

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TEVIN BURROW,)
)
 Plaintiff,)
)
 v.)
)
 JACK’S FAMILY)
 RESTAURANTS, LP,)
)
 Defendant.)

Case No. _____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff **Tevin Burrow** brings this civil action for relief and damages against Defendant **Jack’s Family Restaurants, LP**, based on the following allegations and causes of action.

NATURE OF THE ACTION

1. This lawsuit to correct unlawful employment practices by Jack’s Family Restaurant, LP (“Defendant” or “Jack’s”) arises under the discrimination and retaliation provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. §§ 2000e *et seq.*, and 1981.

2. Plaintiff **Tevin Burrow** (“Plaintiff” or “Burrow”), an African-American man, alleges that he was subjected to a racially discriminatory,

hostile work environment during his employment by Jack's, and that he was terminated after lodging multiple internal complaints regarding discriminatory conditions at work.

3. Burrow seeks economic damages, including back pay and lost benefits; non-economic compensatory damages; and his attorneys' fees and costs of litigation.

THE PARTIES

4. At the time of the events alleged, Burrow resided in Jefferson County, Alabama, and was employed by a Jack's restaurant in Blount County, Alabama.

5. Jack's is an Alabama-based company that operates a regional chain of fast-food restaurants in Alabama, Georgia, Tennessee, and Mississippi.

SUBJECT-MATTER JURISDICTION AND VENUE

6. Jurisdiction of this court is invoked pursuant to 28 U.S.C.A. §§ 1331 and 1343.

7. Venue is proper in this district and division under 28 U.S.C.A. § 1391(b)(1)-(2), as Defendant conducts business in this judicial district and division. The alleged unlawful acts also occurred in this judicial district and division.

PERSONAL JURISDICTION

8. Defendant may be served with proper process through its registered agent on record with the Alabama Secretary of State: Corporation Service Company, 641 South Lawrence St., Montgomery, AL 36104.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. Burrow filed a charge of race discrimination and retaliation with the Equal Employment Opportunity Commission (“EEOC”), Charge No. 420-2023-02062. A copy is attached as Ex. A.

10. Burrow subsequently received a right-to-sue letter from the EEOC on November 27, 2024. A copy is attached as Ex. B.

11. Burrow timely files his claims under Title VII within 90 days of receipt of his notice of a right to sue.

FACTUAL ALLEGATIONS

12. Burrow was hired as a cashier on May 31, 2023, at a Jack’s location at 40 Russell Hill Drive NW, in Warrior, Alabama.

13. For the next four weeks, on a near daily basis, Burrow heard a white coworker, Timothy Knight, use the racial epithet “n*****.” Knight used the slur promiscuously in the presence of other workers and both black and white customers.

14. When Burrow asked Knight to stop using the so-called “N-word”, Knight responded that he was not afraid of Burrow and profanely told him that he would say whatever he wanted to.

15. Burrow complained to the on-site general manager, Trent Miller, about Knight’s language to no avail. Miller instructed Burrow to “let it go” and to ignore Knight.

16. In addition to enduring constant slurs from a coworker, Burrow also learned that multiple employees at the Jack’s location where he worked operated an online group chat where blatantly racist comments were exchanged. The tenor of the remarks were not just impolitic references to race or current events that some blacks would find offensive; instead, they crossed any conceivable line to include virulent white nationalist, Aryan nation verbiage and symbols.

17. Miller, despite his leadership role as a manager, often added offensive commentary of his own to the chat thread.

18. To cite just a few choice examples, the chat featured: (1) displays of a Nazi swastika by Knight; (2) comments by Miller that “Hitler wasn’t such a bad guy once you get to know him” and “Don’t be surprised if y’all hear the German national anthem playing in this mug tomorrow”; (3) a posting by Miller of the term “Mein Kampf,” a reference to Hitler’s manifesto proclaiming the Nazi ideology; (4) a comment by a coworker in defense of Knight’s posting of the swastika that

“[t]here is nothing wrong or racist about being proud of your own people”; (5) a posting by Knight of a “white power” skull image with a quotation from a notorious white supremacist terrorist that his movement describes as the “14 words”: “We must secure the existence of our people and a future for white children.”

19. Although Burrow and several white employees objected to the commentary in the thread, instead of a forceful reprimand or terminations, Miller responded in one posting that the thread was not open to be viewed by customers, which he apparently took as a mitigating factor.

20. Miller then observed in his posting that it was not his role to “tell people what they can feel or believe.” He did not clarify what he believes, given his own jocular remarks about Hitler and German national anthems at work.

21. Despite the plainly unprofessional character of the group chat, it was used to convey information about scheduling and shift changes that Burrow was obligated to view.

22. Burrow at one point in June 2023 asked Miller for the contact information for the human resources (“HR”) department for Jack’s, to which Miller responded that “HR doesn’t care what we do here as long as we make money.”

23. When Burrow finally contacted the HR department, it took a month to receive a response to his voicemail describing a racist toxic environment and leaving a return contact number.

24. Within a week of Burrow's message to HR, he was abruptly terminated on June 29, 2023, for an altercation with a white assistant manager.

25. The June 29 incident stemmed from a verbal exchange in the presence of a small number of customers between Burrow and the assistant manager over Burrow leaving his shift to investigate a possible burglary in his home. To be sure, the exchange was heated: the manager forcefully accused Burrow of lying and engaged him in a physically threatening manner, and Burrow responded with profanity.

