IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

William Joseph Barber II,

Plaintiff,

COMPLAINT
FOR DAMAGES

v.

American Multi-Cinema, Inc.
d/b/a AMC Theaters,

Defendant.
_____/

COMES NOW Plaintiff William Joseph Barber (hereinafter "Plaintiff, Rev. Barber or Dr. Barber"), by and through the undersigned attorneys, and hereby files this Complaint for Damages against American Multi-Cinema, Inc. (hereinafter "Defendant or AMC"). The Plaintiff shows the following:

INTRODUCTION

> *Then Jesus said to his host, when you put on a luncheon or a banquet, don't invite your friends, brothers, relatives, and rich neighbors. For they will invite you back, and that will be your only reward," he said "Instead, invite the poor, the crippled, the lame, and the blind. Then you will be blessed.*
>
> ----- *Luke 14:12.*

On the day after Christmas, December 26, 2023, renowned civil rights leader, Rev. Dr. William Barber planned a special moment with his then ninety-year-old mother. Rev. Barber and his mother scheduled time to watch the newly released film, *The Color Purple,*[1] at an AMC Theater located in Greenville, North Carolina. Rev. Barber was extremely grateful that he had an opportunity to spend quality time with his elderly mother. Sadly, Rev. Barber was denied that special moment with his mother.

Instead, Rev. Barber was humiliated. Rev. Barber was embarrassed. Rev. Barber was defamed. Rev. Barber was accused of committing a crime. Rev. Barber was subjected to this horrific injustice all because AMC employees refused to allow Rev. Barber to bring a chair that he utilizes to cope with his pain and debilitating disability, ankylosing spondylitis. The ability to use the chair with an elevated seat base is vital. Due to his disability, Rev. Barber is unable to sit in normal chairs or seating and needs this particular type of chair to alleviate his pain. AMC required that he prove that he was disabled, with a doctor's note, before they would allow him to sit in their theater with his chair.

Rev. Barber now seeks federal relief under the American Disability Act (hereinafter "ADA"), and other claims under North Carolina law.

[1] ***The Color Purple*** is a 1982 epistolary novel by American author Alice Walker that won the 1983 Pulitzer Prize for Fiction and the National Book Award for Fiction. The novel has been adapted into various other media, including feature films in 1985 and 2023

JURISDICTION AND VENUE

1.

This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 over Plaintiff's claims under Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181–12189).

2.

This Court has supplemental jurisdiction over Plaintiff's state law claim pursuant to 28 U.S.C. § 1367 because it is so related to the federal claims that it forms part of the same case or controversy under Article III of the U.S. Constitution.

3.

This Court has personal jurisdiction over the Defendant pursuant to N.C. Gen. Stat. § 1-75.4.

4.

Venue is proper in this District under 28 U.S.C. § 1391(b)(2). All of the eventsgiving rise to this Complaint occurred within this District.

PARTIES

5.

At all times relevant hereto, Plaintiff William Joseph Barber, II is a citizen of the United States of America.

6.

At all times relevant hereto, Defendant AMC Theaters is foreign corporation doing business in the State of North Carolina. AMC Theaters headquarters is located at 11500 Ash St. Leawood, MO 66211-7804. AMC Theaters' registered agent is Corporate Creations Network Inc. located at 15720 Brixham Hill Avenue #300 Charlotte, NC 28277-4784.

FACTUAL ALLEGATIONS

Events That Occurred on December 26, 2023

7.

On Tuesday, December 26, 2023, Rev. Barber purchased six adult tickets and one child ticket at Defendant AMC Theater's "Fire Tower 12" located in Greenville, NC for the 3:15 PM showing of *The Color Purple*.

8.

Prior to purchasing the tickets, Rev. Barber had his assistant call the AMC Theater to ensure that they had a wheelchair designated area. It was confirmed by

the AMC employees that they did have a wheelchair designated area inside the theaters.

9.

Rev. Barber planned to enjoy the movie with his ninety-year-old mother and others. Upon arrival at the theater, Rev. Barber's ninety-year-old mother entered Auditorium 3, that was showing *The Color Purple* and was seated near the front.

