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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12	EBENEZER T. QUAYE; an individual)	Case No.
13)	
14	Plaintiff,)	COMPLAINT
15)	
16	v.)	(Discrimination based on Race and
17)	National Origin)
18	ISAGENIX WORLDWIDE, LLC, a)	
19	Delaware limited liability company;)	
20	ISAGENIX INTERNATIONAL, LLC, an)	(Request for Jury Trial)
21	Arizona limited liability company; JOHN)	
22	DOES, I-X; JANE DOES, I-X; BLACK &)	
23	WHITE PARTNERSHIPS I-X; ABC)	
24	CORPORATIONS I-X;)	
25	Defendants.)	

26 COMES NOW Plaintiff Ebenezer T. Quaye (hereinafter, "Plaintiff"), by and
27 through his undersigned counsel, and alleges as follows:

28 **JURISDICTION**

1. Plaintiff ("Plaintiff") is a single male, with his principal place of residence in Maricopa County, Arizona.
2. Upon information and belief, Defendant Isagenix Worldwide, LLC is a limited liability company organized and formed pursuant to the laws of the State of Delaware, doing business in Arizona as "Isagenix Worldwide, LLC" or "Isagenix."

1 3. Upon information and belief, Defendant Isagenix International, LLC
2 is a limited liability company organized and formed pursuant to the laws of the
3 State of Arizona, doing business in Arizona as “Isagenix International, LLC” or
4 “Isagenix.”

5 4. Defendants Isagenix Worldwide, LLC and Isagenix International,
6 LLC (collectively, the “Defendants”) operate a business in the City of Chandler in
7 Maricopa County, Arizona.

8 5. Upon information and belief, the Defendants, at all times relevant to
9 this case, were and are residents of Maricopa County, Arizona.

10 6. Defendants caused events to occur in Maricopa County, Arizona, out
11 of which this action arises.

12 7. This Court has subject matter jurisdiction over this matter pursuant to
13 42 U.S.C. § 2000e. This Court has personal jurisdiction over the parties.

14 8. Plaintiff brings this action to vindicate violations by Defendants of his
15 federal right to be free from discrimination on the basis of race and national origin,
16 in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as
17 amended (the “Act”).

18 **FACTS COMMON TO ALL CAUSES OF ACTION**

19 9. Plaintiff is a black male, British of African Descent, age 47, who
20 began working for Defendants on or about April 2008 as a Senior Project Manager.

21 10. Prior to being hired, Plaintiff was contacted by Eileen Esquire of
22 Isagenix International’s human resource department and offered the position of
23 Senior Project Manager with an approximate starting salary of \$70,000.00 per year.

24 11. After an impressive interview with Defendants in or about April 5,
25 2008, Defendants extended a written offer of employment to Plaintiff on April 15,
26 2008. Plaintiff accepted the offer of employment, signed an employment contract,
27 and began working for Defendants as a Senior Project Manager with an annual
28 salary of \$80,000.00.

1 12. Soon after beginning his employment with Defendants, Plaintiff
2 discovered that he was earning a salary that was more in line with the salary of a
3 Junior Project Manager; however, Plaintiff applied for, was more than qualified for,
4 and was hired for the position of Senior Project Manager.

5 13. Upon information and belief, the Senior Project Manager position had
6 an annual starting salary of approximately \$90,000.00 to \$95,000.00.

7 14. Plaintiff's employment contract with Defendants stated he was to
8 receive a performance evaluation ninety days after commencing employment.
9 Several weeks after the 90-day period had passed, Plaintiff had yet to receive the
10 performance evaluation. When Plaintiff complained to his supervisor, Scott Flohr,
11 about this oversight, Plaintiff was told "he had not been with the company long
12 enough, but would receive a mid-year review in August", which never occurred.

13 15. Plaintiff alleges that Caucasian male and female employees earned
14 more than black employees in the same or similar position.

15 16. Plaintiff alleges that Defendants discriminated against him when
16 Defendants sponsored the H1-B visa of a Caucasian male employee with only a
17 high school diploma; yet, after promising to sponsor his green card, Plaintiff was
18 told by Scott Flohr that the company was "holding off" on sponsorship in June/July
19 2009 because the company was preparing for a "reorganization within the
20 company" and that a "corporate position" was being considered by Defendants for
21 Plaintiff because Mr. Flohr believed Plaintiff was "over-qualified" in his current
22 position.

23 17. The "corporate position" was never discussed again with Plaintiff by
24 any company manager or representative; however, Mr. Flohr had repeatedly assured
25 Plaintiff that he was a "valuable employee" and that at his mid-year review in
26 August, Mr. Flohr planned to discuss bringing his salary "up to where it should be"
27 and discuss further with him the "corporate position" Mr. Flohr had in mind for
28 him.

1 18. Plaintiff was bypassed for promotion and was not provided the
2 opportunity to apply for the Director of Project Management position because
3 Defendants elected to hire another person who was Caucasian and who was less
4 qualified than Plaintiff.

