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### **Statement of Gloria Allred**

Yesterday, my Georgia co-counsel, Cary Wiggins, and I<sup>1</sup> filed a Civil Rights lawsuit in Federal court<sup>2</sup> alleging racial discrimination by Waffle House in Doraville, Georgia against Pabla Martinez and her minor child, whom we shall call K.M.

On February 5, 2017, Ms. Martinez, her then five-year old child, K.M., and Ms. Martinez' then- husband went to Waffle House for dinner.

Ms. Martinez placed the order with a waitress. Pabla ordered a chicken sandwich with no onions, her husband ordered a steak with hash browns and eggs, and K.M. ordered a waffle with chocolate chips.

The lawsuit alleged that a manager, who was also the cook, was listening. Pabla asked the food server to ensure that no onions were in the food because she and her daughter, K.M., are allergic to onions and K.M. sometimes ate from Pabla and her husband's plates.

According to the allegations in the lawsuit, before the server left the table to submit the order, the Manager yelled, "I don't wanna serve f\*\*king beaners" and referred to the family as "dirty beaners." This prompted Pabla to immediately say to the Manager, "Excuse me. What did you say?" to which the Manager responded, "No hablo Ingles." K.M. turned to the Manager and said, "We speak English." K.M. had a slight speech impediment (her tongue was surgically clipped as an infant). In response, the Manager mocked K.M. by repeating the phrase "We speak English" as if he were a child with speech or developmental issues.

The lawsuit further alleges that under his breath, the Manager was muttering things like, "Why don't they deport you to Mexico?" Clearly upset, K.M. asked Pabla, "Mommy, why did he call us dirty Mexicans?" Around that time, Pabla asked that their order be changed to a "to go" order. After the server dropped off the check, Pabla got a \$100 bill from her husband and went to the cash register to pay. When Pabla presented the \$100 bill, the Manager said, "I bet this is drug money, so why don't you take it to Taco Bell?" The Manager followed this statement by saying "she should have been deported," referring to Pabla. By this time, Oscar

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<sup>1</sup> My application to be admitted *pro hac vice* is pending

<sup>2</sup> Pabla Martinez, and K.M., a minor child, Plaintiffs vs. Waffle House Inc., Defendant

had taken K.M. outside the restaurant. Pabla paid the check, and the family left the restaurant with their food in “to go” containers inside tied bags. After they arrived home, Pabla and her husband opened the bags and food containers to find that there were onions covering everything; even the waffle had onions cooked into it, but no chocolate chips. In addition to the onions, there was hair and condiment packets strewn over the food, the toast was burnt, and Oscar’s steak was raw. K.M. told her mother that she wanted to take a shower because she was “a dirty Mexican.” Even though it was late and a school night, K.M. took a shower.

The lawsuit also describes the impact on K.M., who had been exposed to discriminatory, derogatory and humiliating language and conduct.

Meanwhile, back on Monday (February 6), K.M. was at her public pre-k school and was shying away from her classmates. K.M.’s behavior was unusual enough that her teacher spoke to her about it. K.M. explained that she was “a dirty Mexican,” and that she did not want to “get her friends dirty.” Later that day, both K.M.’s teacher and a school administrator called Pabla to explain the situation.

As a result of these allegations, a Civil Rights lawsuit was filed alleging racial discrimination in contractual relations, intentional infliction of emotional distress, tortious misconduct, and negligence. We are seeking compensatory and punitive damages and attorney’s fees in an amount to be determined at trial.

We are speaking out today because the type of language and conduct to which our clients were allegedly subjected is completely unacceptable, and if proven should shock the conscience of the community and would violate the law.

Every individual has a right to be free of discrimination by a business and every person is entitled to respect and dignity. Ms. Martinez is an American citizen but even if she were not a citizen, she would have a right not to be subjected to false and harmful stereotypes when she is a customer at a business.

We are honored to support her and represent her and her child as they seek justice in a court of law.

Gloria Allred  
Attorney at Law  
Representing Pabla Martinez & Daughter  
February 5, 2019