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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
Faimul Alam, Shan Anand, W.H. and M.K.,

Civil Docket No.

Plaintiffs,

-against-

AMERICAN AIRLINES GROUP, INC.,
AMERICAN AIRLINES, INC., REPUBLIC
AIRLINES, INC., REPUBLIC AIRWAYS
HOLDINGS, INC., ENVOY AIR, INC. and
AMERICAN EAGLE, INC.,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED
BY PLAINTIFFS

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Plaintiffs, Faimul Alam (“Alam”), Shan Anand (“Anand”), W.H. (“W.H.”), and
M.K. (“M.K.”) by and through their attorneys, The Aboushi Law Firm, PLLC,
complaining of the Defendants, respectfully allege as follows:

I. PRELIMINARY STATEMENT

1. Since September 11, 2001, persons who are or who are perceived to be Arab and/or Muslims have endured heightened levels of discrimination due to bigotry, fear mongering and ignorance. As President Barack Obama said in his last State Of The Union address, “When politicians insult Muslims—whether abroad or fellow citizens—when a mosque is vandalized, or a kid is called names, that doesn’t make

us safer. That's not telling it like it is. It's just wrong. It diminishes us in the eyes of the world. It makes it harder to achieve our goals. And it betrays who we are as a country." Although his statement was addressed to politicians, President Obama's remark extends to entities and individuals that are part of society's fabric. Who we are as a country is partially embodied in the Constitution of The United States wherein discrimination based upon a person's race, color, ethnicity, alienage and/or national origin is unlawful.

2. On December 08, 2015, Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. (Collectively "Defendants") disgracefully engaged in the discrimination of Plaintiffs based upon their perceived race, color, ethnicity, alienage and/or national origin by dramatically removing Plaintiffs, who not only paid for their flights but paid for upgrades as well, from American Airlines flight 44718.
3. Plaintiffs bring this action for compensatory damages, punitive damages and attorney's fees for unlawful discrimination on the basis of perceived race, color, ethnicity, alienage and/or national origin. Defendants' actions were intentional and in violation of 42 U.S.C. § 1981; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d; and the New York Law Against Discrimination, Civil Rights Law 1909, Article 4 et seq. and New York Executive Law §296. In addition to seeking compensatory and punitive damages, Plaintiffs seek declaratory and injunctive relief requiring Defendants to desist from and remedy such discriminatory action.

II. JURISDICTION

4. This court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 in that such jurisdiction is founded upon the diversity of citizenship between the parties to this action and the matter in controversy exceeds, exclusive of interest and costs, the sum of Seventy-five thousand (\$75,000) Dollars and 28 U.S.C. §§ 1331, 1334, and 1367. Plaintiffs' action for declaratory, injunctive, and or monetary relief is authorized by 28 U.S.C. §§ 1343(a)(VI), 2201 & 2202 and the aforementioned statutory and constitutional provisions.
5. Plaintiffs further invoke this Court's supplemental jurisdiction, pursuant to 28 U.S.C. § 1337, over any and all State law claims and causes of action which derive from the same nucleus of operative facts and are part of the same case or controversy that gives rise to the federally based claims and causes of action.

III. VENUE

6. Venue is proper for the United States District Court for the Eastern District of New York, pursuant to 28 U.S.C. § 1331(a), (b), and (c) and § 1402(b) as Plaintiffs reside in Kings County.

IV. JURY DEMAND

7. Plaintiffs respectfully demand a trial by jury of all issues in this matter pursuant to Fed. R. Civ. P. 38(b).

V. THE PARTIES

8. Plaintiff FAIMUL ALAM is a 25-year-old Muslim male of Bengali decent. He manages his father's construction business and is a resident of the City of New York, County of Kings, State of New York.

9. Plaintiff W.H. is a 23-year-old Muslim male of Syrian decent. He is currently a Pharmacy student and owns his own clothing line. W.H. is a resident of the City of New York, County of Kings, State of New York.
10. Plaintiff M.K. is a 29-year-old Muslim male of Bengali decent. He manages his father's construction company and is resident of the City of New York, County of Kings, State of New York.
11. Plaintiff SHAN ANAND is a 25-year-old Sikh male of Punjabi decent. He is employed as a personal banker and creates software applications. He is a resident of the City of New York, County of Kings, State of New York.
12. Defendant AMERICAN AIRLINES GROUP, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 4333 Amon Carter Boulevard, MD 5675, Fort Worth, TX 76155.
13. Defendant AMERICAN AIRLINES, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 4333 Amon Carter Boulevard, MD 5675, Fort Worth, TX 76155.
14. Defendant REPUBLIC AIRLINES, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 8909 Purdue Road, Suite 300 Indianapolis, IN 46268.
15. Defendant REPUBLIC AIRWAYS HOLDING, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to

do business in New York with a principle place of business at REPUBLIC AIRWAYS HOLDINGS, INC. 8909 Purdue Road, Suite 300 Indianapolis, IN 46268.

