

THE FIRM, P.C.
200 EAST CHARLESTON BOULEVARD, LAS VEGAS, NEVADA 89104

1 PRESTON P. REZAEI
Nevada Bar No. 10729
2 RYAN ALEXANDER
Nevada Bar No. 10845
3 THE FIRM, P.C.
4 200 East Charleston Blvd.
Las Vegas, NV 89104
5 Phone: (702) 222-3476
6 Fax: (702) 252-3476
Attorneys for Plaintiff

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 MICHELLE McKENNA, an Individual,

10 Plaintiff,

11 v.

12 HAKKASAN LIMITED, a Foreign
13 Corporation, ANGEL MANAGEMENT
14 GROUP, a Nevada Corporation and DOES I
15 through X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

16 Defendants.

Case No.:

COMPLAINT

CAUSES OF ACTION:

- 1) **Discrimination and Retaliation - 42 U.S.C. §2000e**
- 2) **Discrimination - NRS 613.330**
- 3) **Negligent Infliction of Emotional Distress**
- 4) **Negligent Hiring, Retention or Supervision**

17 COMES NOW, Plaintiff MICHELLE McKENNA (“Plaintiff”), by and through her attorney
18 of record, Ryan Alexander, Esq. of the Law Offices of Ryan Alexander PLLC, as and for their
19 complaint against Defendant, ANGEL MANAGEMENT GROUP, a Nevada Corporation, DOES I
20 through X, inclusive, and ROE CORPORATIONS I-X, inclusive (hereinafter collectively referred
21 to as “Defendant”), and hereby complain, allege and state as follows:

22
23 **PARTIES**

- 24 1. Plaintiff MICHELLE McKENNA was an employee of Defendant ANGEL MANAGEMENT
- 25 GROUP, (“AMG”) a Nevada Corporation.
- 26 2. Defendant AMG is a Nevada Corporation that was doing business as “Pure Nightclub” in
- 27 Clark County, State of Nevada.
- 28 3. On information and belief, Defendant HAKKASAN LIMITED is a corporation domiciled in

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1 Great Britain, registered for business in Nevada and since the events alleged in this Complaint has
2 acquired the assets, property and interest of AMG.

3 4. The true names and capacities, whether individual, corporate, associate or otherwise of other
4 Defendant hereinafter designated as DOES 1-X, inclusive, and/or ROE CORPORATIONS 1-X,
5 inclusive, who are in some manner responsible for injuries described herein, are unknown at this
6 time. Plaintiff, therefore, sues said Defendant by such fictitious names and will seek leave of the
7 Court to amend this Complaint to show their true names and capacities when ascertained.

8 5. Upon information and belief, at all times pertinent, Defendant were agents, servants,
9 employees or joint ventures of every other Defendant herein, and at all time mentioned herein were
10 acting within the scope and course of said agency, employment, or joint venture, with knowledge
11 and permission and consent of all other Defendants.

12 6. The Defendants are jointly and severally liable for each Defendant's actions.
13

14 **VENUE AND JURISDICTION**

15 7. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964 to redress the wrong
16 done to them. Such action constituted discrimination on the basis of National Origin and retaliation.

17 8. Plaintiff timely submitted charges of discrimination on the basis of National Origin to the
18 Nevada Equal Rights Commission.

19 9. The Equal Rights Opportunity Commission (EEOC) assumed jurisdiction over Plaintiff's
20 jurisdiction over Plaintiff's charges pursuant to Title 42 United States Code § 2000 (e).

21 10. Plaintiff received "notice of right to sue within 90 days" from the EEOC on or about June 3,
22 2014. (See EEOC Notice of Right To Sue, attached herein as Exhibit A).

23 11. Jurisdiction is conferred on this Court by 42 U.S.C. § 2000 (e).

24 12. This Court has supplemental jurisdiction over the remaining Claims for Relief.

