

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ROUTH GUYS, LLC d/b/a KUNG FU)
SALOON, WASHINGTON GUYS, LLC)
d/b/a KUNG FU SALOON, GRANDE)
GUYS, LLC d/b/a KUNG FU SALOON,)
)
Defendants.)
)
)
_____)

COMPLAINT FOR INJUNCTIVE RELIEF

3:15-CV-02191

The United States of America alleges:

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 AND VENUE

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 Northern District of Texas pursuant to 28 U.S.C. § 1391 because a substantial part of the events giving rise to the claims alleged herein arose in this District and Defendants do business in this District.

DEFENDANTS

4. Defendant Routh Guys, LLC is a registered domestic limited liability corporation in Texas that does business as “Kung Fu Saloon” located at 2911 Routh Street in Dallas, Texas.

5. Defendant Washington Guys, LLC is a registered domestic limited liability corporation in Texas that does business as “Kung Fu Saloon” located at 5317 Washington Avenue in Houston, Texas.

6. Defendant Grande Guys, LLC is a registered domestic limited liability corporation in Texas that does business as “Kung Fu Saloon” located at 510 Rio Grande Street in Austin, Texas.

7. Kung Fu Saloon is a chain of three bars and restaurants owned and operated by the Defendants in the three preceding paragraphs. Kung Fu Saloons offer patrons, including out-of-state travelers, entertainment such as arcade games, shuffleboard, skee ball, board games, televised live in-state and out-of-state sporting events, a disc jockey, dancing, and karaoke.

8. Kung Fu Saloons serve food and drinks to patrons and advertise their food and drink services on their websites. A substantial portion of the food and drinks which each Kung Fu Saloon serves has moved in interstate commerce.

9. Kung Fu Saloons are places of public accommodation within the meaning of 42 U.S.C. §§ 2000a(b)(2) and (b)(3).

10. The operation of each Kung Fu Saloon affects commerce within the meaning of 42 U.S.C. §§ 2000a(c)(2) and (c)(3).

TITLE II VIOLATIONS

11. Since at least May 2011 to the present, the Defendants, acting through their officers, employees and agents, have engaged in policies and practices that deny African American and Asian individuals, on account of their race, color, or national origin, the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of Kung Fu Saloons.

12. In dozens of instances since at least May 2011, Defendants have denied African American patrons entry into Kung Fu Saloons based on dress code when similarly dressed white patrons were permitted to enter. For example, in March 2013, an African-American patron was denied entry for wearing a particular brand of athletic shoes. However, moments earlier, his white friend was permitted entry even though he wore the same brand of athletic shoes. When the African American patron informed the Defendants' employee that his white friend was permitted entry even though he was wearing the same brand of shoes, the employee replied that it was up to Kung Fu "who can come in and who can't."

13. The Defendants, acting through their officers, employees, and agents, have engaged in other practices to limit the number of African American and Asian patrons at Kung Fu Saloons. For example, Kung Fu has denied African American and Asian patrons entry by claiming that the establishment is at capacity while allowing white patrons to enter thereafter; required African American and Asian patrons to wait longer to enter than white patrons who arrived thereafter; and screened event booking requests to limit the number of event bookings by African American or Asian parties.

14. The Defendants' conduct described in Paragraphs 11 through 13 constitutes a pattern or practice of resistance of the full and equal enjoyment by African American and Asian individuals, on account of these individuals' race, color, or national origin, 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 the Defendants violate Title II of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000a, *et seq.*;
2. Enjoining the Defendants, their employees, agents, and successors, and all other persons in active concert or participation with them, from engaging in any act or practice which, on the basis of race, color, or national origin, 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 the Defendants, their employees, agents, and successors, and all other persons in active concert or participation with the Defendants, to take such affirmative steps as may be necessary to remedy the effects of past unlawful conduct and to prevent the recurrence of discriminatory conduct in the future.

The United States further prays for such additional relief as the interests of justice may require.

This 30th day of June, 2015.

LORETTA E. LYNCH
Attorney General

/s/ Vanita Gupta

JOHN R. PARKER
Acting United States Attorney
Northern District of Texas

VANITA GUPTA
Principal Deputy Assistant Attorney General
Civil Rights Division

/s/ Scott Hogan

J. SCOTT HOGAN
Assistant United States Attorney
TX Bar No. 24032425
1100 Commerce Street, Suite 300
Dallas, TX 75242
Phone: (214) 659-8640
Email: scott.hogan@usdoj.gov

/s/ Steven H. Rosenbaum

STEVEN H. ROSENBAUM
Chief
Housing and Civil Enforcement Section

/s/ Elise Sandra Shore

SAMEENA S. MAJEED
Deputy Chief
ELISE SANDRA SHORE
Georgia Bar No. 557131
Trial Attorney
Housing and Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue N.W.
Northwestern Building
Washington, D.C. 20530
Phone: (202) 305-0070
Email: Elise.Shore@usdoj.gov

Attorneys for Plaintiff