS") or other messaging platform used by Respondent to communicate with its employees.

VI. CONSENT FOR RELEASE OF NOTICE

In view of the voluntary undertaking on the part of all parties concerned, consent is hereby given and it is agreed that disclosure to the public of the terms of the agreement shall be carried out as agreed upon by the parties, with the understanding however, that the contents of conciliation discussions between all the parties hereto be excluded and shall be considered and treated as confidential.

VII. REPORTING REQUIREMENTS

1. Monetary Damages – Within ten (10) days of the effective date of this Agreement, the Respondent agrees to provide the EEOC a copy of the check(s) made payable to the Charging Party and Affected Class Members in the appropriate amount for the monetary damages, with the certified mail receipt signed by the Charging Party and Affected Class Members or other authorized signature, in compliance with Section III.
2. EEOC's reporting requirements under IRC Sections 162(f) and 6050X

The EEOC may be required to report the fact of this settlement to the IRS under Section 162(f) and 6050X of the Internal Revenue Code which allow for certain payments by employers to be deducted from the employer's taxes. If the EEOC is required to do so, the EEOC will provide the employer with a copy of the 1098-F form that it will provide to the Internal Revenue Service (IRS).

1. Within ten (10) business days of the signing of this agreement, Respondent agrees to provide, through the EEOC Respondent Portal, 1) the Respondent/Employer's EIN and 2) the individual and physical address to whom the EEOC should mail the copy of the Form 1098-F, if the EEOC is required to issue one. This identified individual must be an employee of the Respondent/Employer.
2. The EEOC has made no representations regarding whether the amount paid pursuant to this settlement qualifies for the deduction under the Internal Revenue Code.
3. The provision of the Form 1098-F by the EEOC does not mean that the requirements to claim a deduction under the Internal Revenue Code have been met.
4. Any decision about a deduction pursuant to the Internal Revenue Code will be made solely by the IRS with no input from the EEOC.
5. The parties are not acting in reliance on any representations made by the EEOC regarding whether the amounts paid pursuant to this agreement qualify for a deduction under the Internal Revenue Code.

3. Reporting of Training – Within sixty (60) days of the effective date of this agreement, the Respondent will provide documents which include a training syllabus, participant sign in sheet and other documents showing performance of Section II.
4. Posting – Provide verification that the Notice required under Section V has been posted and transmitted electronically to its employees.

VII. SIGNATURE

I have read the foregoing Conciliation Agreement and I accept and agree to the provisions contained therein:

Date

Lucas Asher
Charging Party

Date

Name
Respondent

Approved on Behalf of the Commission:

Date

Ramiro Gutierrez
Field Director

Attachment A



NOTICE TO ALL EMPLOYEES

This Notice is being posted as part of the remedy agreed to pursuant to a conciliation agreement between Brik Enterprise, Inc., d/b/a Culver's of Clarkston (Culver's) and the Equal Employment Opportunity Commission (EEOC).

Federal law requires that there be no discrimination against any employee or applicant for employment because of the individual's race, color, religion, sex, national origin, disability or age (40 and over) with respect to hiring, promotion, firing, compensation, or other terms, conditions or privileges of employment.

Culver's supports and will comply with such federal law in all respects and will not take any action against employees because they have exercised their rights under the law.

Specifically, Culver's will not discriminate against employees due to their gender identity or retaliate against employees who participate in protected activity.

Individuals affected by our conduct will be made whole for any losses they suffered as a result of the discrimination against them.

Culver's has adopted an equal employment opportunity policy and will ensure that supervisory employees will investigate and take remedial action to eliminate harassment due to an employee's gender identity, and will not discharge employees who complain, oppose or participate in protected activity

Any employee that believes they have been subjected to unlawful employment discrimination may contact the U.S. Equal Employment Opportunity Commission at (313) 774-0020.

Signed this _____ day of _____, 2024

Representative for Culver's

**DO NOT REMOVE THIS
NOTICE**

Exhibit 4

Julian Mark and Beth Reinhard, *Trump Administration Moves to Drop Transgender Discrimination Cases*, The Washington Post
(Feb. 15, 2025)

Democracy Dies in Darkness

Trump administration moves to drop transgender discrimination cases

The EEOC, citing executive orders targeting gender identity, is aiming to dismiss half a dozen cases, marking a reversal in U.S. civil rights enforcement.

February 15, 2025

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By [Julian Mark](#) and [Beth Reinhard](#)

The Trump administration is moving to dismiss more than a half-dozen workplace discrimination cases filed on behalf of transgender employees, citing President Donald Trump's recent executive order declaring that the government recognizes only two genders — male and female.

