

FORMER NBA STAR SUES ATLANTA RESTAURANT FOR RACE DISCRIMINATION

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(Lawsuit available for download at constitutional-litigation.com)

Retired NBA All-Star Joe Barry Carroll filed a civil rights lawsuit today in federal district court in Atlanta against the Tavern at Phipps and its parent company who refused further service to Carroll and a friend after they declined demands to give up their seats to white females. The Atlanta Human Relations Commission investigation has already found that the restaurant engaged in gender and likely race discrimination in violation of city ordinances.

On August 11, 2006, Carroll and African-American attorney Joseph Shaw, visited the Tavern at Phipps after work. They took seats at the bar, and ordered drinks and food. Shortly thereafter, a bartender approached and requested that they relinquish their seats to two caucasian women. The two men politely declined and resumed with their meals and conversation. Immediately, they were approached by the operating partner and later manager of the Tavern who both demanded that they relinquish their seats. Carroll and Shaw noted to the Tavern staff and management that none of the white patrons of the bar were being repeatedly asked to give up their seats. No explanation was given for the discriminatory treatment. Rather, the Tavern called their security who arrived in a police uniform and escorted the gentleman out of the restaurant – stating that while Carroll and Shaw were not disruptive, the “custom” was to give up their seats.

“I was shocked. This was absolutely different from simply asking us to give our seats up for some ladies. We were singled out as the only black men at the bar for at least five repeated demands by management and ultimately security in police uniforms,” said Carroll. “This is the kind of not so subtle discrimination that happens too often.”

Carroll and Shaw filed a complaint with the Atlanta Human Relations Commission, alleging violations of Atlanta’s civil rights ordinance. After a full hearing, on October 10, 2007, the Commission found that the Tavern had engaged in gender discrimination and that “race was [also] a factor”:

In light of the long racial history between white and black, the Commission can’t help but to wince at the notion of expressly sanctioning a practice that would have the effect of requiring an African American to relinquish her or her seat to a Caucasian patron.... [G]iven

the aggressive manner in which the Tavern sought to compel the Complainants to relinquish their seats, we believe that race was a factor in the escalation of the situation.

The Atlanta ordinance has no enforcement powers, but federal law does. Gerry Weber, attorney for Carroll noted, "In the old days, the federal civil rights laws were used to stop 'White's Only' policies, and now they are used to deal with less obvious discrimination. The Tavern management knew exactly what they were doing: No white patrons were ever asked to move once, much less five times, but the two black men at the bar were all but told to essentially find the back of the bus."

In the lawsuit, Carroll seeks an order from the court preventing further discrimination and damages, which he has already committed to donate to charity. "This is not about money. Even after the Atlanta Human Relations Commission's findings, the Tavern remained entirely unapologetic," noted Carroll.

Carroll is represented by the Law Offices of Gerald Weber and Hollie Manheimer of Stuckey & Manheimer. For a copy of the Complaint visit <http://www.constitutional-litigation.com>