16. Defendant ENVOY AIR, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 301 Regent Blvd. in Irving, TX.
17. Defendant AMERICAN EAGLE, INC. is an air carrier engaged in the business of transporting passengers and is a foreign corporation authorized to do business in New York with a principle place of business at 4333 Amon Carter Boulevard, MD 5675, Fort Worth, TX 76155.

VI. FACTUAL ALLEGATIONS

18. Plaintiffs' are young and hardworking men who have been friends for several years. Plaintiffs frequently fly to many cities and neighboring Canada to celebrate various occasions and to vacation.
19. On December 5, 2015, Plaintiffs planned to vacation together in Canada. Also traveling with Plaintiffs were two friends – John Doe 1 and John Doe 2 (Plaintiffs, John Doe 1 and John Doe 2 collectively “the Group”). The Group went to Canada to celebrate John Doe 1's 20th birthday.
20. Due to their different and demanding schedules, Plaintiffs booked their trips separately. The Group traveled to Toronto, Canada from New York's LaGuardia Airport.

21. M.K., W.H., John Doe 1 and John Doe 2 traveled to Canada on the morning of December 05, 2015 together. Anand traveled to Canada on the evening of December 05, 2015 alone. Alam traveled to Canada on December 06, 2015 alone.
22. Plaintiffs all booked to return from Canada to New York via LaGuardia Airport on December 08, 2015.
23. Plaintiffs Anand and Alam booked to return on December 08, 2015 but booked a later return flight than W.H., M.K., John Doe 1 and John Doe 2.
24. In order to travel on the same flight as their friends, Alam and Anand paid \$75.00 to change their return flight to that of their friends. The Group was now booked to board the same American Airlines Flight AA44718 from Canada to New York.
25. On December 08, 2015, the Group arrived at Pearson Airport in Toronto, Canada, printed their boarding passes, checked in their luggage and cleared Customs and TSA security. Plaintiffs then proceeded to Gate A8 to await boarding of the flight.
26. While waiting, W.H. and M.K. upgraded from coach to business class for a respective fee of \$70.00.
27. All passengers boarded the flight, including Plaintiffs and the Group.
28. W.H. was seated in the first seat of Business class. M.K. sat in seat 3 of business class. Alam and Anand sat in row 6. John Doe 1 and John Doe 2 sat in row 17 at the rear of the aircraft.
29. W.H. and M.K. settled into their seats in business class. W.H. received a pillow and blanket and laid down to sleep while M.K. also fell asleep.

30. Minutes later, W.H. was dramatically woken up by a stewardess who hurriedly demanded he exit the aircraft. Having been asleep, W.H. thought there was an emergency and that all passengers were exiting.
31. Upon rushing out of the plane, W.H. realized he left his jacket and returned to get it. Upon reentering the plane, he noticed all passengers seated but now staring at him in fear and judgment.
32. The stewardess, appearing nervous and scared, hurriedly asked M.K. to exit the aircraft. When M.K. and W.H. asked the stewardess what was going on, she demanded they exit the plane without questioning anything.
33. M.K. and W.H. exited the aircraft and waited on the bridge.
34. Alam and Anand watched the dramatic scene along with all other passengers in the coach section of the aircraft. To them it appeared that M.K. and W.H. were in some sort of trouble.
35. Passengers surrounding Alam and Anand made bigoted and racist comments and held their children and belongings close to their person as if something was going to happen.
36. As passengers were watching the scene, the Stewardess hurriedly rushed to Alam and Anand and demanded they exit the aircraft in a hostile manner. Several passengers stared in fear and hate at Alam and Anand during this ordeal.
37. Said passengers appeared prepared to physically assault Alam. Alam and Anand feared for their safety.