The move by the Equal Employment Opportunity Commission marks an abrupt shift in the federal government's approach to civil rights enforcement. The cases encompass allegations that transgender workers at the fast food chain Wendy's were called "it," as well as claims that transgender employees at the Lush cosmetics chain were subjected to inappropriate touching and explicit comments about their genitalia. The companies have denied the allegations outlined in the claims, which were both filed in 2024.

The agency also has stopped investigating new gender-identity complaints, according to a person familiar with the matter who spoke on the condition of anonymity out of fear of retaliation. The EEOC processes many workplace discrimination claims and has traditionally operated somewhat independently from the White House.

The wholesale dismissal of multiple cases by a new administration is unusual, said Don Livingston, who served as the EEOC general counsel under President George H.W. Bush. He said the plaintiffs in these cases have the right to proceed with their claims through the court system without the EEOC's involvement.

That's what Michigan resident Asher Lucas, a 21-year-old transgender man, plans to do. He says that when he worked at the Culver's fast food chain in 2021, co-workers repeatedly called him "she" and "her" as well as the birth name he no longer uses. He was fired when he complained about the alleged harassment, according to the EEOC lawsuit filed on his behalf.

"This is really important to me because I know this is happening to other trans people who are afraid to do anything about it," Lucas said. "I am willing to be that person in the hope that things change."

The EEOC's reversal on gender-identity cases comes as nearly every corner of the federal government has been scrubbing references to transgender people and abandoning previous interpretations of their rights. Trump has issued executive orders — now being challenged in court — denying federal funds to schools that allow transgender athletes to compete on girls' and women's teams and to providers of gender transition care for people younger than 19. Many federal agencies have removed transgender references from websites; the EEOC has erased information about how transgender workers can file complaints about workplace discrimination and harassment.

"We generally knew what they were going to do, but in every instance it's been even worse than anticipated," said Greg Nevins, senior counsel at Lambda Legal, a civil rights group.

Nevins and other LGBTQ+ advocates say the fallout from Trump's Jan. 20 order on gender is colliding with the landmark 2020 case *Bostock v. Clayton County*, in which the Supreme Court ruled that firing people because of their gender identity or sexual orientation violates the prohibition against sex discrimination under Title VII of the Civil Rights Act. The gender identity cases brought by the EEOC were filed under the civil rights law.

"If it is illegal to fire somebody because they are transgender, how could it possibly be legal for them to be harassed relentlessly?" Nevins said. "The fact that they are pulling out of such solid litigation efforts is really disappointing and unprincipled, and the executive order makes transgender people even more vulnerable to attack."

The agency overhaul began last month, when Trump appointed Republican Andrea Lucas as acting chair of the EEOC. Lucas — no relation to the Michigan plaintiff — is an ardent critic of transgender rights and diversity, equity and inclusion (DEI) initiatives who has served on the commission since 2020.

Then, breaking with decades of precedent, Trump fired two of the three Democrats on the board. Lucas announced that the EEOC would remove material "promoting gender ideology" from its website, along with the options for employees to indicate their pronouns in the email system. The agency also rescinded the use of "X" — an option for workers who do not identify as male or female — in the complaint intake process.

"Biology is not bigotry. Biological sex is real, and it matters. Sex is binary (male and female) and immutable," Lucas said in a statement announcing the changes Jan. 28. "It is not harassment to acknowledge these truths — or to use language like pronouns that flow from these realities, even repeatedly."

Lucas did not respond to a request for comment Saturday regarding the requests to dismiss the transgender cases and the halting of new investigations into gender-identity discrimination claims.

A Washington Post review of six EEOC cases involving transgender plaintiffs found that in recent days, the commission filed motions in federal court arguing that the suits "may be inconsistent" with Trump's Jan. 20 order, which says federal agencies recognize that women are "biologically female, and men are biologically male."

The cases were brought on behalf of workers from across the country, working in a range of industries — from hospitality to fast food to hog farming. They allege their employers subjected them to a hostile work environment because of their gender identity and, in some cases, cost them their jobs.

In March 2024, the EEOC filed a case on behalf of a transgender woman who alleged that her employer, Sis-Bro — a hog farm in New Athens, Illinois, repeatedly told her that she was “not a woman” and criticized her for receiving gender-affirming care, according to the lawsuit. It adds that the company engaged in sex discrimination by allowing a co-worker to expose his genitals to the transgender worker and touch her breasts.

