

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAMARA BOINES

Plaintiff,

Case No.

-vs-

Hon.

JARS HOLDINGS, LLC,
d/b/a JARS CANNABIS and
RAYMOND ABRO, jointly and severally,
Defendants.

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Radtke & Brault, P.C.
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COMPLAINT AND JURY DEMAND

Plaintiff, SHAMARA BOINES, by and through her counsel, McKnight,
Canzano, Smith, Radtke & Brault, P.C., complains as follows against Defendants:

Jurisdiction and Venue

1. This is an action brought to redress race and gender/sexual orientation discrimination and harassment under Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), 42 U.S.C. § 2000e, *et seq*, and the Elliott-Larsen Civil Rights Act (“ELCRA”), MCL § 37.2101, *et seq*, as well as for violation of the

COVID-19 Employee Rights Act, MCL 419.401 *et seq* (“CERA”), and the public policy of the State of Michigan.

2. Plaintiff BOINES is an individual, residing in the County of Oakland, State of Michigan.

3. At all material times, Defendant JARS HOLDINGS, LLC, d/b/a JARS CANNABIS (“JARS”) was a domestic, for-profit corporation, conducting business throughout the County of Wayne and the State of Michigan.

4. At all material times, Defendant RAYMOND ABRO (“ABRO”) conducted business throughout the County of Wayne and the State of Michigan.

5. Under 28 U.S.C. § 1331, this Court has original jurisdiction to hear this Complaint and to adjudicate the stated claims.

6. This Court has supplemental jurisdiction of the Michigan state law claims under 28 U.S.C. § 1367.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391 because Defendant operates its facilities and because all of the events giving rise to the Plaintiffs’ claims occurred in this district.

General Allegations

8. BOINES is an African American female.

9. JARS operates multiple marijuana dispensaries in the metropolitan Detroit area as part of an integrated and/or joint employer.

10. Defendant ABRO was JARS' Chief Operating Officer and acted as BOINES' direct supervisor.

11. Marijuana dispensaries are required to be licensed by the State of Michigan and are regulated by the State of Michigan.

12. Defendant ABRO hired BOINES as a legal Compliance Officer in March 2020.

13. BOINES was qualified to act as Compliance Officer, with regulatory and licensing experience prior to her employment with JARS.

14. At all material times, BOINES performed her job as Compliance Officer in a satisfactory manner.

15. Throughout BOINES' employment with JARS, ABRO made offensive racist, sexist and homophobic remarks.

16. ABRO referred to homosexuals using discriminatory slurs, including "faggot."

17. ABRO frequently made statements indicating that he did not like homosexuals or anyone that was not "straight."

18. ABRO pushed back when BOINES sought to include language barring sexual orientation discrimination in the JARS Employee Handbook, stating, "I don't like that lifestyle."

19. ABRO referred to an openly gay employee as “that faggot motherfucker.”

20. ABRO stated, “I’m going to hire five or six of those faggot motherfuckers so people don’t think I’m homophobic.”

21. ABRO constantly inquired about BOINES relationship status, in a transparent attempt to determine her sexual orientation.

22. In April of 2020, ABRO referred to one of the African American male security staff as a “nigga” on a meeting over Zoom.

23. ABRO used the N-word on his public social media.

24. At a staff meeting including BOINES on June 19, 2020, ABRO stated, “Black Lives Matter ruined it for black people” all the while making eye contact with BOINES.

25. ABRO commented on the skin color of BOINES’ nieces.

26. ABRO told BOINES, “I’m not racist. I hired you, didn’t I?”

27. ABRO also repeatedly used epithets derogatory to women.

28. ABRO referred to Michigan’s Governor, Gretchen Whitmer, “stupid,” a “ho” and a “whore.”

29. ABRO told BOINES he would not watch any movies which featured a female in charge.

30. Almost immediately after BOINES was hired, the COVID-19 pandemic caused global disruptions in business.

31. On March 10, 2020, the Governor of the State of Michigan issued Executive Order 2020-4, declaring a state of emergency in response to the COVID-19 pandemic.

32. On April 1, 2020 the Governor expanded her previous Executive Order, declaring both a state of emergency and a state of disaster across the State of Michigan, in Executive Order 2020-33.

33. The Executive Orders were based upon section 1 of article 5 of the Michigan Constitution of 1963; the Emergency Management Act, MCL 30.401 *et seq* (“EMA”); and the Emergency Powers of the Governor Act of 1945, MCL 10.31 *et seq*.

34. The Michigan legislature adopted a concurrent resolution to extend the states of emergency and disaster declared under the Emergency Management Act until April 30, 2020.

35. Pursuant to the EMA and the Michigan Constitution, on March 23, 2020, Governor Whitmer issued a “Stay Home, Stay Safe” Executive Order which required persons to shelter in place and provided for various other requirements designed to limit and prevent the spread of the novel COVID19 virus, Executive Order 2020-21.

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