38. When asked why they were being removed, the stewardess continued to demand that Alam and Anand exit the aircraft “peacefully” thereby causing passengers to become alarmed.
39. Humiliated, embarrassed and scared, Alam and Anand exited the aircraft.
40. John Doe 1 and John Doe 2 were not approached by the stewardess and remained on the flight undisturbed.
41. Alam and Anand then met W.H. and M.K. on the bridge between the aircraft and Gate 8.
42. The Stewardess, appearing shaken and upset demanded Plaintiffs return to Gate A8 to wait for further direction.
43. At this time an Agent of Defendant was communicating with the captain of the flight at the entrance of the aircraft and in plain view of the passengers of the flight.
44. The captain shook his head indicating he was saying “no” to the Agent who then turned to Plaintiffs who were all still standing in the bridge and demanded they wait at the Gate.
45. Plaintiffs returned to Gate A8 and were held there without explanation and until the flight taxied away from the Gate.
46. Plaintiff Faimul then realized he left his passport on the aircraft due to the haste and frantic manner he was directed to disembark from the aircraft. The aircraft was called back to the Gate so that his passport could be retrieved.
47. At sometime thereafter, an Agent of Defendant appearing nervous and flustered informed Plaintiffs they could not board because the crew members and specifically

the captain felt uneasy and uncomfortable with their presence on the flight and as such, refused to fly unless they were removed from the flight.

48. Shocked and confused, Plaintiffs inquired whether it was due to their physical appearance being that they are dark skinned and had beards. The Agent stared in response and stated that their appearance “did not help”.
49. Plaintiffs informed the Agent that they had not only paid for the flight but had also paid for upgrades so they were lawfully permitted to board the flight as there were no issues.
50. The agent then stated that Plaintiffs’ upgrades were suspicious and there was inconsistency in the travel of Plaintiffs that alarmed the flight crew.
51. Plaintiffs informed the stewardess that they were traveling as a group with John Doe 1 and John Doe 2 as well and that they were permitted to remain on the flights.
52. The commotion continued at the Gate as passengers began appearing to board the next flight. Passengers from surrounding gates gawked at Plaintiffs and appeared concerned, nervous and hateful towards Plaintiffs.
53. Plaintiffs inquired as to the next steps and the agent informed them that she must ascertain whether the next flight crew felt comfortable and safe flying with Plaintiffs on the flight. If they did, Plaintiffs would be permitted to board the next flight home.
54. After a prolonged period of time, the agent informed Plaintiffs she had apprised the next flight crew to New York of the “situation” and the Captain had accepted them to board that flight.

55. W.H. and M.K. were told they would not be permitted to sit in business class and would have to contact the airline separately to seek a refund.

56. Alam and Anand would also have to contact the airline separately to seek a refund for their upgrade to an earlier flight as well.

AS A FIRST CAUSE OF ACTION
Deprivation of Federal Civil Rights Under 42 U.S.C. § 1981

57. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

58. Plaintiffs Alam, Anand, W.H. and M.K. are U.S. citizens and members of a racial minority respectively: Bengali (Alam and M.K.), Arab and Punjabi.

59. Defendants' personnel forced three South Asian passengers and one Arab passenger, and no other passengers, off American Airlines Flight No. AA44718.

60. Defendants' personnel asked and effectively forced Plaintiffs to leave Flight AA44718 despite the fact that none of the criteria for Acceptance of Passengers under Defendants' Terms of Transportation applied to the Plaintiffs. Specifically Plaintiffs did not:

- i. Refuse to permit a search of person or property for explosives or for deadly, controlled, or dangerous weapons, articles or substances.
- ii. Refuse to produce positive identification upon request.
- iii. Have a physical or mental condition that was such that in American's sole opinion, Plaintiffs were rendered or likely to be rendered incapable of comprehending or complying with safety instructions without the assistance of an attendant.
- iv. Engage in conduct that was disorderly, abusive or violent.

- v. Appear to be intoxicated or under the influence of drugs.
 - vi. Attempt to interfere with any member of the flight crew.
 - vii. Have a communicable disease that has been determined by a federal public health authority to be transmissible to other persons in the normal course of flight.
 - viii. Refuse to obey instructions from any flight crew member.
 - ix. Have an offensive odor not caused by a disability or illness.
 - x. Dress in a manner that would cause discomfort or offense to other passengers or are barefoot.
 - xi. Engage in any action, voluntary or involuntary, that might jeopardize the safety of the aircraft or any of its occupants.
61. As a result of the actions of Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC., which began on or about December 08, 2015, Plaintiffs were deprived of their rights under federal civil rights law. Plaintiffs' rights are secured by 42 U.S.C. §1981.
62. The Captain, flight crew, and gate agents for American Airlines flight 44718 on December 08, 2015 were at all relevant times agents and/or employees of Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.
63. Defendants are liable for the unlawful acts of their agents and employees directly