On Friday, the EEOC moved to dismiss that case, citing Trump’s executive order. Sis-Bro had moved to dismiss the claims in May, arguing that the EEOC failed to state sufficient facts and support for those facts. Attorneys representing the company didn’t immediately respond to a request for comment Saturday.

The EEOC received more than 3,000 discrimination claims based on sexual orientation or gender identity in fiscal 2023 — a 36 percent increase from the previous year and the most since it began tracking such allegations a decade earlier.

When a visitor to the EEOC website clicks to get more information, a message appears: “The requested page could not be found.”

What readers are saying

The comments reflect a polarized response to the Trump administration's decision to dismiss workplace discrimination cases involving transgender employees. Many commenters express concern that this decision promotes discrimination and undermines the rights of transgender...

[Show more](#)

This summary is AI-generated. AI can make mistakes and this summary is not a replacement for reading the comments.

Exhibit 5

Complaint in Intervention

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

and

ASHER LUCAS, REGINA ZAVISKI and
SAVANNAH NURME-ROBINSON,

Plaintiff-Intervenors,

v.

BRIK ENTERPRISES, INC., dba CULVER'S
OF CLARKSTON, DAVISON HOSPITALITY,
INC., dba CULVER'S HOSPITALITY OF
DAVISON, FENTON HOSPITALITY, INC., dba
CULVER'S OF FENTON, GB HOSPITALITY,
INC., dba CULVER'S OF GRAND BLANC,
BLUE WATER HOSPITALITY, INC.,

Defendants.

Case No. 24-cv-12817

Hon. Brandy McMillion

**REGINA ZAVISKI AND
SAVANNAH NURME-
ROBINSON'S
COMPLAINT IN
INTERVENTION**

JURY DEMAND

Syeda F. Davidson (P72801)
Jay D. Kaplan (P38197)
Daniel S. Korobkin (P72842)
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*Counsel for Plaintiff-Intervenors
Zaviski and Nurme-Robinson*

**REGINA ZAVISKI AND SAVANNAH NURME-ROBINSON’S
COMPLAINT IN INTERVENTION**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 *et seq.* (“Title VII”), to provide redress for actions that Defendants undertook against Plaintiff-Intervenors in retaliation for opposing unlawful employment practices on the basis of sex. As stated in more detail below, Defendants fired Regina Zaviski and Savannah Nurme-Robinson for opposing workplace discrimination and harassment against Asher Lucas, a transgender man.

PARTIES

1. Plaintiff Equal Employment Opportunity Commission (the “Commission”) is the agency of the United States charged with the administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

2. Plaintiff-Intervenor Asher Lucas is a transgender man who was employed by Defendants. Mr. Lucas was repeatedly harassed during his employment because he is transgender. Defendants terminated his employment

when he reported the harassment. He is an individual who resides in the County of Oakland in the State of Michigan.

3. Plaintiff-Intervenor Regina Zaviski is an individual who resides in the County of Oakland in the State of Michigan. She was terminated by Defendants in retaliation for opposing the harassment of Mr. Lucas.

4. Plaintiff Intervenor Savannah Nurme-Robinson is an individual who resides in the County of Oakland in the State of Michigan. She was terminated by Defendants in retaliation for opposing the harassment of Mr. Lucas.

5. Defendant Brik Enterprises, Inc., dba Culver's of Clarkston ("Brik") is a Michigan corporation, which is authorized to and does conduct business in Michigan. Brik has a place of business in the County of Oakland, State of Michigan, which at all relevant times, conducts regular, continuous, and systematic business activities in the Eastern District of Michigan. Brik has continuously had at least 15 employees.

6. Defendant Davison Hospitality, Inc., dba Culver's of Davison ("Davison Hospitality") is a Michigan corporation, which is authorized to and does conduct business in Michigan. Davison Hospitality has a place of business in the County of Oakland, State of Michigan, which at all relevant times, conducts regular, continuous, and systematic business activities in the Eastern District of Michigan. Davison Hospitality has continuously had at least 15 employees.

7. Defendant Fenton Hospitality, Inc., dba Culver's of Fenton ("Fenton Hospitality") is a Michigan corporation, which is authorized to and does conduct business in Michigan. Fenton Hospitality has a place of business in the County of Oakland, State of Michigan, which at all relevant times, conducts regular, continuous, and systematic business activities in the Eastern District of Michigan. Fenton Hospitality has continuously had at least 15 employees.

