

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 ) CIVIL ACTION NO.  
 v. )  
 )  
 LUCKY JOY RESTAURANT, INC., and )  
 XIAO RONG WU (in his personal capacity) )  
 )  
 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 New York because the claims alleged herein arose in this District and the Defendants do business in this District.

PARTIES

4. Defendant Lucky Joy Restaurant, Inc., is a New York corporation that is registered with the New York Department of State and does business in the Eastern District of New York.
5. Defendant Xiao Rong Wu is President of Lucky Joy Restaurant, Inc.
6. Lucky Joy Restaurant, Inc., owns an establishment named "Lucky Joy Restaurant,"

located at 41-10 Main Street, Flushing, NY 11355 (hereinafter "Lucky Joy").

7. Lucky Joy is a place of public accommodation within the meaning of 42 U.S.C. § 2000a(b)(2).
8. The operation of Lucky Joy affects commerce within the meaning of 42 U.S.C. § 2000a(c)(2).
9. Defendant Xiao Rong Wu is responsible for the daily management and operation of Lucky Joy.

#### FACTS

10. The Falun Gong is a spiritual movement that blends aspects of Taoism, Buddhism, and the meditation techniques and physical exercises of qigong (a traditional Chinese exercise discipline) with the teachings of Falun Gong leader Li Hongzhi.
11. On or about May 24, 2008, Mr. Robert Counts and three other persons, as a party or group, entered Lucky Joy during regular business hours seeking service.
12. Counts and the three other persons of his party are and were Falun Gong practitioners at all times relevant to this complaint.
13. Two of the parties' members were wearing yellow shirts that contained Falun Gong-related text in English and Chinese in large blue letters and characters.
14. Upon seeing the shirts, Defendants and/or their employees or agents told Counts and the other members of his party that Falun Gong practitioners are not served at Lucky Joy and ejected all of them from the restaurant.
15. Defendants and/or their employees or agents refused to serve and ejected Counts and the three persons that were with him because of their religious affiliation.
16. On or about May 31, 2008, Ms. Huiying "Amy" Xue, Ms. Yingqin Guan and Ms.

Shuzhen Lu, as a party or group, entered Lucky Joy during regular business hours seeking service.

17. Xue, Guan and Lu are and were Falun Gong practitioners at all times relevant to this complaint.
18. Defendants and/or their employees or agents asked Xue, Guan, and Lu if they were Falun Gong practitioners and they did not deny their religious affiliation.
19. Defendants and/or their employees or agents told Xue, Guan, and Lu that Falun Gong practitioners are not served at Lucky Joy and ejected all of them from the restaurant.
20. Defendants and/or their employees or agents refused to serve and ejected Xue, Guan, and Lu because of their religious affiliation.
21. On or about June 1, 2008, Ms. Zhenyu Sun, Ms. Wei Huang, and Ms. Huang's eight-year-old daughter, X.H., as a party or group, entered Lucky Joy during regular business hours seeking service.
22. Sun, Huang and Huang's daughter are and were Falun Gong practitioners at all times relevant to this complaint.
23. Sun was wearing a yellow shirt that contained Falun Gong-related text in English and Chinese including the statement "Falun Dafa Good" in large blue letters.
24. Upon seeing Sun's shirt, Defendants and/or their employees or agents told Sun, Huang, and Huang's daughter that Falun Gong practitioners are not served at Lucky Joy and ejected all of them from the restaurant.
25. Defendants and/or their employees or agents refused to serve and ejected Sun, Huang, and Huang's daughter because of their religious affiliation.

**COUNT I**  
**TITLE II OF THE CIVIL RIGHTS ACT OF 1964**

26. Plaintiff United States of America realleges and incorporates by reference the allegations set forth in paragraphs 1 through 25 above.
27. As shown above, Defendants, through their own actions, or the actions of their employees or agents have:
- a. Engaged in policies and practices that deny Falun Gong practitioners, on account of these individuals' religion, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of the Lucky Joy restaurant in violation of 42 U.S.C. §§ 2000a and 2000a-2;
  - b. Carried out policies and practices of discriminating against Falun Gong practitioners at Lucky Joy in a variety of ways, including but not limited to: refusing to serve Falun Gong practitioners; ejecting Falun Gong practitioners; and making discriminatory statements concerning Falun Gong and its practitioners in violation of 42 U.S.C. §§ 2000a and 2000a-2; and,
  - c. The conduct of Defendants described above constitutes a pattern or practice of resistance, on account of religion, to the full and equal enjoyment by persons of the rights to be free from discrimination 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. 42 U.S.C. § 2000a-5(a).

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 Defendants, 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 religion, 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.

Respectfully submitted this \_\_\_\_ day of August 2010,

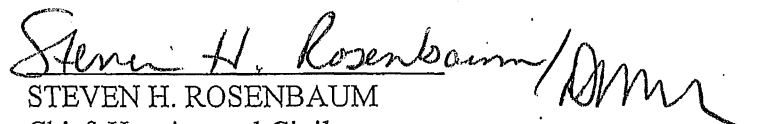
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\_\_\_\_\_  
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Chief of Civil Rights, Civil Division  
United States Attorney's Office

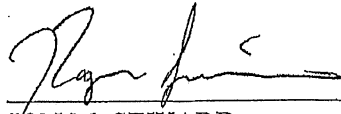
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