- and/or under the doctrine of *respondeat superior*.
64. Defendants engaged in intentional discrimination based on Plaintiffs' perceived race, color, ethnicity, and/or alienage in disallowing Plaintiffs from flying on flight AA44718 on December 08, 2015.
65. The actions described herein represent intentional discrimination against Plaintiffs by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel due to Plaintiffs being members of the Arab and South Asian race specifically, Syria, Bangladesh and India-Punjab.
66. The actions described herein represent Defendants' personnel's denial to Plaintiffs of the same rights to make, enforce, and enjoy the benefits of contracts for air travel as are enjoyed by white citizens, due to Plaintiffs being members of the Arab and South Asian race.
67. Whereas, Defendants allowed other passengers to travel on the same flight. In doing so, Defendants discriminated against Plaintiffs in the making and enforcement of their contract with Defendants, namely their tickets purchased to travel, upgrades to earlier flights and upgrades to business class.
68. Defendants' actions were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Plaintiffs' civil rights, and have directly and proximately caused Plaintiffs financial injury and humiliation, mental pain, and suffering.
69. As a direct and proximate result of the aforesaid acts of Defendants AMERICAN

AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC., Plaintiffs incurred great emotional and psychological harm from the discrimination and mistreatment that they experienced, and incurred costs for upgrades and due to the delays and inconvenience.

AS A SECOND CAUSE OF ACTION
Discrimination by Recipient of Federal Funding
Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d)

70. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.
71. Defendants are the recipients of federal financial assistance, and are thus covered by Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d). Title VI and its implementing regulations prohibit recipients of federal monies from discriminating on the basis of, inter alia, race, religion, color, or national origin. Defendants' failure to permit Plaintiffs to remain at the airline terminal on the basis of Plaintiffs' perceived race, religion, color, and/or national origin constituted discrimination against Plaintiffs in violation of Title VI and its implementing regulations.
72. Defendants' actions were intentional, malicious, willful, wanton, callous, and showed reckless disregard for Plaintiffs' civil rights, and have directly and proximately caused Plaintiffs financial injury and humiliation, mental pain, and suffering.
73. As a result of the above constitutionally impermissible conduct, Plaintiffs were caused to suffer personal injuries, violation of their civil rights, emotional distress,

anguish, anxiety, fear, humiliation, loss of freedom, loss of wages and damage to their reputations and standing within their communities.

74. As a result of Defendants' impermissible conduct, Plaintiffs demand judgment against Defendants in a sum of money to be determined at trial.

AS A THIRD CAUSE OF ACTION
Violation of Federal Aviation Law

75. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

76. 49 USCS § 40127(a) states: "An air carrier or foreign air carrier may not subject a person in air transportation to discrimination on the basis of race, color, national origin, religion, sex, or ancestry."

77. The actions described herein represent discrimination against Plaintiffs on the basis of their race by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel acting in an official capacity, within the scope of their employment, and following procedures and policies set forth by Defendants.

78. Defendants' refusal to transport Plaintiffs was arbitrary and capricious.

79. The Captain of Flight AA44718 was ultimately responsible for the decision to refuse to transport Plaintiffs.

80. Based on information actually known by the Captain of Flight AA44718 at the time of his decision to refuse transport to Plaintiffs, it was arbitrary and capricious for him to do so.

81. The Captain of Flight AA44718's decision to refuse transport to Plaintiffs was not based on a rational appraisal of the facts known to the Captain.
82. No reasonable person in the position of the Captain of Flight AA44718 would use the information that he had received from other American Airlines personnel as grounds to refuse transport to Plaintiffs.
83. As a direct and proximate result of the aforesaid violations of aviation law by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel, Plaintiffs incurred great emotional and psychological harm from the discrimination and mistreatment that they experienced, and incurred costs for upgrades and due to the delays and inconvenience.

AS A FOURTH CAUSE OF ACTION
Violation of New York Executive Law Section 296 Prohibiting Racial
Discrimination on the Ground and in the Air

84. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.
85. By virtue of the foregoing, the Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. violated New York Executive Law Section 296, which among other things, makes it unlawful to discriminate on the basis of race on the ground or in the air by effecting disparate treatment in performance of a contract with a member of a protected class, like the Plaintiffs.

86. NY Executive Law 296 addresses disparate performance of a contract while traveling in the air. This act of racial discrimination is separate and distinct from the discriminatory act of singling out Plaintiffs, dramatically and aggressively forcing Plaintiffs to exit the aircraft, return to the gate area while the aircraft left them prior to providing an explanation as to what was happening and lose monies spent to upgrade their flights unlike all other white passengers, because after all, the airline could have addressed any concerns of suspicious activity or behavior prior to Plaintiffs' boarding.

87. As a direct and proximate result of the aforesaid violations of aviation law by AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. personnel, Plaintiffs incurred great emotional and psychological harm from the discrimination and mistreatment that they experienced, and incurred costs for upgrades and due to the delays and inconvenience.