10.

However, due to Rev. Barber's disability, ankylosing spondylitis, he walks very slowly with two canes and was unable to keep pace with his ninety-year-old mother. Rev. Barber suffers from a severe case of ankylosing spondylitis that is very debilitating to his joints. Rev. Barber's ankylosing spondylitis qualifies as a disability under the ADA.

11.

Due to his very debilitating arthritic condition, Rev. Barber is unable to rotate his hip bone that would allow him to sit in normal seats. A chair with a higher seat base allows Rev. Barber the ability to lean and sit without having to rotate his hip bone.



Photo of chair that Rev. Barber was going to sit in on December 26, 2023

13.

Prior to entering Auditorium 3, Rev. Barber and his associate who was carrying his chair, were intercepted by an AMC employee/ manager who told him that he could not bring his chair into the theater. Rev. Barber then explained that he needed this particular chair due to his disability and that he had been allowed to bring that chair into the White House, the Broadway Theater in New York, and the Vatican.

14.

At some point, AMC employee/ manager demanding for Rev. Barber to show proof that his has a disability by producing a doctor's note. Notably, on the date in question, Rev. Barber was walking with a noticeable limp and used two canes to aid him in walking.

15.

Rev. Barber proceeded to Auditorium 3 and his chair was placed in the wheelchair designated area in the auditorium. After placement, the chair nor Rev. Barber seated in the chair in wheelchair designated area, obstructed any other person's view in the auditorium from seeing the entire screen or created any sort of fire hazard. Notably, Rev. Barber's chair's length and width is considerably smaller than a standard size wheelchair length and width. Further, Rev. Barber's chair's seat height is comparable to wheelchairs with higher seat base.

16.

On the date in question, no other person in attendance complained to AMC that the chair or Rev. Barber seated in the chair in wheelchair designated area, obstructed their view in the auditorium from seeing the entire screen.

17.

Instead of reasonable accommodation Rev. Barber for his disability as required by the ADA and NCPDPA, AMC employee/ manager called the 911 and reported that Rev. Barber was committing a crime and refuse to leave the premises. Notably, AMC through their employee failed to consider or investigate any reasonable accommodation before calling 911 as required by the ADA.

18.

After law enforcement responding to the scene, Rev. Barber was told that he had to leave the premises or be arrested. Rev. Barber was escorted out of the Auditorium 3 by law enforcement in the presence of all spectators. Rev. Barber had to leave his mother at the AMC theater.

19.

Just before exiting Auditorium 3, Rev. Barber tried to pray for the AMC employee/ manager. The AMC employee/ manager told Rev. Barber "I do not let everybody pray for me."

20.

AMC's intentional act of defaming Rev. Barber through their employees/agents caused Rev. Barber severe emotional distress, including stress and anxiety, humiliation, loss of enjoyment of life, and caused damage to Rev. Barber's reputation as a national civil rights leader.

21.

AMC's intentional acts through their employees/agents caused Rev. Barber severe emotional distress, including stress, anxiety, humiliation, and loss of enjoyment of life extreme mental anguished.

CLAIMS FOR RELIEF

COUNT I

Title III of Americans with Disabilities Act, 42 U.S.C. §§ 12181-12189 Violation of Title III of the ADA

22.

The allegations of paragraphs 1 through 21 are realleged and incorporated by reference as if fully set forth herein.

23.

Defendant AMC is a place of public accommodation under 42 U.S.C. §§ 12181(7)(J); 12182(a).

24.

At all times pertinent to this suit AMC employee/ manager were employed by AMC.

25.

At all times pertinent to this suit, the acts and omissions of AMC employee/ manager, as detailed herein, were within the course and scope of their employment with AMC.

26.

The described acts and omissions of AMC employee/ manager, as detailed herein, are imputed to AMC.

27.

Rev. Barber was discriminated against because of a disability in the full and equal enjoyment of the services, privileges, advantages, and accommodations of AMC, a place of public accommodation, in violation of Title III of the ADA.

28.

Rev. Barber is disabled within the meaning of the ADA. Rev. Barber has been diagnosed by board certified physician with ankylosing spondylitis.