26. Burrow was informed that he was terminated for violating the company's internal policies against the use of profanity in front of customers, a policy that, at least at the Warrior location, is inconsistently enforced; Knight for example was not fired for his repeated use of racial slurs in the presence of customers.

27. Approximately a month after Burrows was fired, he was finally contacted by the HR department in response to his June 2023 complaint. Although he provided a lengthy description of the racially insensitive work environment at Jack's Warrior restaurant, there was no follow-up.

28. Although Burrow's tenure at Jack's only lasted about a month, the ongoing exposure to racist language in his workplace and anti-black propaganda on a company group chat depressed and humiliated him.

29. Although Jack's maintains personnel policies that prohibit harassing language in the workplace, including racist language, the manager at the Jack's restaurant, Trent Miller, failed to discipline an employee who flagrantly violated the policy; to the contrary, Miller minimized the impact of conduct that expressly conflicted with the policy, and discouraged Burrow from reporting the violations to the HR department.

30. Miller contributed to and encouraged the hostile environment Burrow experienced by inserting his own offensive commentary into the group chat, in effect conveying a sympathy toward extremist racist ideology on the part of the same employee who regularly invoked the term "n*****."

31. Even after Burrow disclosed to the company screenshots of pro-Nazi references by Miller during the year plus EEOC investigation, Miller (according to his social media profile) continues to be employed by Jack's in a general manager's role.

CAUSES OF ACTION

COUNT I

(Race-based hostile environment, in violation of Title VII, 42 U.S.C.A. § 2000e-2(a)(1))

32. Plaintiff Burrow incorporates by reference the factual allegations in this Complaint as though set forth fully and separately herein.

33. Burrow, an African-American man, was subjected to unwelcome harassment based on his race in violation of Title VII, in the form of continual racial epithets by a coworker and the posting of white supremacist themes on an internal employee group chat that he was obligated to view to learn about certain work-related matters.

34. The racist language and messages that Burrow endured were sufficiently severe or pervasive that they altered the terms of his employment and created a discriminatorily abusive working environment.

35. Jack's was responsible for the hostile environment in that Burrow reported the harassment to the highest-ranking official on-site and to the company's hotline, and Defendant took no meaningful action during Burrow's employment to stop or deter the harassment.

36. The discriminatory, hostile environment to which Burrow was subjected caused him to experience emotional distress, mental anguish, humiliation, and embarrassment.

COUNT II

**(Race-based hostile environment, in violation of Title VII, 42
U.S.C.A. § 1981)**

37. Plaintiff Burrow incorporates by reference the factual allegations in this Complaint as though set forth fully and separately herein.

38. Burrow, an African-American man, was subjected to unwelcome harassment based on his race in violation of § 1981, in the form of continual racial epithets used by a coworker and the posting of white supremacist themes on an internal employee chat group that he was obligated to view to learn about certain work-related matters.

39. The racist language and messages that Burrow endured were sufficiently severe or pervasive that they altered the terms of his employment and created a discriminatorily abusive working environment.

40. Jack's Family Restaurant was responsible for the hostile environment in that Burrow reported the harassment to the highest-ranking official on-site and to the company's hotline, and Defendant took no meaningful action during Burrow's employment to stop or deter the harassment.

41. The discriminatory, hostile environment to which Burrow was subjected caused him to experience emotional distress, mental anguish,

humiliation, and embarrassment.

COUNT III

(Retaliation in violation of Title VII, 42 U.S.C.A. § 2000e-3(a))

42. Plaintiff Burrow incorporates by reference the factual allegations in this Complaint as though set forth fully and separately herein.

43. Burrow engaged in protected activity under Title VII in that he made internal complaints to management and the HR department that he was subjected to a racially hostile work environment.

44. Jack's Family Restaurant retaliated against Burrow by terminating him less than a month after his complaints, relying on a disciplinary rule that it inconsistently enforced.

45. Jack's Family Restaurant's retaliatory conduct under Title VII inflicted economic damages on Burrow, including the loss of wages, as well as non-economic damages, including emotional distress, mental anguish, humiliation, and embarrassment.

COUNT IV

(Retaliation in violation of 42 U.S.C.A. § 1981)

46. Plaintiff Burrow incorporates by reference the factual allegations in this Complaint as though set forth fully and separately herein.

47. Burrow engaged in protected activity under § 1981 in that he made internal complaints to management and the HR department that he was subjected to a racially hostile work environment.

48. Jack's Family Restaurant retaliated against Burrow by terminating him less than a month after his complaints, relying on a disciplinary rule that it inconsistently enforced.

49. Jack's Family Restaurant's retaliatory conduct under § 1981 inflicted economic damages on Burrow, including the loss of wages, as well as non-economic damages, including emotional distress, mental anguish, humiliation, and embarrassment.

CLAIM FOR RELIEF

Wherefore, based on the above-stated claims, Plaintiff demands a trial by jury and that the following relief be granted:

- A. Lost wages and benefits.
- B. Compensatory damages to the extent allowed by law.
- C. Punitive damages based on the Defendant's malice or reckless indifference to Plaintiff's federally protected rights to be free from race discrimination or retaliation.
- D. Attorneys' fees and costs of litigation.
- E. Prejudgment and post-judgment interest at the highest lawful rate.

F. Such other equitable and monetary relief as the court deems just and proper.

Respectfully submitted this 25th day of February, 2025.

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