

1 Christy E. Lopez (# 177763)
Kelli M. Evans (#175241)
2 RELMAN & ASSOCIATES
1350 Connecticut Ave., N.W., Suite 304
3 Washington, D.C. 20036
(202) 728-1888 (telephone)
4 (202) 728-0848 (facsimile)

5 Jayashri Srikantiah (#189566)
Alan L. Schlosser (#49957)
6 AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA
7 1663 Mission Street, Suite 460
San Francisco, CA 94103
8 (415) 621-2493 (telephone)
(415) 255-8437 (facsimile)

9 Attorneys for Plaintiff Arshad Chowdhury

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
DIVISION

13 Arshad Chowdhury,)
14 Plaintiff,)
15 v.)
16 Northwest Airlines Corporation and)
17 Northwest Airlines, Incorporated,)
18 Defendants)
_____)

Case No. _____

CIVIL RIGHTS COMPLAINT FOR
DECLARATORY RELIEF,
INJUNCTIVE RELIEF AND
DAMAGES

19
20 **COMPLAINT**

21 1. This case arises from Northwest Airlines Corp. and Northwest Airlines, Inc.'s
22 (collectively "Northwest Airlines" or "Defendant") refusal to permit Arshad Chowdhury to board
23 Flight 342 at San Francisco International Airport on October 23, 2001, because of Mr.
24 Chowdhury's race, color, religion, ancestry, and/or national origin. Mr. Chowdhury brings this
25 suit under 42 U.S.C. § 1981, Title VI of the Civil Rights Act of 1964, Article I, Section 1 of the
26 California Constitution, the Unruh Civil Rights Act, and other California law. Mr. Chowdhury
27

28 Civil Rights Complaint for Declaratory Relief,
Injunctive Relief, and Damages

1 seeks declaratory relief, compensatory and punitive damages, and injunctive relief to prevent
2 future illegal discrimination by Northwest Airlines.

3 INTRODUCTION

4 2. Federal law leaves no doubt that an airline cannot refuse to permit an individual to
5 fly because of that person's race, color, religion, or national origin. 49 U.S.C. § 40127(a)
6 provides that an "air carrier or foreign air carrier may not subject a person in air transportation to
7 discrimination on the basis of race, color, national origin, religion, sex, or ancestry." Since
8 September 11, United States officials have consistently reaffirmed that this prohibition on
9 discrimination is valid. On September 21, 2001, the Department of Transportation (DOT)
10 responded to incidents of discrimination by warning several major airlines, including Northwest
11 Airlines, that it had "seen several reports of airlines apparently removing passengers from flights
12 because the passengers appeared to be Middle Eastern and/or Muslim." The DOT cautioned
13 airlines "not to target or otherwise discriminate against passengers based on their race, color,
14 national or ethnic origin, religion, or based on passengers' names or modes of dress that could be
15 indicative of such classification." On October 17, 2001, the DOT sent a second directive to the
16 airlines, stating that "it is important to reemphasize that in performing our critical duties, we may
17 not rely on generalized stereotypes or attitudes or beliefs about the propensity of members of any
18 racial, ethnic, religious, or national origin group to engage in unlawful activity."

19 3. On October 23, 2001, Arshad Chowdhury, a United States citizen of Bangladeshi
20 ancestry, was not permitted to fly on Northwest Airlines even though he had been cleared by the
21 Federal Bureau of Investigations (FBI) and local law enforcement and was recognized by
22 Northwest Airlines to pose no security threat. He was humiliated, and intimidated by Northwest
23 Airlines because a pilot had decided without any valid security rationale that he did not want to fly
24 with Mr. Chowdhury on board. In addition, Northwest Airlines input Mr. Chowdhury's name
25 into a data base that included known terrorists and failed to remove his name even though they
26 were aware Mr. Chowdhury posed no security threat.

