

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Rayvone D. Eskridge,

SUMMONS

Plaintiff,

vs.

Court File No: _____

Sun Country, Inc., d/b/a Sun Country
Airlines,

Case Type: Other Civil

Defendant.

Judge: _____

THIS SUMMONS IS DIRECTED TO: Sun Country, Inc., d/b/a Sun Country Airlines.

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this summons located at:

The Law Office of Zorislav R. Leyderman
222 South 9th Street, Suite 1600
Minneapolis, MN 55402

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiffs' Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiffs everything asked for in the complaint. If you do not want to contest the claims stated in the complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the complaint.

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

THE LAW OFFICE OF ZORISLAV R. LEYDERMAN

Dated: August 26, 2019

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STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF HENNEPIN****FOURTH JUDICIAL DISTRICT****Rayvone D. Eskridge,****Plaintiff,****COMPLAINT WITH
JURY DEMAND****vs.****Sun Country, Inc., d/b/a Sun Country
Airlines,****Defendant.****Court File No:** _____**Case Type: Other Civil****Judge:** _____**INTRODUCTION**

1. This is an action for money damages resulting from unlawful discrimination by Defendant against the Plaintiff pursuant to the Minnesota Human Rights Act and for violations of federal law under the theories of negligence and negligence per se.

VENUE

2. Venue is proper in this Court pursuant to Minn. Stat. § 542.09, in that Defendant Sun Country maintains an office and business place in Hennepin County, Minnesota.

PARTIES

3. Plaintiff Rayvone Eskridge is an individual person and of full age.
4. Defendant Sun Country, Inc., is a State of Minnesota business corporation and is registered as such with the Minnesota Secretary of State. Defendant Sun Country, Inc., runs, operates, and conducts business as Sun Country Airlines.

FACTS

5. Plaintiff Rayvone Eskridge is an African-American male who resides in the State of Minnesota.
6. In July, 2019, Plaintiff and two of his friends needed to travel to Los Angeles, California. Plaintiff's two friends are also African-American males and residents of the State of Minnesota.
7. Plaintiff and his friends needed to arrive in California on July 1, 2019, and Plaintiff needed to return to Minnesota by early morning of July 6, 2019, to attend a funeral of one of his friends that was scheduled for July 6, 2019.
8. Prior to July 1, 2019, Plaintiff and his two friends had purchased first-class tickets for their travel plans from Defendant Sun County. Plaintiff and his friends purchased first-class Sun County tickets for a flight from Minneapolis-St. Paul (MSP) to Los Angeles (LAX) for July 1, 2019. Plaintiff and his friends had also purchased first-class return tickets for a flight from Los Angeles (LAX) to Minneapolis-St. Paul (MSP) for July 5, 2019, Flight No. SY430. Plaintiff's return flight (SY430) was scheduled to depart LAX at 11:40 p.m. on July 5, 2019, and arrive to MSP at 5:02 a.m. on July 6, 2019, in time for Plaintiff's funeral plans.
9. Plaintiff and his two friends traveled to LAX as scheduled without incident.
10. On July 5, 2019, Plaintiff and his two friends boarded their return Sun County flight, first-class, in LAX. Prior to departure, Sun County staff approached Plaintiff and his two friends and directed them to leave the airplane. Plaintiff and his two friends were the only African-American passengers sitting in first class – the remainder of the passengers were Caucasian. Plaintiff and his two friends did not engage in any inappropriate, illegal, or disruptive behavior prior to being ordered to leave. Plaintiff and his two friends inquired as to why they

were being ordered to leave even though they had previously paid for first-class tickets, and Sun Country staff informed Plaintiff and his friends that Sun Country staff did not feel safe with Plaintiff and his friends traveling on the airline.

11. Plaintiff and his two friends were the only passengers who were directed to leave the airplane. Sun Country staff did not ask or order any of the Caucasian passengers to leave the airplane. Sun Country staff profiled and targeted Plaintiff and his two friends solely based on their race and skin color. Plaintiff and his two friends complied and exited the airplane. No other passengers were asked to leave and, shortly after Plaintiff and his two friends exited the airplane, the airplane departed for MSP, leaving Plaintiff and his friends behind in LAX.
12. The actions of Sun Country staff described above caused Plaintiff to suffer significant emotional distress, including stress, fear, shame, humiliation, embarrassment, diminished self-esteem, and diminished quality and enjoyment of life. In addition, Plaintiff was unable to return to Minnesota until later the following day and, as a result, missed his friend's funeral. Plaintiff seeks recovery of reasonable damages in an amount in excess of \$50,000.00.

CLAIMS FOR RELIEF

COUNT 1: MINN. STAT. § 363A.11 - PUBLIC ACCOMMODATIONS DISCRIMINATION

13. Paragraphs 1 through 12 are incorporated herein by reference as though fully set forth.
14. Based on the above factual allegations, Defendant unlawfully discriminated against Plaintiff on the basis of Plaintiff's race and skin color. Specifically, Defendant denied Plaintiff full and equal enjoyment of its goods, services, facilities, privileges, advantages, and accommodations all because of Plaintiff's race and skin color.

15. As a direct and proximate result of this discrimination, Plaintiff suffered damages as aforesaid.

COUNT 2: NEGLIGENCE AND NEGLIGENCE PER SE

16. Paragraphs 1 through 12 are incorporated herein by reference as though fully set forth.

17. Based on the above factual allegations, Defendant negligently denied Plaintiff access to its air carrier and discriminated against Plaintiff on the basis of his race and skin color. Specifically, Defendant owed Plaintiff a duty to allow Plaintiff onto its flight and to refrain from discriminating against Plaintiff on the basis of his race and skin color. Defendant breached this duty of care when its staff targeted, profiled, and removed Plaintiff from its air carrier on the basis of Plaintiff's race and skin color.

18. Defendant's discriminatory actions against Plaintiff were in violation of the Air Carriers Access Act, 49 U.S.C. §§ 40127, 41310, 41712, and 41702.

19. Defendant is vicariously liable to Plaintiff for the negligent acts and omissions of its employees and is also independently liable to Plaintiff under the theories of negligent retention and supervision.

20. As a result of these violations, Plaintiff suffered damages as aforesaid.

RELIEF REQUESTED

WHEREFORE, Plaintiff requests that this Court grant the following relief:

- a. Issue an order granting Plaintiff judgment against Defendant;
- b. Award of compensatory damages to Plaintiff in an amount in excess of \$50,000;
- c. Award of punitive damages to Plaintiff pursuant to Minn. Stat. § 363A.29;

- d. Award of attorney's fees and costs to Plaintiff pursuant to Minn. Stat. § 363A.33;
- e. Award of such other and further relief as this Court may deem appropriate.

PLAINTIFF HEREBY DEMANDS A JURY TRIAL.

THE LAW OFFICE OF ZORISLAV R. LEYDERMAN

Dated: August 26, 2019

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ACKNOWLEDGMENT

The undersigned hereby acknowledges that sanctions may be awarded pursuant to Minn. Stat. § 549.211, to the party against whom all allegations in this pleading are asserted.

Dated: August 26, 2019

By: s/ Zorislav R. Leyderman
ZORISLAV R. LEYDERMAN