**AS A FIFTH CAUSE OF ACTION
New York Civil Rights Law 1909
New York Civil Right 1909, Article 4:**

Unlawful Deprivation of Access to and/or Discrimination in Furnishing of a Public Accommodation and/or Public Facility

88. Plaintiffs repeat, reiterate and re-allege each and every allegation contained in the above paragraphs with the same force and effect as if fully set forth herein.

89. American Airlines Flight AA44718, from which Plaintiffs were not permitted to travel on December 08, 2015, is a "place of public accommodation" within the terms of the New York Civil Right 1909, Article 4.

90. Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.'s actions, as set forth above, violated the civil rights of Plaintiffs as guaranteed to them by the Constitution of the State of New York and, in particular, Article I, Sections 1, 11, and the Human Rights Law of the State of New York, Section 290 et seq., Executive Law.
91. The pilot, flight crew, and gate agents for American Airlines Flight AA44718 on December 08, 2015 were at all relevant times agents and/or employees of Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.
92. Defendants are liable for the unlawful acts of their agents and employees directly and/or under the doctrine of *respondeat superior*.
93. Defendants disallowed Plaintiffs to travel on American Airlines Flight No. AA44718 on December 08, 2015, based on Plaintiffs' perceived race, color, ancestry and/or national origin. Defendants' acts violated the New York Civil Right 1909, Article 4.
94. Defendants AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC.'s actions were intentional, malicious, willful, wanton, callous and showed reckless disregard for Plaintiffs' civil rights, and have directly and proximately caused Plaintiffs financial injury and humiliation, mental pain, and suffering.

RELIEF REQUESTED

WHEREFORE, and in light of the foregoing, it is respectfully requested that the Court assume jurisdiction and:

- A. WHEREFORE Plaintiffs each demand judgment against each Defendant AMERICAN AIRLINES GROUP, INC., AMERICAN AIRLINES, INC., REPUBLIC AIRLINES, INC., REPUBLIC AIRWAYS HOLDINGS, INC., ENVOY AIR, INC. and AMERICAN EAGLE, INC. in the amount of One Million Dollars (\$1,000,000.00) in compensatory damages and Five Million Dollars (\$5,000,000.00) in punitive damages on each cause of action;
- B. Invoke pendent party and pendent claim jurisdiction;
- C. Award Plaintiffs attorney's fees and costs;
- D. Award Plaintiffs such other and further relief as the Court may deem equitable, just and proper to remedy the Defendants' unlawful practices.

Dated: January 18, 2016

Respectfully Submitted,

THE ABOUSHI LAW FIRM, PLLC
Attorneys for Plaintiff

By: /s/Tahanie A. Aboushi

JS 44 (Rev. 11/15)

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

Faimul Alam, Shan Anand, W.H. and M.K.

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number)
The Aboushi Law Firm, PLLC
1441 Broadway, 5th Floor
New York, NY 10018**DEFENDANTS**

American Airlines Group, Inc., American Airlines, Inc., Republic Airlines, Inc., Republic Airways Holdings, Inc., Envoy Air, Inc., and American Eagle, Inc.

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)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 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)

	PTF	DEF	PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	CIVIL RIGHTS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	PRISONER PETITIONS <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	LABOR SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions

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

- | | | | | | |
|---|---|--|---|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation |
|---|---|--|---|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1981, 42 U.S.C. § 2000d, 49 USCS § 40127(a), NY Executive Law § 296, & NY Civil Rights Law 1909

VI. CAUSE OF ACTIONBrief description of cause:
Discrimination in public place of accommodation.**VII. REQUESTED IN COMPLAINT:**

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$ 6,000,000.00	CHECK YES only if demanded in complaint:
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JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

1/18/16

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

SIGNATURE OF ATTORNEY OF RECORD
Jaharie H. H. H.

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, Tahanie A. Aboushi, counsel for Plaintiffs, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more or its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
 - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No
 - b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? No

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? No

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

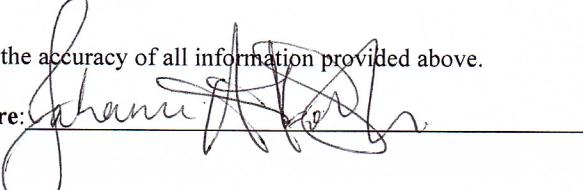
I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- Yes No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- Yes (If yes, please explain) No

I certify the accuracy of all information provided above.

Signature: 

UNITED STATES DISTRICT COURT
for the

_____ District of _____

Plaintiff(s)

v.

Civil Action No.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (*Defendant's name and address*)

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DOUGLAS C. PALMER
CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk