

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**RSPS HOLDINGS, LLC AND
SRS MILLEDGEVILLE, LLC
D/B/A SHANE’S RIB SHACK**

Defendant.

CIVIL ACTION NO.

JURY TRIAL DEMAND

COMPLAINT

This is an action under Title I of the Civil Rights Act of 1991 and Title VII of the Civil Rights Act of 1964, as amended, (“Title VII”) to correct unlawful employment practices and to provide appropriate relief to Katherine Bates (“Bates”), who was adversely affected by the unlawful employment practices. The Equal Employment Opportunity Commission (the “Commission” or “EEOC”) alleges that Defendant RSPS Holdings, LLC and Defendant SRS Milledgeville d/b/a Shane’s Rib Shack (“Defendants”) discriminated against Bates by subjecting her to a hostile work environment based on her sex (female), by failing to take prompt and effective remedial action to remedy the hostile work environment, and by terminating her employment in retaliation for engaging in statutorily protected activity, all in violation of Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized pursuant to: Sections 706(f)(1) and (3) of Title VII, 42, U.S.C. § 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Middle District of Georgia, Macon Division.

PARTIES

3. Plaintiff EEOC is the agency of the United States of America charged with the administration, interpretation, and enforcement of both Title VII and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), 42 U.S.C. § 2000e-6.

4. Defendant RSPS Holdings, LLC ("RSPS Holdings") is a limited liability company organized under the laws of the State of Delaware. Upon information and belief, Defendant RSPS Holdings owns, operates and manages multiple Shane's Rib Shack restaurant franchises in the State of Georgia. Through its ownership, operation and management of these restaurants, Defendant RSPS Holdings has conducted business in the State of Georgia since at least August 21, 2021.

5. Defendant SRS Milledgeville, LLC (“SRS Milledgeville”) is a limited liability company organized under the laws of the State of Georgia. Upon information and belief, Defendant SRS Milledgeville owns, operates and manages at least one Shane’s Rib Shack restaurant franchise in the State of Georgia. Through its ownership, operation and management of these restaurants, Defendant SRS Milledgeville has conducted business in the State of Georgia since at least August 21, 2021.

6. Upon information and belief, Defendant RSPS Holdings owns, operates and manages Defendant SRS Milledgeville.

7. Upon information and belief, Defendants maintain the same principal place of business at 829 Fairways Ct, Suite 200, Stockbridge, GA.

8. During the administrative proceedings relevant to this action, Defendant RSPS Holdings represented that it was the proper party to respond to the EEOC charge filed against Defendant SRS Milledgeville.

9. During the administrative proceedings relevant to this action, Defendant RSPS Holdings represented that it “does business as” Defendant SRS Milledgeville.

10. Upon information and belief, Defendant RSPS Holdings offers input and guidance into employment decisions made by Defendant SRS Milledgeville.

11. Upon information and belief, Defendant RSPS Holdings influenced or

affected the employment practices by Defendant SRS Milledgeville's giving rise to this lawsuit.

12. Defendants are so integrated with respect to ownership and operations as to constitute a single or integrated employer for purposes of the Title VII.

13. Alternatively, Defendants each exercised sufficient control over the terms and conditions of Bates' employment as to constitute Bates' joint employers for purposes of Title VII.

14. At all relevant times, Defendants have collectively and continuously maintained at least 15 employees.

15. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce within the meaning of sections 701(g) and (h) of Title VII, 42 U.S.C. § 2000e(g) and (h).

16. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce under 42 U.S.C. § 2000e(b).

ADMINISTRATIVE PROCEDURES

17. More than thirty days prior to the institution of this lawsuit, Bates filed a Charge of Discrimination with the Commission alleging violations of Title VII by Defendants.

18. On June 29, 2023, the Commission issued a Letter of Determination finding reasonable cause to believe that Defendants had violated Title VII and

inviting Defendants to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

19. The Commission engaged in communications with Defendants to provide Defendants the opportunity to remedy the discriminatory practices described in the Letter of Determination.