8. Defendant GB Hospitality, Inc., dba Culver's of Grand Blanc ("GB Hospitality") is a Michigan corporation, which is authorized to and does conduct business in Michigan. GB Hospitality has a place of business in the County of Oakland, State of Michigan, which at all relevant times, conducts regular, continuous, and systematic business activities in the Eastern District of Michigan. GB Hospitality has continuously had at least 15 employees.

9. Defendant Blue Water Hospitality, Inc. ("Blue Water Hospitality") is a Michigan corporation, which is authorized to and does conduct business in Michigan. Blue Water Hospitality has a place of business in the County of Oakland, State of Michigan, which at all relevant times, conducts regular, continuous, and systematic business activities in the Eastern District of Michigan. Blue Water Hospitality has continuously had at least 15 employees.

JURISDICTION AND VENUE

10. This Court has jurisdiction over Plaintiff-Intervenors' Title VII claims under 28 U.S.C. §§1331 and 1343.

11. Venue is proper in this judicial district under 28 U.S.C. § 1391 because the events giving rise to the claims occurred in this judicial district.

12. This Court has jurisdiction over Defendants because they conduct business on a regular and systematic basis in the Eastern District of Michigan, and each has a place of business in the Eastern District of Michigan.

13. At all relevant times, Defendants have operated a single employer or integrated enterprise by virtue of their common management, common ownership, interrelation of operations, and centralized control of labor relations.

14. Mr. Lucas filed a Charge of Discrimination with the EEOC on February 15, 2022.

15. The EEOC investigated Mr. Lucas's charge and attempted conciliation on behalf of Mr. Lucas, Ms. Zaviski, and Ms. Nurme-Robinson. When the conciliation failed, the EEOC filed this lawsuit in its own name, alleging violations of Title VII.

STATEMENT OF FACTS

16. Mr. Lucas is a transgender man who began working for Defendants in May 2021.

17. From July 2021 until November 10, 2021, another employee of Defendants harassed Mr. Lucas because of his sex. The harassment began when the employee began to deliberately and repeatedly misgender him.¹

18. Mr. Lucas objected to the employee's harassment and corrected her misgendering of him. He complained to managers at Culver's of Clarkston, but Defendants failed to take prompt remedial measures to address the harassment, and the employee continued to misgender Mr. Lucas.

19. Mr. Lucas continued to oppose and correct the employee's intentional misgendering, but the harassment continued and increased in severity. For example, the employee made remarks about Mr. Lucas's body, and asked Mr. Lucas whether he had gender reassignment surgery. The employee also openly made comments that Mr. Lucas was "born a girl and needed to be a girl" and that Mr. Lucas should not work at Culver's because he "wanted to be a guy."

20. Ms. Nurme-Robinson, who also worked for Defendants, heard the comments made by the employee and complained to Defendants' general manager about them. Defendants' general manager told Ms. Nurme-Robinson that he would address the harassment, but the harassment continued.

¹ "Misgendering" is the practice of referring to someone using terms that do not reflect their gender identity. Often, this occurs by using pronouns that do not align with the person's gender identity. Repeatedly and deliberately misgendering a person is a tactic that is commonly used to bully and harass transgender people.

21. On October 29, 2021, the employee received a verbal written warning for making anti-lesbian comments to a different co-worker, including telling her that she was “going to hell” for being a lesbian. However, this did not stop the employee from harassing Mr. Lucas.

22. In the last week of October or the first week of November 2021, the employee informed another employee, who happened to be her daughter, that Mr. Lucas was transgender. The employee’s daughter then also began to misgender Mr. Lucas.

23. Mr. Lucas again objected to the harassment and corrected the misgendering, but the harassment continued.

24. The first harassing employee then sought out Mr. Lucas’s birth name and obtained it from either Mr. Lucas’s grandparents or Defendants’ records. She shared this information with Defendants’ employees without Mr. Lucas’s consent. Employees then began calling Mr. Lucas by his birth name.

25. On November 10, 2021, Ms. Zaviski was working at Culver’s Clarkston as a shift manager. Ms. Nurme-Robinson was also working.

26. The harassing employee told Ms. Zaviski that Mr. Lucas was “really a girl,” and that she had spoken to Mr. Lucas’s grandparents and learned Mr. Lucas’s “real name.”

27. Ms. Zaviski objected to the harassing employee's comments and was concerned that she had obtained and was sharing Mr. Lucas's birth name without his consent. Ms. Zaviski told the employee that she was going to report her conduct.