25 13. Venue for all causes of action stated herein lies in the District of the State of Nevada pursuant to
26 28 U.S.C. § 1391 as the acts alleged as a basis for federal claims took place within the boundaries
27 of that district.
28

GENERAL ALLEGATIONS

1
2 14. Plaintiff McKENNA is a 44 year old adult female, and was an employee of Defendant AMG
3 from 2004 until the incident at issue occurred. The Defendant is an employer within the State of
4 Nevada and within the jurisdictional coverage of *Title VII of the Civil Rights Act* and the *Age*
5 *Discrimination in Employment Act*.

6 15. McKENNA was a cocktail server at PURE nightclub, a large venue in Clark County, Nevada.
7 On January 3, 2009, while at work McKENNA was the victim of a savage attack by a male
8 customer who choked her in the middle of the nightclub, strangling her until she lost consciousness.

9 16. Among other injuries, McKENNA suffered traumatic brain injury from the attack. This caused
10 severe, chronic headaches, nausea, heart rhythm problems, intermittent blurred vision and cognitive
11 deficiencies.

12 17. AMG was aware of the injuries that she had suffered and her traumatic brain injury.

13 18. McKENNA had requested and had been approved to take Family and Medical Leave Act
14 (“FMLA”) leave since approximately August of 2010, which she used on occasion. She also needed
15 occasional help with entering calculations into a new ‘venue driver’ computer software introduced
16 after her injury that AMG began to use to track revenue for their tables, which calculates tips and
17 bonuses for V.I.P. hosts and others who share in club revenues. She could otherwise perform the
18 regular tasks of a server as she had before.

19 19. Until November 2012, her manager “Tommy” accommodated her FMLA requests and helped
20 her when needed with the new software, however, when a new manager was positioned, AMG
21 began to deny McKENNA’s requests.

22 20. On November 26, 2012, McKENNA was called in to speak with human resources manager
23 “J.D.”

24 21. In discussing McKENNA’s employment, J.D. commented that McKENNA’s FLMA paperwork
25 was not in her file, and that, “FMLA was too vague for [her].” (referring to J.D.)

26 22. On that same day, McKENNA was terminated with the documented reason being “poor work
27 performance.”

28 23. Plaintiff was terminated due to her disability and in retaliation for engaging in protected

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1 activity.

2 24. Plaintiff filed a charge with the Nevada Equal Rights Commission (“NERC”) and Equal
3 Employment Opportunity Commission (“EEOC”) on or about January 8, 2013. The EEOC issued a
4 Right to Sue letter on June 2, 2014. (See Notice of Right To Sue, attached herein as Exhibit A to the
5 *Declaration of Ryan Alexander*).

6 25. After the filing of Plaintiff’s charge, Pure nightclub and ANGEL MANAGEMENT GROUP
7 were acquired by Defendant HAKKASAN LIMITED.

8 26. The aforementioned acts and conduct by Defendant, its agents and employees were intentional,
9 willful, wanton, malicious, and outrageous.

10
11 **FIRST CLAIM FOR RELIEF**

12 **(Discrimination and Retaliation under 42 U.S.C. § 2000e)**

13 27. Plaintiff incorporates and re-alleges paragraphs 1 through 20 as if fully rewritten herein.

14 28. The above discriminatory and retaliatory pattern and practice by defendant, its agents and
15 employees violates *Title VII of the 1964 Civil Rights Act*, 42 U.S.C. § 2000e.

16 29. Plaintiff engaged in a protected activity, suffered an adverse employment action and there was a
17 causal link between her activity and the employment decision.

18 30. As a direct and proximate result of said acts, plaintiff has suffered and continues to suffer loss
19 of employment, loss of income, loss of other employment benefits, and has suffered and continues
20 to suffer distress, humiliation, great expense, embarrassment, and damage to her reputation.

21
22 **SECOND CLAIM FOR RELIEF**

23 **(Americans with Disabilities Act 42 U.S.C. § 12101 et seq.)**

24 31. Plaintiff incorporates and re-alleges paragraphs 1 through 31 as if fully rewritten herein.

25 32. The above discriminatory pattern and practice by defendant, its agents and employees violate
26 the *Americans with Disabilities Act of 1990* as protected by 42 U.S.C. § 12101, et seq.