20. The Commission was unable to secure from Defendants a conciliation agreement acceptable to the Commission.

21. On August 17, 2023, the Commission issued to Defendants a Notice of Failure of Conciliation.

22. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF FACTS

23. Since at least September or October 2021, Defendants have engaged in unlawful employment practices in violation of 42 U.S.C. § 2000e-2 by subjecting Bates to a hostile work environment based on her sex.

24. Since at least December 2021, Defendants have engaged in unlawful employment practices in violation of 42 U.S.C. § 2000e-3(a) by retaliating against Bates for engaging in protected activity.

25. Defendants hired Bates in or about August 2021 to work as a front-of-

house employee at its Shane's Rib Shack franchise in Milledgeville, Georgia.

26. At that time, Bates was an eighteen-year-old college freshman.

27. Defendants frequently employ college students at their Milledgeville restaurant.

28. Shortly after Bates began working for Defendants, one of the back-of-house shift leaders began flirting with and romantically pursuing Bates, culminating in a consensual kiss on or about September 6, 2021.

29. On or about September 11, 2021, Defendants gave Bates a positive performance evaluation.

30. In or about September 2021, Bates ended the relationship with the back-of-house shift leader, including by explicitly asking him to stop flirting with and romantically pursuing her.

31. The back-of-house shift leader ignored Bates' requests and began to harass Bates based on her sex daily between on or about September 2021 and December 2021.

32. For example, the back-of-house shift leader began making daily comments to Bates about her appearance and his feelings for her to include, but not be limited to:

- a. "You look pretty"
- b. "I miss you when you're not here"

- c. “I love working with you”
- d. “You smell nice”
- e. “Your jeans look nice”
- f. “You’re cute when you get upset”
- g. “I wish I didn’t marry my wife so we could be together”

33. The back-of-house shift leader also arranged his schedule to ensure that he worked the same shifts as Bates.

34. On approximately a weekly basis between on or about September 2021 and December 2021, the back-of-house shift leader engaged in more severe harassment toward Bates to include, but not be limited to, following Bates into areas of the restaurant without cameras and demanding that she hug or talk to him in order to pass by him.

35. The back-of-house shift leader also spread false sexual rumors in the workplace about Bates.

36. Bates told the back-of-house shift leader to stop harassing her and to leave her alone several times between September and December 2021.

37. In or about October 2021, Bates told a co-worker that she dreaded going to work because of the back-of-house shift leader’s constant harassment.

38. Upon information and belief, Bates’ co-worker subsequently told the front-of-house general manager about Bates’ complaints.

39. Shortly thereafter, Bates' supervisor approached Bates, and Bates confirmed that the back-of-house shift leader was subjecting her to a hostile work environment based on her sex.

40. Defendants took no remedial action in response to Bates' October 2021 complaint.

41. On or about November 1, 2021, Defendants promoted Bates to a front-of-house shift leader position.

42. On or about November 10, 2021, Bates complained again to Defendants about the back-of-house shift leader's continued harassment, and she provided specific examples of the harassment to the front-of-house general manager.

43. The front-of-house general manager replied that she would speak to the back-of-house shift leader's supervisor about Bates' complaints.

44. Bates' supervisor also told Bates that, if speaking with the back-of-house shift leader did not stop the harassment, the only other option was to schedule Bates and the back-of-house shift in a way that would reduce Bates' hours.

45. On or about November 12, 2021, Bates' supervisor told Bates to report to work for a meeting.

46. Bates' supervisor, the back-of-house shift leader, and the back-of-house general manager were present for the November 12, 2021 meeting.

47. Defendants never told Bates that the back-of-house shift leader would

be included in the November 12, 2021 meeting.

48. During the November 12, 2021 meeting, one or both of the managers questioned Bates regarding the veracity of her complaints against the back-of-house shift leader and suggested that Bates had invited the harassment by the way she dressed. Ultimately, during the November 12, 2021 meeting, the managers expressed that Bates and the back-of-house shift leader had simply “gotten their wires crossed.”

49. The back-of-house shift leader subsequently continued to harass Bates through on or about December 2021.

50. On or about December 9, 2021, Bates returned to the metro-Atlanta area for college holiday break, with the understanding that she could return to work for Defendants in January when school resumed.

