

**From:** [Office of the Vermont Attorney General](#)  
**To:** [AGO - Public Records Requests](#)  
**Subject:** Public Records Request Form Form submitted on Office of the Vermont Attorney General  
**Date:** Thursday, January 17, 2019 12:40:36 PM  
**Attachments:** [Brownie-v.-Merritt-et-al-357-12-18-Bncv.pdf](#)

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Please describe the records you are requesting and provide as much specificity as possible, including applicable date ranges.	<p>On behalf of our clients, CWI Manchester LLC ("CWI") and Merritt Hospitality, LLC ("Merritt"), and pursuant to the Vermont Public Records Law, §315 et seq., and the Freedom of Information Act, 5 U.S.C. § 552, we hereby request copies of the complete contents of the file for the following charge of discrimination:</p> <p>Everton Brownie v. CWI Manchester Hotel LLC and Merritt Hospitality, LLC, File No. 2017--6429; EEOC No. 16K-2018-00046C</p> <p>Mr. Brownie has filed a lawsuit against CWI and Merritt, alleging discrimination on the bases of race and national origin under the Vermont Fair Employment Practices Act. (No. 357-12-18Bncv, Vermont Superior Court, Bennington Unit). A copy of the Complaint in that case is attached.</p> <p>We understand that we may be assessed the reasonable costs of processing this request and stand ready to pay those costs. However, if the costs of processing this request will exceed one hundred dollars (\$100.00), please contact us before proceeding.</p>
Please take note of the following disclaimer:	<ol style="list-style-type: none"><li>1. This public records request, including any associated correspondence, will be considered a public record in its entirety. As such, it will be made available to any member of the public upon request.</li><li>2. Do not include any sensitive information, such as medical information, financial account numbers, or Social Security numbers. The AGO will contact you if additional information is required.</li><li>3. Submission of this form does not constitute receipt of it by the AGO. Your public records request will be considered received on the next business day following its submission.</li></ol>
Attachment	<a href="https://ago.vermont.gov/wp-content/uploads/formidable/14/Brownie-v.-Merritt-et-al-357-12-18-Bncv.pdf">https://ago.vermont.gov/wp-content/uploads/formidable/14/Brownie-v.-Merritt-et-al-357-12-18-Bncv.pdf</a>

Agreement

I agree that I have read the directions and disclaimers on this form and that the information that I have provided is accurate to the best of my knowledge. Clicking the Declaration below is equivalent to my electronic signature.

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Declaration (Required)

Declaration (Required)

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Date Submitted

January 17, 2019

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STATE OF VERMONT

SUPERIOR COURT  
BENNINGTON UNIT

CIVIL DIVISION  
DOCKET NO. 357-12-18Brxv

EVERTON BROWNIE, )  
 PLAINTIFF )  
 )  
 v. )  
 )  
 CWI MANCHESTER HOTEL )  
 LLC, d/b/a The Equinox Luxury )  
 Resort, MERRITT )  
 HOSPITALITY, LLC, and HEI )  
 EQUINOX, LLC d/b/a/ )  
 Equinox Hotel )  
 DEFENDANTS )  
 )

COMPLAINT

JURY TRIAL DEMANDED

INTRODUCTION

PLAINTIFF Everton Brownie ("Plaintiff"), through counsel, brings this action for damages for injuries caused by his employer's unlawful discrimination based on his national origin in violation of 21 V.S.A. § 495.