1 **JURISDICTION**

2 4. Subject matter jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1343
3 and 2201. This Court has pendant and supplemental jurisdiction over the state law claims
4 alleged in this Complaint pursuant to 28 U.S.C. § 1367. Declaratory and injunctive relief is
5 authorized by 28 U.S.C. §§ 2201, 2202, and 1343.

6 **VENUE AND INTRADISTRICT ASSIGNMENT**

7 5. The events giving rise to the claims alleged in this Complaint arose at San
8 Francisco International Airport. Venue therefore lies in the United States District Court for the
9 Northern District of California, San Francisco or Oakland Division, pursuant to 28 U.S.C.
10 §§ 84(a) and 1391(b)(2), and Civil Local Rule 3-2(d).

11 **PARTIES**

12 6. Arshad Chowdhury is a 26 year old United States citizen of Bangladeshi ancestry.
13 He has brown skin, dark hair and dark eyes. At all times relevant to this Complaint, he was
14 studying for a Master’s Degree in Business Administration at Camegie Mellon University in
15 Pittsburgh, Pennsylvania. Mr. Chowdhury was born in the United States. His father, a
16 cardiologist, and mother, a school teacher for children with special needs, came to the United
17 States from Bangladesh over thirty years ago. Mr. Chowdhury is a Muslim.

18 7. Northwest Airlines, Corp. and Northwest Airlines, Inc. are incorporated in
19 Delaware and have their world headquarters at 2700 Lone Oak Parkway, Eagan, Minnesota,
20 55121. Northwest Airlines Corp., and Northwest Airlines, Inc. do business throughout the
21 United States.

22 8. In the past nine months, Northwest Airlines, Corp., and its subsidiary Northwest
23 Airlines, Inc., have received at least \$405 million dollars in federal financial assistance, including
24 \$249 million dollars prior to September 30, 2001, pursuant to the Air Transportation Safety and
25 System Stabilization Act. Northwest Airlines Corp. and Northwest Airlines, Inc. are therefore
26 required to abide by the terms of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and

1 its implementing regulations.

2 **FACTS**

3 9. On October 19, 2001, during a university vacation, Mr. Chowdhury flew to San
4 Francisco International Airport (SFO) from Pittsburgh International Airport to visit friends in the
5 San Francisco Bay Area.

6 10. Mr. Chowdhury flew on Northwest Airlines with a ticket he had purchased with
7 his credit card in August for \$267.00.

8 11. On the flight from Pittsburgh to San Francisco, Mr. Chowdhury cleared security
9 without incident and completed his flight to San Francisco as planned.

10 12. On October 23, 2001, Mr. Chowdhury arrived at SFO expecting to return home as
11 scheduled. Prior to going to the airport Mr. Chowdhury was careful to do everything possible to
12 avoid causing undue concern or suspicion. For example, although Mr. Chowdhury prefers to
13 travel in more comfortable clothes, on this trip he wore “business casual” attire, including dress
14 pants and a button-down shirt. Mr. Chowdhury double-checked his carry-on to make sure there
15 was nothing that could be interpreted as suspicious.

16 13. Upon arriving at the airport, Mr. Chowdhury received his boarding pass and
17 passed through security without incident. Mr. Chowdhury’s carry-on luggage was x-rayed and
18 hand-searched and did not set off any alarm. Mr. Chowdhury was searched using a
19 magnetometer and did not set off any alarm. Mr. Chowdhury proceeded to his departure gate.

20 14. The first leg of Mr. Chowdhury’s return flight was Northwest flight 342 to
21 Detroit, which was scheduled to leave SFO at 12:35 p.m. At approximately noon, while waiting
22 in the gate area for flight 342 to begin boarding, Mr. Chowdhury heard his name called.

23 15. Upon hearing his name called, Mr. Chowdhury reported to the gate counter and
24 was told by a male Northwest supervisor that the pilot for flight 342 had found a “phonetic
25 similarity” between Mr. Chowdhury’s name and a name on a FBI list of suspected terrorists.
26 The supervisor told Mr. Chowdhury that he would not be able to board until he had been cleared

1 by law enforcement.

