

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AMBERLY TOOLE and)	
TYLASIA SCOTT,)	
)	CIVIL ACTION FILE
Plaintiffs,)	File No. _____
)	
v.)	JURY TRIAL DEMANDED
)	
INTOWN GYMNASTICS, LLC,)	
)	
Defendant.)	

COMPLAINT FOR EQUITABLE RELIEF AND DAMAGES

Plaintiff Amberly Toole (“Ms. Toole”) and Plaintiff Tylasia Scott (“Ms. Scott”) (collectively “Plaintiffs”) file this Complaint for Equitable Relief and Damages against Defendant Intown Gymnastics, LLC (“Intown” or “Defendant”) showing the Court the following:

INTRODUCTION

1. This is an action for race discrimination and retaliation under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“Title VII”) and race discrimination under 42 U.S.C. § 1981 (“Section 1981”).

2. Ms. Scott and Ms. Toole seek injunctive and declaratory relief, back pay and lost benefits, front pay or reinstatement to a full-time position with commensurate benefits, compensatory damages, punitive damages, liquidated damages, and attorney’s fees and costs of litigation.

Jurisdiction and Venue

3. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343 (civil rights).

4. Venue is proper in this district and division under 28 U.S.C. § 1391(b), because the Defendant resides in the Northern District of Georgia and because the unlawful conduct giving rise to the claims occurred in this District.

Exhaustion of Administrative Remedies

5. On September 23, 2020, Ms. Scott filed a charge of discrimination—charge number 11B-2020-00110 – with the Equal Employment Opportunity Commission within 180 days of the occurrence of the acts of which she complains.

6. In her charge, Ms. Scott alleged discrimination on the basis of race and retaliation.

7. The EEOC issued Ms. Scott a Notice of Rights on September 19, 2023.

8. Ms. Scott brings this suit within ninety (90) days of receiving the Notice of Right to Sue.

9. Ms. Scott has exhausted her administrative remedies.

10. On August 31, 2022, Ms. Toole filed a charge of discrimination—charge number 410-2022-08944 – with the Equal Employment Opportunity Commission within 180 days of the occurrence of the acts of which she complains.

11. In the charge, Ms. Toole alleged discrimination on the basis of race and retaliation.

12. The EEOC issued Ms. Toole a Notice of Rights on September 12, 2023.

13. Ms. Toole brings this suit within ninety (90) days of receiving the Notice of Right to Sue.

14. Ms. Toole has exhausted her administrative remedies.

The Parties

15. Ms. Scott is a citizen of the United States, a resident of the State of Georgia, and submits herself to the jurisdiction of this Court.

16. Ms. Toole is a citizen of the United States, a resident of the State of Georgia, and submits herself to the jurisdiction of this Court.

17. Defendant Intown is a domestic limited liability corporation registered and licensed to do business in the State of Georgia and transacts business in the Northern District of Georgia.

18. Defendant is an employer engaged in commerce or in an industry affecting commerce within the meaning of Title VII.

19. Defendant has employed more than 15 persons for each working day in each of 20 calendar weeks in the current or preceding calendar year.

20. At all relevant times, Intown was Ms. Scott's employer, and Ms. Scott

was Intown's employee, within the meaning of Title VII.

21. At all relevant times, Intown was Ms. Toole's employer, and Ms. Toole was Intown's employee, within the meaning of Title VII.

22. Defendant is subject to the Court's jurisdiction and may be served with process through its registered agent for service of process, Anna Santiago, 1629 Ridgewood Drive, Atlanta, Georgia 30307.

Statement of Facts

23. Defendant hired Ms. Scott on or about January 6, 2018.

24. At the time of her termination, Ms. Scott held the position of Special Events Program Manager.

25. Defendant hired Ms. Toole in or around June 2019 as the Marketing Manager.

26. Both Ms. Scott and Ms. Toole are African American.

27. Ms. Toole and Ms. Scott were members of Intown's leadership team, which included, but was not limited to, the CEO, Anna Santiago ("Ms. Santiago"); the COO, Brittany Baker; and Carolyn Steeves, all of whom are white.

28. As the Marketing Manager, one of Ms. Toole's major initiatives was to increase diversity in Intown's marketing and among the students of Intown.

29. Ms. Baker frequently made derogatory comments to black employees

including, but not limited to, “of course you are” directed at two black employees eating chicken wings with hot sauce and referred to black employees as “nigger.”

30. Ms. Santiago repeatedly referred to black employees as “a cancer.”

31. On or about June 19, 2020, Ms. Scott and Ms. Toole met with Ms. Santiago, and during the meeting, Ms. Scott made a verbal complaint about race discrimination.