THE PARTIES

1. Plaintiff is a resident of Manchester Vermont, Bennington County, Vermont. He is black and was born in and then immigrated from Jamaica. Plaintiff was at all material times employed at the Equinox Hotel in Manchester, Vermont.
2. Defendant, CWI Manchester Hotel, LLC d/b/a Equinox Luxury Hotel, is a Vermont Foreign For Profit company with its principle address in New York at 50 Rockefeller Plaza, 2<sup>nd</sup> Floor, c/o W.P. Carneys Inc. New York, NY 10020, and conducts business in the State of Vermont, including operating and/or managing and/or owning the

**FILED**  
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 VERMONT SUPERIOR COURT  
 BENNINGTON UNIT

- Equinox Luxury Hotel in Manchester, Vermont. Its registered agent is Corporation Service Company, with an address of 100 North Main Street, Ste. 2, Barre, VT 05641.
3. Defendant Merritt Hospitality, LLC is a Vermont Foreign For Profit company with its principle address in Connecticut at 101 Merritt 7 Corporate Park, 1<sup>st</sup> Floor, Norwalk, CT 06851, and conducts business in the State of Vermont, including operating and/or managing the Equinox Luxury Hotel in Manchester, Vermont. Its registered agent is Corporation Service Company, with an address of 100 North Main Street, Ste. 2, Barre, VT 05641.
  4. Defendant HEI Equinox, LLC, d/b/a Equinox Hotel was Vermont Foreign For Profit company with its principle address in Connecticut at 101 Merritt 7 Corporate Park, 1<sup>st</sup> Floor, Norwalk, CT 06851, and conducted business in the State of Vermont, including owning and/or operating and/or managing the Equinox Hotel in Manchester, Vermont. Its registered agent is CT Corporation System, 400 Cornerstone Dr. #240, Williston, VT 05495. On information and belief, HEI Equinox, LLC was Plaintiff's employer at all material times and was subsequently purchased by Defendant CWI Manchester Hotel, LLC, d/b/a/ Equinox Luxury Hotel and-or Defendant Merritt Hospitality, LLC
  5. Defendants, CWI Manchester Hotel, LLC, Merritt Hospitality, LLC, and Defendant HEI Equinox, LLC, are herein collectively referred to as "Defendants" or "Hotel".
  6. Jurisdiction lies in this Court pursuant to 4 V.S.A. § 31.
  7. Venue is in this Court pursuant to 12 V.S.A. § 402(a).

## FACTS

8. Defendants employed Plaintiff between August 2014 and April 2017. Before he was eventually hired, Plaintiff completed multiple applications and applied for numerous positions. In his final application, he indicated that he wanted a position as a front desk attendant.
9. When Plaintiff was hired, then acting Front Office Manager, Stephanie Hargett, told him that she needed him to start working on the hotel customer service phone lines as a PBX Operator before she could consider him for a front desk position.
10. Ms. Hargett told Plaintiff he could later move to a Front Desk position after he became more familiar with the Hotel's booking system.
11. PBX Operators are responsible for supporting the front desk by fielding all guest requests and issues received by telephone. Front desk attendants have more opportunity for advancement, are held in higher regard, and have a greater salary range than PBX Operators.
12. Plaintiff's performance as a PBX Operator was very good to excellent. He became familiar with the booking system and could effectively communicate with guests. His Jamaican accent did not affect his ability to do the job.
13. Front desk attendants performed many of the same functions as PBX telephone operators, except they also dealt with Hotel guests in person. Plaintiff was well-qualified for the front desk attendant position.
14. Pursuant to the Hotel's written policies, employees who want to move to a different position at the Hotel should speak with their supervisors about it. In

Spring 2015, Plaintiff asked Ms. Hargett to consider him for a position as a front desk attendant.

15. Ms. Hargett said she could not move him to the front desk because there was not an available position but recommended instead that he train and take some shifts as a bellman and continue some shifts as a PBX Operator.
16. Plaintiff reluctantly agreed in the hope he would eventually be transferred to the front desk. Between April 2015 and January 1, 2016, Plaintiff continued to work shifts as both a bellman and as PBX Operator. During this period, he regularly inquired with Ms. Hargett about a front desk position.
17. On January 2, 2016, Plaintiff met privately with Ms. Hargett and asked to be given a position as a front desk attendant. On information and belief, prior to the meeting, two front desk employees either left their positions or were terminated, and there was an available front desk position.
18. During the meeting, Plaintiff reminded Ms. Hargett that he applied for a front desk position and that she told him when she hired him that he could eventually move to the front desk.
19. Ms. Hargett responded that she would not offer him a front desk position and said the reason was his accent. She said guests at the front desk were going to have to ask him to repeat himself over and over. She said “the Equinox is a luxury hotel, and that means luxury in every way,” and that because of his accent, she could not put him on the front desk.

