

LOUIS A. ZAYAS, ESQ.
LAW OFFICES OF LOUIS A. ZAYAS, L.L.C.
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North Bergen, N.J. 07047
(201) 977-2900
Counsel for Plaintiff

QUAN DUNLAP,

Plaintiff,

vs.

McDONALD'S CORP.
JANE DOE

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: HUDSON COUNTY

DOCKET NO.: HUD-L-

COMPLAINT

Plaintiff QUAN DUNLAP by and through his attorney, LOUIS A. ZAYAS, ESQ., of the LAW OFFICES OF LOUIS A. ZAYAS, L.L.C., alleges the following:

INTRODUCTION

1. This is a civil action brought by the Plaintiff for damages under the New Law Against Discrimination, "NJLAD" §10:5-1et seq. and commonly law negligence.

PARTIES

2. Plaintiff, QUAN DUNLAP, is a citizen of the State of New Jersey, County of Hudson, who resides in Hoboken, New Jersey.

3. Defendant, McDonald Co. a corporation is sued to affect the full declaratory, injunctive and compensatory damages demanded by the Plaintiff.

4. Defendant Jane Doe 1-2 are individuals sued to affect the full compensatory and punitive damages demanded by the Plaintiff.

FACTS

5. On or around May 28, 2017, Plaintiff, an African-American, entered the McDonald's in Hoboken, New Jersey to order food from the displayed menu. Hoboken is a predominantly white affluent community.

6. Plaintiff had finished working his work shift when he approached the cashier counter to place an order. Once at the counter, a female supervisor advised Plaintiff that she would only serve him if he did not stay in the restaurant. Plaintiff was in shock by such an apparent racist remark because there were other white customers who did not appear to be subject to the same policy.

7. When Plaintiff received his order, he walked away with his order.

8. Plaintiff, however, returned to the same worker and asked to speak to a supervisor to understand why he was selectively singled out to eat his food outside of the McDonalds'. When the supervisor arrived, Plaintiff asked why was he was asked to leave the McDonalds' after placing his order.

9. The supervisor again confirmed that Plaintiff could eat inside but had to leave after twenty (20) minutes because she was "getting complaints from regular customers about people like me."

10. Plaintiff asked: What is "regular customer"? The supervisor responded "because I always see you around here." Plaintiff said that he lived in Hoboken and that would make him a "regular customer". The supervisor responded that I don't know where Plaintiff lived but that he could only stay 20 minutes to eat his food.

11. At all times, Plaintiff did not see any posted signs limiting the consumption of

food to 20 minutes. Moreover, the Plaintiff noticed that the white patrons were eating their food in excess of 20 minutes. Jane Doe 1-2 never approached any of the white patrons to question their status as “regular customers” or advise them of the so-called “20 minute rule.”

COUNT ONE
N.J.S.A. § 10:5-1 et seq.
Public Accommodation

12. Plaintiff repeats and realleges the allegations set forth above as if fully set forth herein.

13. Defendant is a business open to the public and is prohibited from discriminating on the basis of race.

14. Defendant is a public place under the New Jersey Law Against Discrimination.

15. Plaintiff, as a paying customer, had a license to remain on the premises after he purchased goods from the Defendant.

16. Defendant discriminated against the Plaintiff because of his race.

17. As a direct and proximate result of Defendant’s actions, Plaintiff has suffered and will continue to suffer emotional and psychological damages in an amount to be determined by a jury. Because of Defendant’s willful and malicious conduct, Plaintiff seeks punitive damages in Defendant’s individual capacity in an amount to be determined by a jury.

WHEREFORE, Plaintiff demands judgment against the Defendant for the following relief:

- a. Compensatory Damages;
- b. Punitive Damages;

- c. Attorney's fees and costs of suit;
- d. Such other and further relief as the Court deems equitable and just.

COUNT TWO
N.J.S.A. § 10:5-1 et seq.
(Aiding and Abetting)
Jane Does 1-2

18. Plaintiff repeats and re-alleges the allegations set forth above as if fully set forth herein.

19. As alleged above, Defendants Jane Does 1-2 aided and abetted in the scheme to discriminate against the Plaintiff because of his race.

20. As a result of the individual Defendants' unlawful actions, which violate the NJLAD, Plaintiff has suffered and continues to suffer damages, including, but not limited to, humiliation, emotional distress, mental pain and anguish.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, according the following relief:

- a. Compensatory Damages;
- b. Punitive Damages,
- c. Attorneys' fees;
- d. Such other and further relief as the Court deems equitable and just.

COUNT THREE
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
ALL DEFENDANTS

21. Plaintiff repeats and re-alleges the allegations set forth above as if fully set forth herein.

22. The Defendant's actions taken against the Plaintiff were extreme and outrageous.

23. Plaintiff has suffered severe emotional distress as a result of Defendants' conduct.

24. Defendants' actions have caused Plaintiff to suffer emotional and psychological damages in an amount to be determined by a jury.

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory damages;
- b. Punitive damages;
- c. Such other and further relief that the Court deems equitable and just.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants, jointly and severally, for the following relief:

- a. Compensatory Damages;
- b. Punitive Damages;
- c. Attorney's fees and costs of suit;
- d. Such other and further relief as the Court deems equitable and just.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as to all issues so triable.

Dated: 8/28/18

/s/LOUIS A. ZAYAS

LOUIS A. ZAYAS, ESQ.

DESIGNATION OF TRIAL COUNSEL

LOUIS A. ZAYAS, ESQ., is designated as trial counsel in this matter.

Dated: 8/28/18

/s/LOUIS A. ZAYAS

LOUIS A. ZAYAS, ESQ.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damages limits; and (g) medical payment limits.

Dated: 8/28/18

/s/LOUIS A. ZAYAS

LOUIS A. ZAYAS, ESQ.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify that the matters in controversy in this action are not subject of any other action pending in any other court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated.

Dated: 8/28/18

/s/LOUIS A. ZAYAS

LOUIS A. ZAYAS, ESQ.

Civil Case Information Statement

Case Details: HUDSON | Civil Part Docket# L-003393-18

Case Caption: DUNLAP QUAN VS MCDONALD'S
CORPORATI ON

Case Initiation Date: 08/28/2018

Attorney Name: LOUIS ALEXANDER ZAYAS

Firm Name: LOUIS A. ZAYAS, LLC

Address: 8901 KENNEDY BLVD STE 5S
NORTH BERGEN NJ 07047

Phone:

Name of Party: PLAINTIFF : Dunlap, Quan

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

08/28/2018
Dated

/s/ LOUIS ALEXANDER ZAYAS
Signed