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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

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CLERK US DISTRICT COURT
NORFOLK, VIRGINIA

CIVIL ACTION NO. 2:07CV430

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 BARRY DAVIS and ANCHOR INN,)
 LLC, d/b/a KOKOAMOS ISLAND BAR &)
 GRILL)
)
 Defendants.)
 _____)

COMPLAINT FOR INJUNCTIVE RELIEF

The United States of America alleges that:

1. This action is brought by the Attorney General on behalf of the United States to enforce Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, et seq.

Jurisdiction

2. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 2000a-5(a) and 28 U.S.C. § 1345.
3. Venue is proper in the Eastern District of Virginia pursuant to 28 U.S.C. § 1391 because the claims alleged herein arose in this District and the Defendants do business in this District.

Parties

4. Defendant Barry Davis is the sole member of Anchor Inn, LLC, a Virginia limited liability corporation that is registered with the State of Virginia and does business in the Eastern District of Virginia.

5. Defendant Barry Davis is the owner or manager of “Luxury Brown Sports Bar and Dance Club” (formerly “Night Fever,” hereinafter “Luxury Brown”) and “The Alley.”
6. Defendant Anchor Inn LLC, is doing business as “Kokoamos Island Bar & Grill” (hereinafter “Kokoamos”).
7. Kokoamos is a restaurant and nightclub located at 2100 Marina Shores Drive in Virginia Beach, Virginia.
8. Kokoamos is a place of public accommodation within the meaning of 42 U.S.C. §§ 2000a(b)(2) and (b)(3).
9. The operation of Kokoamos affects commerce within the meaning of 42 U.S.C. §§ 2000a(c)(2) and (c)(3).
10. Luxury Brown is a restaurant and nightclub located at 800 Baker Road in Virginia Beach, Virginia.
11. Luxury Brown is a place of public accommodation within the meaning of 42 U.S.C. §§ 2000a(b)(2) and (b)(3).
12. The operation of Luxury Brown affects commerce within the meaning of 42 U.S.C. §§ 2000a(c)(2) and (c)(3).
13. The Alley is a restaurant and nightclub located at 100 Newmarket Square West, Newport News, Virginia.
14. The Alley is a place of public accommodation within the meaning of 42 U.S.C. §§ 2000a(b)(2) and (b)(3).
15. The operation of The Alley affects commerce within the meaning of 42 U.S.C. §§ 2000a(c)(2) and (c)(3).

16. Defendant Barry Davis is responsible for the management and operation of Kokoamos, Luxury Brown, and The Alley.

Title II Violations

17. Since at least June 2006 and continuing through the present, Defendants, through their own actions, or the actions of their employees or agents, have engaged in policies and practices that deny African-American individuals, on account of these individuals' race, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of Kokoamos.
18. Since at least June 2006 and continuing through the present, Defendants, through their own actions, or the actions of their employees or agents, have carried out such policies and practices of discriminating on the basis of race in a variety of ways, including but not limited to: imposing a dress code that targets hairstyles primarily favored by and associated with African-Americans as a pretext for denying such persons admission to Kokoamos on the basis of their race; enforcing neutral provisions of the dress code in a discriminatory manner against African-American patrons with the intent of denying such persons admission to Kokoamos on the basis of their race.
19. The conduct of Defendants described in Paragraphs 17 and 18 constitutes a pattern or practice of resistance of the full and equal enjoyment by African-American individuals, on account of these individuals' race, of rights secured by 42 U.S.C. §§ 2000a, et seq., and the pattern or practice is of such a nature and is intended to deny the full exercise of such rights.

Prayer for Relief

WHEREFORE, the United States requests that the Court enter an Order:

1. Declaring that the discriminatory practices and policies of Defendants violate Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, et seq.;
2. Enjoining Defendant, their employees, agents, and successors, and all other persons in active concert or participation with Defendants, from engaging in any act or practice which, on the basis of race, denies or abridges any rights secured by Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, et seq.;
3. Requiring Defendants, their employees, agents, and successors, and all other persons in active concert or participation with any of them, to take such affirmative steps as may be necessary to remedy the past unlawful conduct.

The United States further prays for such additional relief as the interests of justice may require, together with the costs and disbursement of this action.


Dated: September 20, 2007

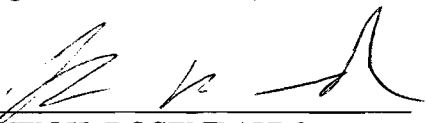
Respectfully submitted,

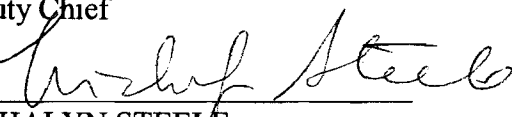
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