27 33. AMG did not make reasonable accommodations to the known physical and mental
28 limitations of Plaintiff and terminated her because of her disability.

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1 34. As a direct and proximate result of said acts, Plaintiff suffered and continues to suffer loss of
2 employment, loss of income, loss of other employment benefits, and has suffered and continues to
3 suffer distress, humiliation, great expense, embarrassment, and damage to her reputation.

4
5 **THIRD CLAIM FOR RELIEF**

6 **(Discrimination and Retaliation under NRS 613.330)**

7 35. Plaintiff incorporates and re-alleges paragraphs 1 through 35 as if fully rewritten herein.

8 36. The actions of defendant, its agents and employees, violated the Nevada Revised Statutes
9 613.330.

10 37. As a direct and proximate result of said acts, plaintiff has suffered and continues to suffer
11 loss of employment, loss of income, loss of other employment benefits, and suffered and continues
12 to suffer distress, humiliation, great expense, embarrassment, and damage to her reputation.

13
14 **FOURTH CLAIM FOR RELIEF**

15 **(Negligent Infliction of Emotional Distress)**

16 38. Plaintiff incorporates and re-alleges the foregoing paragraphs as if fully rewritten herein.

17 39. The actions of Defendants, their agents and employees constitute negligent infliction of
18 emotional distress upon Plaintiff.

19 40. As a direct and proximate result of said acts, Plaintiff has suffered and continues to suffer
20 loss of employment, loss of income, loss of other employment benefits, and suffered and
21 continues to suffer distress, humiliation, great expense, embarrassment, and damage to her
22 reputation.

23 **FIFTH CLAIM FOR RELIEF**

24 **(Negligent Hiring, Retention or Supervision)**

25 41. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

26 42. Defendant AMG had a duty to properly supervise its employees.

27 43. The managing members of Defendants had the duty of assuring proper conduct by the
28 employees under their direction and supervision.

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1 44. Defendant breached their duty to supervise when the supervisors failed to take corrective
2 action and proper arrangements for McKENNA.

3 45. As a direct and proximate result of Defendants' negligent supervision, Plaintiff has
4 suffered, and will continue to suffer, emotional distress and psychological trauma impairing her
5 daily life, all to her damage.

6 46. Due to the Defendants' conduct, Plaintiff was forced to retain THE FIRM, P.C. to
7 prosecute this action, and therefore is entitled to an award of reasonable attorney's fees and costs
8 of suit incurred herein.

9 ...

10
11 WHEREFORE, Plaintiffs are entitled to judgment in their favor and against Defendant, jointly and
12 severally, as follows:

- 13 1. For an award of past and future damages, including damages for past and future lost wages and
- 14 benefits, anxiety, emotional distress, and suffering;
- 15 2. For all costs and all attorneys' fees incurred and accrued in these proceedings under 42 U.S.C.
- 16 § 2000e-5(k);
- 17 3. For interest thereon at the legal rate until paid in full;
- 18 4. For punitive and compensatory damages in an amount to be determined by this court; and
- 19 5. For such other and further relief as the Court may deem just and proper.

20
21 Dated this 25th of July, 2014.

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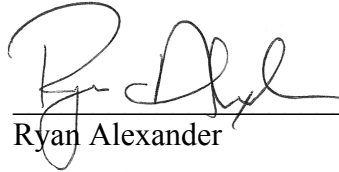
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24 RYAN ALEXANDER
25 Nevada Bar No. 10845
26 *Attorney for Plaintiff*
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DECLARATION OF RYAN ALEXANDER

I, Ryan Alexander, declare:

1. I am an attorney licensed to practice in the State of Nevada (Bar No. 10845) and am affiliated with The Firm, P.C., counsel of record for Plaintiff. The following is within my personal knowledge and if called as a witness I could and would competently testify thereto.
2. A true and correct copy of the Notice of Right to Sue is attached herein as Exhibit 1.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct. Executed this 25th of July, 2014, in Las Vegas, Nevada.



Ryan Alexander

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