32. On or about June 21, 2020, Ms. Scott sent Ms. Santiago an email reiterating her complaints of race discrimination.

33. During the summer of 2020, the Black Lives Matter (“BLM”) movement drew increased national attention about racial inequality.

34. During the summer of 2020, Ms. Toole and other black employees of Intown also complained to Ms. Santiago about race discrimination.

35. After Ms. Santiago received these complaints, she told Ms. Toole during a one-on-one meeting that she was “formerly racist,” the BLM movement was “giving her PTSD,” and she was not sure she could hire any black people to work for her company.

36. During the early phases of the Covid-19 pandemic, in approximately the summer of 2020, Ms. Santiago furloughed most of the staff.

37. At the time of the furloughs, most of the staff members were black.

38. Defendant furloughed Ms. Scott on or about July 18, 2020.

39. Following the Covid furloughs, Ms. Santiago and Ms. Baker made the decisions as to which employees would be invited back to work.

40. White employees were disproportionately allowed to return to work.

41. Black employees, particularly those that complained about race discrimination, were not brought back from the furlough, thereby terminating their employment.

42. Defendant did not recall Ms. Scott back to work from the furlough, thereby terminating her employment in August 2020.

43. In an email sent on or about October 5, 2020, Ms. Santiago wrote to Ms. Baker that she does not trust a black employee named Dede, “especially since she is so close to [Ms. Scott] and Crystele and Jason, and clearly [Ms. Toole] has been roped into that energy as well.”

44. Each of the employees Ms. Santiago identified in the October 5, 2020 email were black employees who complained about race discrimination.

45. In an email sent on or about October 8, 2020, Defendant’s management discussed a plan to terminate Ms. Toole’s employment.

46. However, terminating Ms. Toole’s employment would have required someone to assume the marketing role, and Ms. Santiago did not want to take on

those responsibilities.

47. In or around August 2020, instead of terminating Ms. Toole's employment, Defendant cut her hours from forty hours per week down to thirty-five hours per week, thereby decreasing her compensation.

48. Defendant also limited the number of hours Ms. Toole could spend on her marketing duties and required her to spend a significant portion of her time working at the front desk, thereby demoting her.

49. Defendant also removed Ms. Toole from the executive team, thereby demoting her.

50. All of Defendant's white, salaried employees were brought back to their pre-furlough positions by January 2021.

51. Defendant did not restore Ms. Toole to her position until April 2021.

52. In July 2021, Defendant hired a white woman to run the Kids Club program and immediately began transferring Ms. Toole's marketing duties to her.

53. Ms. Santiago began having marketing meetings with the white woman that excluded Ms. Toole, despite that Ms. Toole was the Marketing Manager.

54. The white woman quit in November 2021.

55. Defendant also tried to hire another white woman to be a Marketing Director to replace Ms. Toole, but she turned down the position.

56. Repeatedly throughout 2021 and 2022, Ms. Toole complained to Ms. Baker and other executive team members about being excluded from the executive team meetings.

57. In January 2022, Ms. Toole complained to a white member of the executive team, Cory Sturgess, about Ms. Santiago's refusal to meet with her or include her in marketing-related meetings.

58. While making her complaint to Mr. Sturgess, Ms. Toole reiterated her complaint about the 2020 conversation with Ms. Santiago regarding the BLM movement in which Ms. Santiago stated that she was "formerly racist," explaining that her prior complaints and Ms. Santiago's racism were why Ms. Santiago excluded her from the executive team and refused to meet with her.

59. On March 14, 2022, Defendant terminated Ms. Toole's employment.

60. Defendant's stated reasons for terminating Ms. Scott's and Ms. Toole's employment are pretexts for unlawful discrimination and retaliation.

61. Ms. Santiago continues to retaliate against Ms. Toole after her termination by, including but not limited to, filing a false police report accusing her of stealing the company's website and social media platforms and changing the passwords to preclude Defendant from accessing them.

62. However, Ms. Santiago confirmed via email that she changed the

password to the Defendant's website, blocking Ms. Toole's access days before Ms. Santiago terminated her employment.

63. Ms. Santiago or another one of her employees also changed the passwords to Defendant's social media accounts, thereby blocking Ms. Toole's access on or before March 7, 2022, at least one week before Ms. Toole was terminated.

64. The effect of Defendant's above-stated actions has been to deprive Ms. Scott and Ms. Toole of employment opportunities, income in the form of wages, and prospective employment benefits, including social security and other benefits to which they would have been entitled but for Defendant's illegal actions.

65. The effect of Defendant's above-stated actions has also been to cause Ms. Scott and Ms. Toole to suffer out-of-pocket losses and mental and emotional distress for which she seeks redress.

COUNT I
Discrimination in Violation of Title VII of the Civil Rights Act of 1964,
as Amended, 42 U.S.C. § 2000e et seq.

66. Ms. Scott and Ms. Toole incorporate by reference all preceding paragraphs of the Complaint.

67. Ms. Scott and Ms. Toole were "employees" as defined by Title VII, 42 U.S.C. § 2000e et seq.

68. Intown is an “employer” as defined by Title VII, 42 U.S.C. § 2000e *et seq.*

69. Defendant discriminated against Ms. Scott on the basis of her race by making racially derogatory comments, referring to her and other black employees using racial slurs, treating her and other black employees less favorably than employees of other races, and making negative employment decisions on the basis of race, among other discriminatory actions.

70. Defendant discriminated against Ms. Toole on the basis of her race by making racially derogatory comments, referring to her and other black employees using racial slurs, treating her and other black employees less favorably than employees of other races, stripping her of her duties and giving those duties to a white person, excluding her from the executive team, making negative employment decisions on the basis of race, and falsely accusing Ms. Toole of stealing, among other discriminatory actions.

71. Defendant terminated Ms. Scott’s and Ms. Toole’s employment because of their race and their complaints about race discrimination.

72. Defendant’s stated reasons for terminating Ms. Scott’s and Ms. Toole’s employment are pretexts for racial discrimination.

73. Defendant's discriminatory treatment of Ms. Scott and Ms. Toole violated Title VII.

74. Defendant's actions were willful, deliberate, and intended to cause Ms. Scott and Ms. Toole harm and/or were committed with reckless disregard for the harm caused to her and were in derogation of her federally protected rights.

75. As a direct and proximate result of Defendant's actions, Ms. Scott and Ms. Toole have suffered damages including emotional distress, inconvenience, loss of income and benefits, humiliation, and other indignities.

76. Pursuant to Title VII, Ms. Scott and Ms. Toole are entitled to damages including back pay and lost benefits, front pay and/or reinstatement, compensatory damages, punitive damages, attorney's fees and costs of litigation, and all other relief recoverable under Title VII.

COUNT II

77. Ms. Scott and Ms. Toole incorporate by reference all preceding paragraphs of the Complaint.

78. Ms. Scott and Ms. Toole were "employees" as defined by Title VII, 42 U.S.C. § 2000e *et seq.*

79. Intown is an "employer" as defined by Title VII, 42 U.S.C. § 2000e *et seq.*

80. Ms. Scott and Ms. Toole engaged in protected activity under Title VII by making multiple internal complaints to Defendant Intown alleging racial discrimination.

81. Defendant terminated Ms. Scott's and Ms. Toole's employment in retaliation for their protected complaints.

82. Defendant's stated reasons for terminating Ms. Scott's and Ms. Toole's employment are pretexts for unlawful retaliation.

83. Defendant's actions, in subjecting Ms. Scott and Ms. Toole to retaliation for engaging in protected activity by complaining of, and opposing, race discrimination, constitute unlawful intentional retaliation in violation of Title VII.

84. Defendant's actions were willful, deliberate, and intended to cause Ms. Scott and Ms. Toole harm and/or were committed with reckless disregard for the harm caused to her and were in derogation of her federally protected rights.

85. As a direct and proximate result of Defendant's actions, Ms. Scott and Ms. Toole have suffered damages including emotional distress, inconvenience, loss of income and benefits, humiliation, and other indignities.

86. Pursuant to Title VII, Ms. Scott and Ms. Toole are entitled to damages including back pay and lost benefits, front pay and/or reinstatement, compensatory

damages, punitive damages, attorney's fees and costs of litigation, and all other relief recoverable under Title VII.

COUNT III
Discrimination in Violation of 42 U.S.C. § 1981

87. Ms. Scott and Ms. Toole incorporate by reference all preceding paragraphs of the Complaint.

88. Defendant discriminated against Ms. Scott on the basis of her race by making racially derogatory comments, referring to her and other black employees using racial slurs, treating her and other black employees less favorably than employees of other races, and making negative employment decisions on the basis of race, among other discriminatory actions.