51. Several other front-of-house employees were also college students who did not work for Defendants for certain weeks in December 2021 and/or January 2022.

52. On or about December 29, 2021, Bates’ supervisor requested spring availability for Bates and several other front-of-house employees, and Bates responded the same day indicating that she could return to work on January 10, 2022.

53. On or about December 29, 2021, Defendants notified Bates that she was being terminated effective immediately.

54. Defendants’ proffered reasons for terminating Charging Party’s

employment are pretext for unlawful retaliation for engaging in protected activity.

55. Upon information and belief, Bates was the only employee not permitted to resume working in January 2022 after the college holiday break.

56. Defendants hired three front-of-house employees between December 9, 2021, and January 10, 2022. At least two of these employees began working on or after the date upon which Bates could have returned to work.

57. At all times relevant to this complaint, Bates satisfactorily performed her duties for Defendants.

STATEMENT OF CLAIMS

Sex Discrimination

58. The Commission realleges and incorporates by reference the allegations set forth in paragraphs 1 through 57 as if fully asserted herein.

59. Bates, who was female, was a member of a protected class.

60. Bates was subjected to unwelcome harassment that was both subjectively and objectively hostile and abusive, because of her sex, by Defendants' back-of-house shift leader.

61. Defendants had actual knowledge of the back-of-house shift leader's harassment of Bates.

62. Bates complained to her supervisor in or about October 2021 and again in or about November 2021, in accordance with Defendants' policies.

63. Defendants did not take prompt remedial action in response to Bates' complaints.

64. Defendants acted negligently in protecting Bates from the back-of-house shift leader's harassment.

65. The unlawful employment practices complained of above have deprived Bates of equal employment opportunities and have otherwise adversely affected her status as an employee because of her sex.

Retaliation

66. The Commission realleges and incorporates by reference the allegations set forth in paragraphs 1 through 65 as if fully asserted herein.

67. In or about October 2021 and in or about November 2021, Bates opposed conduct she reasonably and in good faith believed violated Title VII.

68. On or about December 29, 2021, Bates suffered an adverse employment action when Defendants terminated her employment.

69. Defendants terminated Bates' employment approximately six weeks after she last engaged in protected activity by opposing conduct she reasonably and in good faith believed violated Title VII.

70. Defendants' termination of Bates' employment because of her protected activity was done intentionally and with reckless disregard of her federally protected rights.

71. The unlawful employment practices complained of above have deprived Bates of equal employment opportunities and have otherwise adversely affected her status as an employee because of her participation in statutorily protected activity.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, agents, servants, employees, attorneys, successors, assigns and all persons in active concert or participation with Defendants, from maintaining a sexually hostile work environment and otherwise engaging in employment practices that discriminate employees based on their sex or from retaliating against employees who engage in protected activity under Title VII.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for female employees, and employees who engage in protected activity, and which eradicate the effects of past and present unlawful employment practices.

C. Order Defendants to make Bates whole, by providing appropriate back pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of Defendants' unlawful employment practices.

D. Order Defendants to make Bates whole, by providing compensation for

past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

E. Order Defendants to make Bates whole, by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices described above, including inconvenience, emotional pain and suffering, anxiety, stress, depression, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay punitive damages for their malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted,

KARLA GILBRIDE
General Counsel

CHRISTOPHER LAGE
Deputy General Counsel

MARCUS G. KEEGAN

Regional Attorney

LAKISHA DUCKETT ZIMBABWE
Assistant Regional Attorney

ROBYN M. FLEGAL
Supervisory Trial Attorney

/s/ Matthew D. O'Brien

Matthew D. O'Brien

Trial Attorney

Georgia Bar No. 825255

U.S. Equal Employment Opportunity
Commission

Atlanta District Office

100 Alabama St. SW, Suite 4R30

Matthew.obrien@eeoc.gov

Telephone: 470-531-4776

Facsimile: 404-562-6905

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, INTELLECTUAL PROPERTY RIGHTS, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District (specify), 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.