5 19. On or about October 2, 2009, Plaintiff was called into a meeting with
6 human resources where he was informed he was being terminated. Plaintiff was
7 told he would receive two weeks severance; however, Plaintiff knew of Caucasian
8 employees who were also terminated that received more severance than Plaintiff
9 was being offered.

10 20. After being terminated, Plaintiff timely filed a Charge of
11 Discrimination, Charge No. 540-2010-00191, with the Equal Employment
12 Opportunity Commission ("EEOC") on October 22, 2009, alleging discrimination
13 on the basis of race and national origin.

14 21. On or about December 14, 2009 Defendants filed their Position
15 Statement in response to Plaintiff's allegations.

16 22. On or about January 28, 2010, the EEOC issued a right to sue letter to
17 Plaintiff.

18 23. On or about February 1, 2010, Plaintiff filed his response to
19 Defendants' Position Statement with the EEOC requesting reconsideration and to
20 further investigate his claims.

21 24. On or about March 8, 2010 the EEOC responded to Plaintiff's request
22 to reconsider, denying Plaintiff's request. Having exhausted his administrative
23 remedies, Plaintiff files this Complaint.

24 **COUNT ONE**

25 **(Discrimination based on Race)**

26 25. Plaintiff realleges the foregoing allegations and incorporates them
27 herein by reference.

28 26. The acts, policies and practices of Defendants and their employees, as
alleged herein, violate the provisions of Title VII of the Civil Rights Act of 1964,

1 42 U.S.C. § 2000e, which prohibits discrimination against employees, as defined
2 therein, on the basis of race.

3 27. Defendants intentionally and knowingly compensated Plaintiff, who is
4 black, with a lesser salary for the position of Senior Project Manager, while
5 compensating Caucasian employees in the same or similar position a higher salary.

6 28. Defendants made it a practice to pay Caucasian employees more than
7 the black employees in the same or similar position.

8 29. Plaintiff was bypassed for promotion and was not provided the
9 opportunity to apply for the Director of Project Management position because
10 Defendants elected to hire another person who was less qualified than Plaintiff.

11 30. Plaintiff alleges that Defendants did not promote him or provide him
12 the opportunity to apply for the Director of Project Management position because
13 he is black.

14 31. Plaintiff has sustained damages, including, but not limited to, loss of
15 earnings, humiliation, anxiety over the loss of his position, emotional distress,
16 attorney's fees and other special and general damages, all in an amount to be proven
17 at trial.

18 COUNT TWO

19 **(Discrimination based on National Origin)**

20 32. Plaintiff realleges the foregoing allegations and incorporates them
21 herein by reference.

22 33. The acts, policies and practices of Defendants and their employees, as
23 alleged herein, violate the provisions of Title VII of the Civil Rights Act of 1964,
24 42 U.S.C. § 2000e, which prohibits discrimination against employees, as defined
25 therein, on the basis of national origin.

26 34. Defendants intentionally and knowingly compensated Plaintiff, who is
27 British of African descent, with a lesser salary for the position of Senior Project
28 Manager, while compensating employees of a different national origin and in the
same position at a higher salary.

1 35. Defendants sponsored the H1-B visa of a Caucasian male employee
2 with only a high school diploma. Plaintiff, who has a Bachelor of Science degree
3 and a Master of Business Administration degree, was not sponsored by Defendants
4 even though Defendants had promised to sponsor Plaintiff's green card at the time
5 he became employed with Defendants. Ultimately, Defendants told Plaintiff that
6 the company was "holding off" on sponsorship in June/July 2009 because the
7 company was preparing for "reorganization within the company."

8 36. Plaintiff has sustained damages, including, but not limited to, loss of
9 earnings, humiliation, anxiety over the loss of his position, emotional distress,
10 attorney's fees and other special and general damages, all in an amount to be proven
11 at trial.

12 WHEREFORE, Plaintiff prays for a jury trial and judgment against
13 Defendants as follows:

- 14
- 15 A. Awarding Plaintiff compensatory damages in an amount to be proven at trial;
 - 16 B. Awarding Plaintiff punitive damages in an amount to be proven at trial;
 - 17 C. Awarding Plaintiff pre- and post-judgment interest;
 - 18 D. Awarding Plaintiff his reasonable attorney's fees and costs; and
 - 19 E. Awarding Plaintiff such other and further relief as the Court deems just and
20 proper.
- 21

22 RESPECTFULLY SUBMITTED this 25th day of March, 2010.

23 LAW OFFICE OF ROBERT M. GREGORY, P.C.

24 By: /s/ Robert M. Gregory
25 Robert M. Gregory
26 Attorney for Plaintiffs

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CERTIFICATE OF SERVICE

I certify that I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants, and mailed a copy of same to any non-registrants this 25th day of March, 2010.

/s/Robert M. Gregory