28. Ms. Zaviski reported the harassing employee's conduct and comments to Defendants' general manager on November 10, 2021, and he responded that he had spoken with the harassing employee before.

29. Due to the general manager's lack of response, Mr. Lucas, Ms. Zaviski, Ms. Nurme-Robinson, and fellow employee Jasper Sampson met in the office to discuss the harassment and Defendants' failure to implement prompt, remedial measures to correct it.

30. On November 10, Mr. Lucas again reported the employee's harassment to the general manager because he was now afraid that she had obtained his birth name and was sharing it without his approval. He was also afraid because she had recruited other employees to join in the harassment.

31. The same day, Jasper Sampson also complained about the harassment of Mr. Lucas.

32. After her shift ended on November 10, Ms. Zaviski again contacted the general manager about the harassing employee. She suggested that the

employee be terminated due to the severity of her actions and expressed that she would not feel comfortable returning to work until the employee was terminated.

33. Defendants' general manager responded that the harassing employee "has been warned before" and that he was "fully capable of handling this situation properly and ha[d] done so before and accept[ed Ms. Zaviski's] resignation."

34. Ms. Zaviski was shocked that Defendants' general manager had fired her for opposing harassment.

35. On November 11, 2021, Defendants' general manager, in consultation with Defendants' owner, Kathryn Schmitt, fired Mr. Lucas and Ms. Nurme-Robinson for opposing and complaining about the harassment.

**COUNT I
RETALIATION IN VIOLATION OF TITLE VII OF THE
CIVIL RIGHTS ACT OF 1964**

36. Plaintiff-Intervenors Zaviski and Nurme-Robinson incorporate by reference each paragraph above as though fully restated herein.

37. Section 704(a) of Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against an employee for opposing "any practice made an unlawful practice by this subchapter." 42 U.S.C. §2000e-3(a).

38. Ms. Zaviski and Ms. Nurme-Robinson both complained about continued harassment of Mr. Lucas, which was based on his sex, in violation of Title VII.

39. As a result of Ms. Zaviski's and Ms. Nurme-Robinson's complaints, Defendants took a materially adverse action against them by terminating their employment.

40. Defendants' actions against Ms. Zaviski and Ms. Nurme-Robinson were retaliatory, in violation of Title VII.

41. Defendants' retaliatory actions were sufficient to deter a reasonable person from engaging in protected activity under Title VII.

42. As a proximate result of Defendants' retaliation against Ms. Zaviski and Ms. Nurme-Robinson, they have sustained injuries, resulting in damages in an amount to be proven at trial.

PRAYER FOR RELIEF

Plaintiff-Intervenors Zaviski and Nurme-Robinson request that this Court enter judgment in their favor and against Defendants as follows:

- A. Enjoining Defendants from maintaining a hostile work environment on the basis of sex, including sexual orientation or gender identity;
- B. Enjoining Defendants from retaliating against employees who complain about sex harassment, including harassment based on sexual orientation or gender identity;
- C. Awarding Ms. Zaviski and Ms. Nurme-Robinson appropriate backpay with prejudgment interest, in amounts to be determined at trial;

- D. Awarding Ms. Zaviski and Ms. Nurme-Robinson compensation for past and future pecuniary losses resulting from the unlawful employment practices described above;
- E. Awarding Ms. Zaviski and Ms. Nurme-Robinson compensation for past and future pecuniary losses resulting from emotional pain, suffering, loss of enjoyment of life, and humiliation caused by the unlawful employment practices described above, in amounts to be determined at trial;
- F. Awarding Ms. Zaviski and Ms. Nurme-Robinson punitive damages for the malicious and reckless conduct described above, in amounts to be determined at trial;
- G. Requiring Defendants to pay costs, attorney fees, and interests incurred in bringing this action; and
- H. Granting any other relief as this Court deems appropriate.

Dated: February 27, 2025

Respectfully submitted,

By: /s/ Syeda F. Davidson
Syeda F. Davidson (P72801)
Jay D. Kaplan (P38197)
Daniel S. Korobkin (P72842)
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dkorobkin@aclumich.org

*Counsel for Plaintiff-Intervenors
Zaviski and Nurme-Robinson*

JURY DEMAND

Ms. Zaviski and Ms. Nurme-Robinson demand a trial by jury in this action.

Dated: February 27, 2025

Respectfully submitted,

By: /s/ Syeda F. Davidson
Syeda F. Davidson (P72801)
Jay D. Kaplan (P38197)
Daniel S. Korobkin (P72842)
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