89. Defendant discriminated against Ms. Toole on the basis of her race by making racially derogatory comments, referring to her and other black employees using racial slurs, treating her and other black employees less favorably than employees of other races, stripping her of her duties and giving those duties to a white person, excluding her from the executive team, making negative employment decisions on the basis of race, and falsely accusing Ms. Toole of stealing, among other discriminatory actions.

90. Defendant terminated Ms. Scott's and Ms. Toole's employment because of their race and their complaints about race discrimination.

91. Defendant's stated reason for terminating Ms. Scott's and Ms. Toole's employment is pretext for racial discrimination.

92. Defendant acted with malice toward Ms. Scott and Ms. Toole.

93. Additionally, and in the alternative, Defendant acted with reckless disregard for Ms. Scott's and Ms. Toole's federally protected rights.

94. As a direct and proximate result of the Defendant's actions, Ms. Scott and Ms. Toole have suffered damages including emotional distress, inconvenience, loss of income and benefits, humiliation, and other indignities.

95. Ms. Scott and Ms. Toole are entitled to damages including back pay and lost benefits, front pay and/or reinstatement, compensatory damages, punitive damages, attorneys' fees and costs of litigation pursuant to 42 U.S.C. §1988, and all other relief recoverable under Section 1981.

COUNT IV
Retaliation in Violation of 42 U.S.C. § 1981

96. Ms. Toole incorporates by reference all preceding paragraphs of the Complaint.

97. Ms. Scott and Ms. Toole engaged in protected activity under § 1981 by making multiple internal complaints to Defendant Intown alleging racial discrimination.

98. Defendant terminated Ms. Scott's and Ms. Toole's employment in retaliation for their protected complaints.

99. Defendant's stated reasons for terminating Ms. Scott's and Ms. Toole's employment are pretexts for unlawful retaliation.

100. Defendant's actions, in subjecting Ms. Scott and Ms. Toole to retaliation for engaging in protected activity by complaining of, and opposing, race discrimination, constitute unlawful intentional retaliation in violation of § 1981.

101. Defendant willfully and wantonly disregarded Ms. Scott's and Ms. Toole's rights, and Defendant's retaliation against Ms. Scott and Ms. Toole was undertaken in bad faith.

102. As a result of Defendant's unlawful actions, Ms. Scott and Ms. Toole have suffered lost compensation and other benefits of employment, emotional distress, inconvenience, loss of income, humiliation, and other indignities.

103. Pursuant to § 1981, Ms. Scott and Ms. Toole are entitled to damages, including back pay and lost benefits, front pay and/or reinstatement, compensatory

damages, punitive damages, attorneys' fees and costs of litigation pursuant to 42 U.S.C. § 1988, and all other relief recoverable under Section 1981.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand a TRIAL BY JURY and that the following relief be granted:

(a) A declaration that Defendant has violated the rights of Ms. Scott and Ms. Toole under the federal statutes listed above;

(b) A permanent injunction against Defendant enjoining Defendant from further violations of the federal statutes listed above;

(c) Judgment in Ms. Scott's favor, in Ms. Toole's favor, and against Defendant under all counts of this Complaint;

(d) An order that Defendant make Ms. Scott and Ms. Toole whole by providing for their out-of-pocket losses as well as back pay in an amount equal to the sum of any wages, salary, employment benefits or other compensation denied or lost as a result of Defendant's unlawful and discriminatory acts, taking into account all raises to which Ms. Scott and Ms. Toole would have been entitled, together with interest thereon, all in an amount to be proven at trial;

(e) Order that Ms. Scott and Ms. Toole be reinstated or, in the alternative, be awarded front pay;

(f) Grant to Ms. Scott and Ms. Toole compensatory damages, in an amount to be determined by the enlightened conscience of the jury, for their emotional distress, suffering, inconvenience, mental anguish, loss of enjoyment of life and special damages;

(g) Grant to Ms. Scott and Ms. Toole punitive damages in an amount to be determined by the enlightened conscience of the jury to be sufficient to punish Defendant for its conduct toward Ms. Scott and Ms. Toole and deter Defendant from similar conduct in the future for Defendant's willful and intentional violations of federal law;

(h) Grant to Ms. Scott and Ms. Toole liquidated damages owed to them;

(i) Grant to Ms. Scott and Ms. Toole a trial by jury on all issues so triable;

(j) Grant to Ms. Scott and Ms. Toole her reasonable attorney's fees and reasonable expert witness fees together with any and all other costs associated with this action; and

(k) Grant such additional monetary and equitable relief as the Court deems proper and just.

PLAINTIFFS DEMAND A TRIAL BY JURY.

Respectfully submitted this 8th day of December 2023.

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