2 16. At this point, another Northwest employee told the supervisor that he would
3 “notify the crew” and proceeded down the jetway.

4 17. Mr. Chowdhury cooperated with the Northwest employees and was taken aside in
5 the boarding area where he waited with two Northwest employees, including the supervisor, for
6 law enforcement officials to arrive.

7 18. Worried, embarrassed and humiliated, Mr. Chowdhury saw that the passengers
8 who had observed this exchange and had seen Mr. Chowdhury taken aside now appeared to be
9 viewing him with fear and suspicion.

10 19. Within minutes, two FBI agents and approximately four local law enforcement
11 officers approached and surrounded Mr. Chowdhury in the gate area. One FBI agent asked Mr.
12 Chowdhury for identification. Mr. Chowdhury cooperated fully and handed his driver’s license
13 to the agent. The FBI agents and two local law enforcement officers went to the ticket counter
14 and made calls to check Mr. Chowdhury’s name against FBI databases. The two Northwest
15 employees and other law enforcement officers continued to surround Mr. Chowdhury.

16 20. While waiting for the law enforcement officials to confirm his identity, Northwest
17 employees paraded Mr. Chowdhury, still flanked by law enforcement officers, past other
18 passengers to the table where Northwest employees were conducting searches of some of the
19 passengers that had begun to board flight 342. Mr. Chowdhury’s person and carry-on luggage
20 were searched again; nothing out of the ordinary was found and no items were confiscated.

21 21. Mr. Chowdhury observed Caucasian passengers boarding the flight without
22 incident.

23 22. Mr. Chowdhury asked the Northwest supervisor whether he would be able to
24 board once he was cleared by security. In front of the other passengers and in a rude manner, the
25 supervisor responded that Mr. Chowdhury would be permitted to board if he was cleared but that
26 “if we find anything you’re not going anywhere.” This statement caused Mr. Chowdhury

1 additional fear and distress.

2 23. After approximately ten minutes, the FBI returned and stated to Mr. Chowdhury
3 and the Northwest employees that Mr. Chowdhury had cleared security. The agent handed Mr.
4 Chowdhury's identification to the Northwest supervisor who in turn returned it to Mr.
5 Chowdhury. Mr. Chowdhury readied himself to board the plane, but was stopped by a female
6 Northwest employee who had just exited from the jetway. The employee told Mr. Chowdhury
7 that although it "doesn't make sense" he would not be permitted to "fly with us today."

8 24. Incredulous, Mr. Chowdhury asked her what she had said, and the employee
9 repeated her statement. Mr. Chowdhury then went to the gate counter and asked why he was not
10 permitted to fly with Northwest. A female Northwest ticket agent stated that she was trying to
11 get another flight for Mr. Chowdhury. Mr. Chowdhury asked the supervisor why he was not
12 being permitted to fly. The supervisor responded that it was "initially" a security issue.

13 25. Further concerned, confused and humiliated, Mr. Chowdhury turned to the FBI
14 and local law enforcement agents and asked whether he was a security threat. In front of the
15 Northwest employees, the FBI and local law enforcement agents stated that Mr. Chowdhury was
16 not a security threat. Mr. Chowdhury asked one law enforcement officer if Northwest was
17 allowed to deny him access to the plane even though he had cleared security. The officer replied
18 words to the effect that "it's a private company, they can do anything they want."

19 26. Despite direct confirmation from the FBI and local law enforcement that Mr.
20 Chowdhury posed no security threat, his possession of a valid ticket and boarding pass, and with
21 knowledge of the Department of Transportation directives and Section 40127(a), the Northwest
22 supervisor on duty continued to insist that Mr. Chowdhury would not be permitted on that flight.
23 No Northwest Airlines employee would tell Mr. Chowdhury why he was not being permitted to
24 fly, and when Mr. Chowdhury asked for a reason in writing, the supervisor stated hostilely that
25 Mr. Chowdhury could take the flight Northwest was finding for him or he could "get home on
26 [his] own." The female Northwest ticket agent then gave Mr. Chowdhury a ticket for a US

1 Airways flight that left fifteen minutes later at another gate. Mr. Chowdhury rushed to make that
2 flight and after boarding returned home without further incident.

