

5. That Plaintiff, Jimmy A. Bell, is a nationally recognized civil rights and entertainment law attorney with many accomplishments and accolades, among which are:
- a. being a featured speaker such events as the historic 2000 "Redeem the Dream March" in Washington D.C. and at the Alabama Democratic Conference's 40th Convention.
 - b. procuring the first Federal Temporary Restraining Order for Racial Profiling of Black Motorists in the country against the City of Rock Island, Illinois.
 - c. training the entire Police Department for the City of District Heights, Maryland on "racial profiling."
 - d. filing the first Anthrax lawsuit in the United States involving the death of a federal postal worker.
 - e. receiving a "Resolution" from the Maryland State Senate for his "nationally recognized racial profiling litigation
 - f. appearing on television news and talk shows including The Oprah Winfrey Show, The Early Show with Bryant Gumble, C-SPAN, CNN, Court TV, 20/20 and Black Entertainment Television (BET).

6. That the transactions and occurrences giving rise to this cause of action happened in Prince George's County, Maryland.

7. That Maryland is the proper jurisdiction and the Prince George's County Circuit Court is the proper venue for this cause of action.

II. Facts

8. That on November 7, 2009, Mr. Bell and a female friend of his both visited Rich's Nail Salon together to receive a manicure and a pedicure.

9. That both Plaintiff and his female companion received a manicure and a pedicure.

10. That in servicing Plaintiff and his friend, the nail technicians used identical materials and equipment.

11. That the expertise needed to render the services to Plaintiff and his female friend were also the same.

12. That although the services for Plaintiff and his female companion began at approximately the same time, the manicure and pedicure of Plaintiff's female companion took significantly longer to complete than Plaintiff's.

13. That when Mr. Bell reached the Rich's Nail Salon payment counter to pay for his female friend's manicure and pedicure as well as his own, the cashier told Plaintiff that both his manicure and pedicure would each cost him \$2 more than his female friend's manicure.

14. That Mr. Bell had not been previously notified that there was a price difference between male and female customers.

15. That it was only upon making payment after services were rendered that Mr. Bell learned that he would be charged more for his manicure and pedicure than his female friend's manicure.

16. That when Mr. Bell inquired as to why his manicure and pedicure each cost him \$2 more than the manicure and pedicure received by his female companion, he was told that the pricing was based solely on the fact that he was man.

17. That Mr. Bell was understandably vexed by this explanation, given that there was absolutely no difference in the services rendered to him and that those services to him took less time to complete than that rendered to his female friend.

18. That instead of arguing or causing a scene, Mr. Bell paid for the services rendered and sought redress of grievances through legal channels.

19. That Defendant, Rich's Nail Salon charges male customers more than female customers for manicures.

20. That Defendant, Rich's Nail Salon advertises its discriminatory prices in print.

21. That Defendant, in its price schedule located in its brochure and on the walls of its salon, states that it charges higher prices to men for manicures than to woman.

22. That Rich's Nail Salon has no legitimate business reason or business necessity for charging male customers more than female customers for the same services.

23. That Rich's Nail Salon's discriminatory act caused Plaintiff great shock and emotional distress.

III. Law

24. That Section 2-186 of the Prince George's County Code defines discrimination as "acting, or failing to act, or unduly delaying any action regarding any person because of race, religion, color, sex, national origin, age (except as required by State or federal law), occupation, familial status, marital status, political opinion, personal appearance, sexual orientation, or physical or mental handicap, in such a way that such person is adversely affected in the areas of housing and residential real estate, employment, law enforcement, education, financial lending, public accommodations or commercial real estate."

25. That Article 49B, §5 of the Maryland Code makes it unlawful for any owner or operator of a place of public accommodation or an agent or employee of the owner or operator of such public accommodation to refuse, withhold from, or deny to such person any of the accommodations, advantages, facilities and privileges of such place of public accommodation because of the race, creed, sex, age, color, national origin, marital status or physical or mental handicap.

26. That sex is a protected class and public accommodations is a regulated activity under both the Prince George's County Code and the Maryland Code.

27. That the Court of Appeals has held that physiological differences between men and women do not justify the denial of cosmetology services to men that are offered to women. See Maryland State Bd. of Barber Examiners v. Kuhn 270 Md. 496, 508, 312 A.2d 216 (1973).

IV. Claim for punitive damages

28. That countless men are being deprived hundreds of thousands of dollars in the aggregate because of the illegal discriminatory, sex-based scheme of Defendant (and possibly other such schemes in Prince George's County).

29. That upon Plaintiff's observation, there are at least 10 nail technicians employed at Rich's.

30. That if 10 of Rich's nail technicians were each to perform 5 manicures and 5 pedicures for male clients daily, Rich's would procure \$200 daily and \$72,800 annually in additional revenue.

31. That this annual sum of discriminatory lucre under this scenario approaches the approximate base pay of \$73,341 of a Grade 25 under the State of Maryland's standard salary structure effective July 1, 2009.

31. That this annual sum of discriminatory lucre under this scenario is more than the median income of \$55,256 for Prince George's County residents .

32. That if 5 of Rich's nail technicians were each to perform 5 manicures and 5 pedicures for male clients on a daily basis, the additional revenue received would be \$100 per day or \$36,400 per year.

34. That the annual discriminatory lucre under this scenario would surpass the starting teacher's salary in Prince George's County.

35. That because Rich's has been in business for 4 years, the revenue received during this time period is \$145,600 under the less lucrative scenario.

36. That Rich's extra revenue is based solely on the fact that a percentage of its clientèle is male and that it arbitrarily charges an increased price to this clientèle based on their gender.

37. That Defendant's conduct was outrageous.

38. That Defendant acted with actual malice and with reckless disregard for the rights of others.

39. That Defendant had an evil motive, ill will, an intent to injure, and an intent to defraud.

40. That this case mirrors the case of Rosa Parks in that Ms. Parks paid the same price for unequal treatment because of her race and Mr. Bell received unequal treatment for an unequal price because of his sex.

41. That in Maryland, punitive damages are intended to punish the tortfeasor, to set an example for others, and to deter future outrageous conduct.

42. That in the instant case, punitive damages are appropriate to punish Defendant, set an example for other places public accommodation – especially salons, and to deter future outrageous conduct.

V. Prayer for Relief

WHEREFORE, for the above reasons, Plaintiff requests this Court to:

1. ADJUDGE Defendant liable for sex discrimination under the Prince George's

County Code.

2. AWARD Plaintiff one hundred thousand dollars (\$100,000) in compensatory damages.

3. AWARD Plaintiff one hundred thousand dollars (\$100,000) in punitive damages

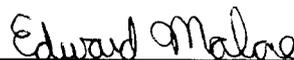
4. AWARD Plaintiff all his costs, expert witness fees, and attorney's fees associated with prosecuting this cause of action.

5. ENJOIN Defendant from discriminating on the basis of sex in its pricing for nail and other services.

6. AWARD Plaintiff any other relief this Court deems appropriate.

Plaintiff requests a trial by jury.

Respectfully submitted,



Edward A. Malone, Esq.

812 S. 6th Ave

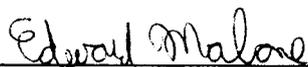
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CERTIFICATE OF ATTORNEY WITH OUT-OF-STATE ADDRESS

I hereby certify that I am licensed to practice law in the State of Maryland.



Edward A. Malone, Esq.