20. Plaintiff had a strong reaction to this blatant discrimination and became visibly upset. His accent was never in the past mentioned as problem. He had never heard that guests had trouble communicating with him over the phone or in person. None of his supervisors and no one he worked with had ever suggested his accent was a problem.
21. Plaintiff angrily confronted Ms. Haggert about her discriminatory reasons but she did not respond. She subsequently issued a written disciplinary warning.
22. After the meeting, Plaintiff remained upset. He spoke with multiple co-workers about what happened, and specifically relayed the reasons Ms. Hargett gave for not hiring him. Plaintiff was humiliated.
23. Multiple co-workers told Plaintiff that the Hotel could not discriminate against him because of his Jamaican accent and that this was race and-or national origin discrimination.
24. Ms. Hargett advised another employee, bellman David Weller, that she would never offer Plaintiff a position at the front desk, and said the reason was his accent.
25. Ms. Hargett's statements that Plaintiff's accent inhibited effective communication with guests were false and a mere pretext for illegal discrimination based on Plaintiff's national origin and is race.
26. On information and belief, Ms. Hargett learned that Plaintiff told his co-workers about her unlawful and discriminatory conduct. In an effort to conceal

her actions, Ms. Hargett nominated Plaintiff as Employee of the Month for January 2016.

27. Ms. Hargett said of Plaintiff:

He never falters in his reliability, his pleasant attitude and his excitement about being here and working with his team. He has one of the best attitudes that I have ever worked with. Our guests are constantly singing his praises and look forward to his smiling face welcoming them at the door. Having Everton on our team is a pleasure and a privilege.

28. Despite Ms. Hargett's unequivocal statements that she refused to appoint Plaintiff to the front desk because of his accent, Ms. Hargett also subsequently stated that she never found Plaintiff's accent to be a problem, nor did it make it difficult to understand him.

29. Plaintiff's employment with Defendants ended in April 2017 for unrelated reasons.

#### CAUSE OF ACTION

##### Count I – National Origin and Race Discrimination Violating 21 VSA § 495(a)(1)

30. Plaintiff incorporates by reference the factual allegations from paragraphs 1-29 above.

31. Plaintiff was well-qualified for a front desk position.

32. Defendants, with malice or in reckless disregard of Plaintiff's rights, failed to promote Plaintiff to an available front desk attendant position based solely, or principally, or in motivating part on Plaintiff's Jamaican descent and because of Plaintiff's national origin and because of his race.

33. In failing to offer Plaintiff the position for the aforementioned reasons, Defendants violated 21 VSA § 495(a)(1), and as a direct and proximate result, Plaintiff suffered



emotional distress, loss of income, humiliation, and economic insecurity, for all of which he demands judgment and compensation from Defendants.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for the following relief:

- A. Judgment against Defendants on the aforementioned claim;
- B. For compensatory damages in an amount the jury determines to be just;
- C. For punitive damages;
- D. For reasonable costs and attorney fees; and
- E. For all other legal and equitable relief to which Plaintiff is entitled.

**PLAINTIFF DEMANDS JURY TRIAL**

DATED at Windsor, Vermont this 20<sup>th</sup> day of December 2018.

Respectfully submitted,

EVERTON BROWNIE  
PLAINTIFF

By: Stefan Ricci  
Stefan Ricci, Esq.  
Ricci Law, PLC  
85 Main Street  
Windsor, VT 05089  
Phone: 802-674-4285  
Email: stefan@riccilawvt.com  
Attorney for Plaintiff



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EVERTON BROWNIE  
PLAINTIFF

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Stefan Ricci, Esq.  
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