3 27. Unbeknown to Mr. Chowdhury, while this was transpiring, a security block was
4 put on his name.

5 28. Upon information and belief, Northwest Airlines, including the pilot,
6 intentionally discriminated against Mr. Chowdhury by refusing to permit him to fly on Northwest
7 Flight 342 on October 23, 2001 because of Mr. Chowdhury's race, color, religion, ancestry,
8 and/or national origin, and by placing a block on his name even though Mr. Chowdhury had been
9 determined not to be a security threat by the FBI and local law enforcement.

10 29. Upon information and belief, Northwest Airlines did not inform the pilot that the
11 pilot was not permitted to deny passage to Mr. Chowdhury because of Mr. Chowdhury's race,
12 color, religion, ancestry, and/or national origin, or required the pilot to provide a legitimate
13 reason for refusing to permit Mr. Chowdhury to board flight 342.

14 30. The following day, Mr. Chowdhury sent a complaint about this incident to
15 Northwest Airlines via e-mail. Mr. Chowdhury received a form e-mail acknowledging receipt of
16 his complaint.

17 31. Upon information and belief, on October 23, 2001, Northwest caused plaintiff's
18 name to be included in a list of persons considered to be security threats, including known
19 terrorists and recklessly failed to remove plaintiff's name from said list despite defendant's
20 knowledge that plaintiff was and is not a security threat. This list was published in computer
21 databases that reached at least every airport in the United States.

22 32. On November 20, 2002, while flying home for Thanksgiving on US Airways, Mr.
23 Chowdhury discovered, that Northwest had caused his name to be included in this list and had
24 failed to remove his name from the list.

25 33. The ticketing agents at US Airways informed Mr. Chowdhury that Mr.
26 Chowdhury could not be given a boarding pass until this security block was removed. The US
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1 Airways ticketing agents further informed Mr. Chowdhury that Northwest Airlines had put the
2 security block on his name. Mr. Chowdhury was told that this block fed into an FBI database,
3 which was in turn distributed to every airport in the nation. US Airways representatives told Mr.
4 Chowdhury that, when Northwest concluded its investigation of him one month beforehand,
5 Northwest should have removed the block. According to the representatives, Northwest failed to
6 do so, and consequently, the block had remained on Mr. Chowdhury's name for approximately
7 one month.

8 34. The US Airways representative was able to remove the security block from Mr.
9 Chowdhury's after receiving authorization from the FBI.

10 35. Having his name placed on an official list that included known and suspected
11 terrorists and had been distributed throughout the United States caused Mr. Chowdhury great
12 emotional distress, humiliation and embarrassment.

13 36. On November 16, 2001, Mr. Chowdhury filed a complaint of discrimination
14 against Northwest Airlines with the Department of Transportation, Aviation Consumer
15 Protection Division. This complaint is still pending.

16 37. Upon information and belief, to this date Northwest Airlines has in no way
17 disciplined the pilot for the pilot's failure to follow state and federal anti-discrimination laws.

18
19 38. Defendant's illegal actions and policies have resulted and will result in irreparable
20 harm to plaintiff, including but not limited to further violations of plaintiff's legal rights. Plaintiff
21 has no plain, adequate, or complete remedy at law to address the wrongs described herein.
22 Plaintiff therefore seeks injunctive relief restraining defendants from continuing to engage in the
23 illegal conduct and acts described herein.

24 39. By reason of the factual allegations set forth above, an actual controversy has
25 arisen and now exists between plaintiff and defendant.