29.

On the date of the incident, AMC did not have policy that prevented people will disabilities from bring special chairs to AMC to sit in.

30.

AMC failed to take prompt or appropriate remedial action to investigate whether there are reasonable accommodations that can be made for Rev. Barber accordance to the Title III of Americans with Disabilities Act.

31.

AMC could have reasonable accommodated Rev. Barber without fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations.

32.

AMC vviolated the ADA by requiring Rev. Barber to show proof of his disability.

33.

As the direct and proximate result of the denial of reasonable accommodations AMC, Rev. Barber have suffered and will continue to suffer harm.

34.

Rev. Barber is entitled to all legal and equitable remedies available for violations of Title III. Rev. Barber seek a preliminary injunction restraining AMC from denying him from bring in his chair at all AMC location and retaliating against him for exercising his rights under the ADA.

COUNT II

Title V of Americans with Disabilities Act, 42 U.S.C. § 12203(a)
Retaliation against Rev. Barber in violation of the ADA

35.

The allegations of paragraphs 1 through 21 are realleged and incorporated by reference as if fully set forth herein.

36.

Rev. Barber were retaliated against in his pursuit of a reasonable accommodation by AMC in its decision to remove Rev. Barber from AMC, in violation of Title V of the ADA.

37.

Rev. Barber engaged in protected activity when he requested that AMC to allow him to bring in his chair because his is disable.

38.

In retaliation for Rev. Barber participation in this protected activity, AMC decided to have Rev. Barber removed from their premises by law enforcement.

39.

There is a causal connection between Rev. Barber protected activity and the materially adverse actions taken by AMC against him.

40.

There is no legitimate non-retaliatory reason for AMC to have taken their retaliatory actions against Rev. Barber.

41.

Rev. Barber is entitled to all legal and equitable remedies available for violations of Title V, and other appropriate relief.

42.

Rev. Barber seek a preliminary injunction restraining AMC from expelling Rev. Barber and from retaliating against him and others for exercising their rights.

COUNT III

Intentional Infliction of Emotional Distress

43.

The allegations of paragraphs 1 through 21 are realleged and incorporated by reference as if fully set forth herein.

44.

AMC extreme and outrageous conduct caused Rev. Barber severe emotional distress, including stress, anxiety and loss of enjoyment of life.

45.

AMC's conduct was recklessly indifferent to the likelihood it would cause severe emotional distress to Rev. Barber.

46.

Rev. Barber seeks and is entitled to actual and compensatory damages for the severe mental and emotional distress, that he experienced at AMC in excess of $25,000.00.

COUNT IV

Defamation/Slander Per Se

47.

The allegations of paragraphs 1 through 21 are realleged and incorporated by reference as if fully set forth herein.

48.

AMC ‘s defamatory statement(s) that Rev. Barber had committed a crime to a third party caused Rev. Barber humiliation, embarrassment, damage to his reputation and public distress.

49.

AMC’s conduct was recklessly indifferent to the likelihood it would cause Rev. Barber.

46.

Rev. Barber seeks and is entitled to actual and compensatory damages for the severe mental and emotional distress, that he experienced at AMC in excess of $25,000.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray the Court:

(a) Award Plaintiffs compensatory damages to be determined by a jury, plus demonstrated past and future pecuniary damages on each of the above-stated counts as provided by law;

(b) Award Plaintiffs a preliminary injunction restraining AMC from expelling Re. Barber and from retaliating against him for exercising his rights under the ADA;

(d) Award attorneys' fees and costs of this action as provided by law;

(e) The prejudgment interest of the damages, attorneys' fees and costs of this action be taxed to the Defendant, as of the date of the filing of this Complaint; and

(e) Award Plaintiffs such other and further relief as may be appropriate.

JURY DEMAND

Plaintiff hereby demand a trial by jury with respect to each claim in this Complaint.

Respectfully submitted this 19th day of December 2024.

/s/ Chantel Cherry-Lassiter
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Special Appearance of counsel
for Plaintiff in the above captioned matter,
in accordance with Local Civil Rule 83.1(d)