1 **INJURY TO PLAINTIFF**

2 40. As a direct and proximate result of the above described actions by Northwest
3 Airlines and its employees, Mr. Chowdhury has suffered and continues to suffer fear, emotional
4 distress, embarrassment, and humiliation. Since being subjected to Northwest Airlines
5 discriminatory acts, Mr. Chowdhury has avoided flying where possible and drives instead. He
6 has experienced anxiety each time he has had to fly based on the fear that he will have a similar
7 humiliating and distressing experience. Mr. Chowdhury's experience with Northwest Airlines
8 causes him additional distress because Northwest Airlines has failed to take any steps to prevent
9 airline employees on future flights from ignoring security determinations and refusing to let him
10 fly. Mr. Chowdhury continues to be fearful and distressed that he does not know the full impact
11 of his name being disseminated broadly alongside the names of known terrorists. Mr.
12 Chowdhury has experienced still further fear and distress because Northwest Airlines blatantly
13 violated his firmly recognized civil rights and has at all times refused to acknowledge or
14 apologize for this.

15 41. Prior to the above described experience, Mr. Chowdhury flew frequently. Mr.
16 Chowdhury plans to fly in the future and would like to fly Northwest Airlines. However, Mr.
17 Chowdhury is fearful of experiencing the same distressing, embarrassing, and humiliating
18 violation of his civil rights if he flies Northwest Airlines again.

19 **COUNT I**

20 **Discrimination under 42 U.S.C. § 1981**

21 42. Paragraphs 1 through 41 are realleged and incorporated herein by reference.

22 43. At all times relevant to the events described above, the pilot, flight crew, and gate
23 agents for Northwest Flight 342 on October 23, 2001, were employees and/or agents of
24 Northwest Airlines. The discriminatory practices described above were carried out: (a) at the
25 direction of and with the consent, encouragement, knowledge, and ratification of the defendants;
26 (b) under the defendants' authority, control, and supervision; and/or (c) within the scope of the
27

1 employees' employment.

2 44. Defendant is liable for the actions of its agents and employees directly and under
3 the doctrine of *respondeat superior*.

4 45. Defendant engaged in intentional discrimination based on plaintiff's race, color
5 religion, ancestry, and/or national origin in refusing to permit plaintiff to fly Northwest Airlines
6 Flight 342 on October 23, 2001. In so doing, defendant discriminated against plaintiff in the
7 making and enforcement of his contract with defendant, namely the ticket he purchased to travel
8 on Northwest Airlines Flight 342 on October 23, 2001.

9 46. The foregoing actions by the defendant thus constitute a deprivation of plaintiff's
10 right to make and enforce contracts regardless of his race, in violation of 42 U.S.C. § 1981.

11 47. Through the actions described above of its employees, agents and/or
12 representatives, defendant acted intentionally, maliciously, and with willful, callous, wanton, and
13 reckless disregard for plaintiff's federally protected rights.

14 **COUNT II**

15 **Title VI of the Civil Rights Act of 1964**

16 48. Paragraphs 1 through 41 are realleged and incorporated herein by reference.

17 49. At all times relevant to the events described above, the pilot, flight crew, and gate
18 agents for Northwest Flight 342 on October 23, 2001, were employees and/or agents of
19 Northwest Airlines. The discriminatory practices described above were carried out: (a) at the
20 direction of and with the consent, encouragement, knowledge, and ratification of the defendants;
21 (b) under the defendants' authority, control, and supervision; and/or (c) within the scope of the
22 employees' employment.

23 50. Defendant is liable for the actions of its agents and employees directly and under
24 the doctrine of *respondeat superior*.

25 51. Defendant is the recipient of federal financial assistance, and is thus covered by
26 Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d). Title VI and its implementing

1 regulations prohibit recipients of federal monies from discriminating on the basis of, *inter alia*,
2 race, color or national origin. Defendant's refusal to permit plaintiff to fly on defendant's airline
3 on the basis of plaintiff's race, color and/or national origin intentionally discriminated against
4 plaintiff and/or exhibited deliberate indifference as to plaintiff in violation of Title VI and its
5 implementing regulations.

6 52. Through the actions described above of its employees, agents and/or
7 representatives, defendant acted intentionally, maliciously, and with willful, callous, wanton, and
8 reckless disregard for plaintiff's federally protected rights.

9 **COUNT III**

10 **Article I, Section 1, California Constitution**

11 53. Paragraphs 1 through 41 are realleged and incorporated herein by reference.

12 54. Defendant intentionally caused plaintiff's name to be published on a list of known
13 and suspected security threats, including known international terrorists, and recklessly failed to
14 remove plaintiff's name from said list, despite defendant's knowledge that plaintiff was and is
15 not a security threat or suspected of being a security threat. Defendant thereby exposed plaintiff
16 to hatred or avoidance, causing damage to plaintiff and defaming and libeling plaintiff.

17 55. At all times relevant to the events described above, the pilot, flight crew, and gate
18 agents for Northwest Flight 342 on October 23, 2001, were employees and/or agents of
19 Northwest Airlines. The discriminatory practices described above were carried out: (a) at the
20 direction of and with the consent, encouragement, knowledge, and ratification of the defendants;
21 (b) under the defendants' authority, control, and supervision; and/or (c) within the scope of the
22 employees' employment.

23 56. Defendant is liable for the actions of its agents and employees directly and under
24 the doctrine of *respondeat superior*.

25 57. Defendant's actions violated Plaintiff's right to informational privacy guaranteed
26 by Article I, Section 1 of the California Constitution.

1 58. Through the actions described above of its employees, agents and/or
2 representatives, defendant acted intentionally, maliciously, and with willful, callous, wanton, and
3 reckless disregard for plaintiff's federally protected rights.

4 **COUNT IV**

5 **Discrimination under the Unruh Civil Rights Act, Cal. Civ. Code § 51**

6 59. Paragraphs 1 through 41 are realleged and incorporated herein by reference.

7 60. Defendant is a "business establishment" within the terms of the Unruh Civil
8 Rights Act.

9 61. At all times relevant to the events described above, the pilot, flight crew, and gate
10 agents for Northwest Flight 342 on October 23, 2001, were employees and/or agents of
11 Northwest Airlines. The discriminatory practices described above were carried out: (a) at the
12 direction of and with the consent, encouragement, knowledge, and ratification of the defendants;
13 (b) under the defendants' authority, control, and supervision; and/or (c) within the scope of the
14 employees' employment.

15 62. Defendant is liable for the actions of its agents and employees directly and under
16 the doctrine of *respondeat superior*.

17 63. Defendant engaged in intentional discrimination based on plaintiff's race, color
18 religion, ancestry, and/or national origin in refusing to permit plaintiff to fly Northwest Airlines
19 Flight 342 on October 23, 2001, and deprived plaintiff of his right to free and equal
20 accommodations, advantages, facilities, privileges, and services in a business establishment
21 regardless of plaintiff's race, color, religion, ancestry, and/or national origin.

22 64. The foregoing actions by the defendant violated the Unruh Civil Rights Act. Cal.
23 Civ. Code §§ 51 and 51.5.

24 65. Through the actions described above of its employees, agents and/or
25 representatives, defendant acted intentionally, maliciously, and with willful, callous, wanton, and
26 reckless disregard for plaintiff's statutorily protected rights.

1 **COUNT V**

2 **Intentional Infliction of Emotional Distress**

3 66. Paragraphs 1 through 41 are realleged and incorporated herein by reference.

4 67. Defendants' above-described conduct was extreme and outrageous. Said conduct
5 was done intentionally and with conscious disregard of plaintiff's rights, and directly and
6 proximately caused plaintiff humiliation, mental pain, emotional distress, and suffering.

7 68. At all times relevant to the events described above, the pilot, flight crew, and gate
8 agents for Northwest Flight 342 on October 23, 2001, were employees and/or agents of
9 Northwest Airlines. The discriminatory practices described above were carried out: (a) at the
10 direction of and with the consent, encouragement, knowledge, and ratification of the defendants;
11 (b) under the defendants' authority, control, and supervision; and/or (c) within the scope of the
12 employees' employment.

13 69. Defendant is liable for the actions of its agents and employees directly and under
14 the doctrine of *respondeat superior*.

15 70. Through the actions described above of its employees, agents and/or
16 representatives, defendant acted intentionally, maliciously, and with willful, callous, wanton, and
17 reckless disregard for plaintiff's statutorily protected rights.

18 **COUNT VI**

19 **Negligent Infliction of Emotional Distress**

20 71. Paragraphs 1 through 41 are realleged and incorporated herein by
21 reference.

22 72. Defendants' above-described conduct constituted a breach of defendants' duty as a
23 common carrier and defendants' duty of care to plaintiff to ensure that defendants did not cause
24 unnecessary or unjustified harm to plaintiffs. It was reasonably foreseeable that a breach of that
25 duty by defendants would cause emotional distress to plaintiffs.

26 73. At all times relevant to the events described above, the pilot, flight crew, and gate
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1 agents for Northwest Flight 342 on October 23, 2001, were employees and/or agents of
2 Northwest Airlines. The discriminatory practices described above were carried out: (a) at the
3 direction of and with the consent, encouragement, knowledge, and ratification of the defendants;
4 (b) under the defendants' authority, control, and supervision; and/or (c) within the scope of the
5 employees' employment.

6 74. Defendant is liable for the actions of its agents and employees directly and under
7 the doctrine of *respondeat superior*.

8 75. Through the actions described above of its employees, agents and/or
9 representatives, defendant acted intentionally, maliciously, and with willful, callous, wanton, and
10 reckless disregard for plaintiff's statutorily protected rights.

11 RELIEF

12 Wherefore, plaintiff requests that this Court award the following relief:

13 (1) Declare that the actions of defendant described above constituted discrimination on
14 the basis of race, color, religion, ancestry, and/or national origin in violation of 42 U.S.C. § 1981,
15 Title VI of the 1964 Civil Rights Act and the Unruh Civil Rights Act, and that the actions of
16 defendant described violated plaintiff's right to informational privacy guaranteed by Article I,
17 Section 1 of the California Constitution and intentionally and negligently inflicted emotional
18 distress upon plaintiff. By reason of the factual allegations set forth above, an actual controversy
19 has arisen and now exists between plaintiff and defendant. A declaration from this court that the
20 challenged provisions violate plaintiff's legal rights is therefore necessary and appropriate;

21 (2) Enter a permanent injunction prohibiting the defendant and its directors, officers,
22 agents, and employees from engaging in the illegal discriminatory conduct described herein and
23 requiring defendant and its directors, officers, agents, and employees to take all steps necessary
24 to remedy the effects of such conduct and prevent similar occurrences in the future;

25 (3) Award plaintiff compensatory damages in an amount to be determined at trial for the
26 plaintiff's loss and injury including, but not limited to, fear, humiliation, embarrassment,

1 emotional distress, and a deprivation of his constitutional right to informational privacy;

2 (4) Award plaintiff punitive damages in an amount to be determined at trial that would
3 punish defendant for its intentional, malicious, willful, callous, wanton, and reckless disregard
4 for plaintiff's rights that would effectively deter defendant from engaging in similar conduct in
5 the future;

6 (5) Award plaintiff prejudgment interest;

7 (6) Award reasonable attorneys' fees and the costs incurred in this action under 42 U.S.C.
8 § 1988 and Cal. Civ. Code 52 (b); and

9 (7) Award such other relief as the Court deems appropriate and just.

10 Respectfully submitted,

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12
13 Christy E. Lopez (# 177763)
14 Kelli M. Evans Bar No. (#175241)
RELMAN & ASSOCIATES

15
16 Jayashri Srikantiah (#189566)
17 Alan L. Schlosser (#49957)
18 AMERICAN CIVIL LIBERTIES
19 UNION FOUNDATION OF NORTHERN
20 CALIFORNIA