

IN THE NINTH JUDICIAL CIRCUIT COURT
IN AND FOR ORANGE COUNTY, FLORIDA

Case No.: _____

SUKHBIR CHANNA,

Plaintiff,

v.

WALT DISNEY WORLD COMPANY,
a Florida corporation,

Defendant.

DECLARATION OF SUKHBIR CHANNA VERIFYING COMPLAINT

Pursuant to 28 U.S.C. § 1746, I hereby make the following declaration:

1. My name is Sukhbir Channa and I am the plaintiff in the above entitled action. I make this declaration based upon my own personal knowledge.
2. I have reviewed the Verified Class Action Complaint filed in this matter. To the best of my knowledge, all factual allegations made in the Complaint are true and accurate.

I declare under penalty of perjury that the foregoing is true is correct.

Executed on 4/11/08.



SUKHBIR CHANNA

IN THE NINTH JUDICIAL CIRCUIT COURT
IN AND FOR ORANGE COUNTY, FLORIDA

Case No.: _____

SUKHBIR CHANNA,

Plaintiff,

v.

WALT DISNEY WORLD COMPANY,

a Florida corporation,

Defendant.

DECLARATION OF ZACHARY ALLEN

Pursuant to 28 U.S.C. § 1746, I hereby make the following declaration:

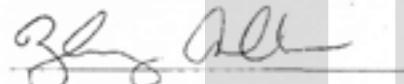
1. My name is Zachary Allen. I am over 18 and am capable of making this declaration. I make this declaration based upon my own personal knowledge.
2. I was employed in October 2005 as a seasonal employee with Disney in Orlando, Florida. I was a trumpet player. I have known Sukhbir Channa for many years and I know him to be an excellent trumpet player.
3. In October 2005 I discussed employment with Disney with its hiring manager for student musicians. I cannot recall his name. Sukhbir Channa was present at this meeting and was seeking employment also. The hiring manager asked Channa several questions about his religion, his beard and his turban. He initially was skeptical that Channa could be hired. The hiring manager then called Larry Hendrickson on the phone to confirm Channa's eligibility for hire. According to the manager, Hendrickson said Channa could be hired provided he wore a red turban. I was present for this conversation between me, the manager and Channa.
4. Both Channa and I were hired in atmospheric roles with Disney.
5. Sometime after our initial hire, Channa was told that he could not perform in an atmospheric role unless he shaved his beard. To the best of my knowledge, Channa never actually performed in an atmospheric role despite practicing with the atmospheric musicians.

6. In late 2005, I was present for a meeting where Larry Hendrickson told me, Channa and several other employees that Channa could not play an atmospheric role because Channa did not "fit the Disney image." It was clear to me that Hendrickson was referring to Channa's beard and turban. Other than the beard and turban, there was no difference between Channa and any of the other student musicians.

7. In October 2006, both Channa and I had a meeting with Hendrickson, together, to discuss seasonal employment. I told Hendrickson that I would not be auditioning for winter 2006/2007. Hendrickson told Channa, in my presence, that Channa could not be rehired for the same reason that he could not play an atmospheric role in fall/winter 2005. Again, it was clear to me that Hendrickson was referring to Channa's beard and turban.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3/24/08



ZACHARY ALLEN

IN THE THIRTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

Case No.: _____

SUKHBIR CHANNA, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

WALT DISNEY WORLD COMPANY,
a Florida corporation,

Defendant.

VERIFIED CLASS ACTION COMPLAINT

Plaintiff, Sukhbir Channa, sues Defendant, Walt Disney World Company ("Disney"), for violations of the Florida Civil Rights Act, Fla. Stat. § 760.01 et seq. ("FCRA").¹

Parties, Jurisdiction, Venue Etc.

1. Plaintiff, Sukhbir Channa, is a 24 year old male musician, a graduate of the University of South Florida in Tampa, Florida, and a practicing member of the Sikh religious faith. Channa, at all material times, wore a turban and maintained long hair and a beard in accordance with his Sikh religion beliefs. Channa was an employee within the meaning of FCRA.

2. Defendant, Walt Disney World Company ("Disney") is a Florida corporation with its principal place of business in Orlando, Florida. It is an employer within the meaning of FCRA.

3. This Court has subject matter jurisdiction pursuant to Section 760.01 of the Florida Statutes. This case is brought as a class action for injunctive relief pursuant to Rule 1.220 of the Florida Rules of Civil Procedure.

4. Venue is proper because all of the facts and allegations that form the basis of this Complaint occurred within Hillsborough County, Florida.

¹ The verification of Plaintiff is attached as Exhibit A.

5. On February 23, 2007, Channa dual-filed a charge of religious discrimination with the Equal Employment Opportunity Commission (“EEOC”) and the Florida Commission on Human Relations (“FCHR”).

6. On December 19, 2007, the EEOC issued Plaintiff a Right to Sue Letter. Upon substantial weight and review, FCHR issued its own Right to Sue Letter on March 6, 2008.

7. All administrative prerequisites have been satisfied and/or waived.

8. Plaintiff has retained undersigned counsel and is obligated to pay him a fee for services rendered.

Facts

9. Plaintiff was initially hired as a seasonal employee by Disney in October 2005. He was a trumpet player for the Disney Christmas celebration. His supervisor was Larry Hendrickson. College musicians working at Disney have two primary jobs – parade and atmospheric positions. Plaintiff was hired for both positions.

10. In his parade job, Plaintiff wore a toy soldier outfit that covered his head.

11. The atmospheric position is interactive and musicians have face time with the audience. Musicians here wear red berets and white pants. In late 2005 and early 2006, Disney invited Channa to wear a red turban instead of a red beret and he agreed. Initially Disney’s suggestion of a red turban was well-taken by all and Plaintiff practiced with the atmospheric musicians, but ultimately Mr. Hendrickson concluded that Plaintiff lacked “the Disney look” and refused to allow Plaintiff to appear in an atmospheric position. Meanwhile, Plaintiff rehearsed his atmospheric position up to, and including the day of, the opening performance.

12. After being removed from the atmospheric role, Plaintiff was forced to perform ministerial acts, such as carrying papers for Hendrickson. No other student musician performed similar acts.

13. Plaintiff complained to human resources but Disney failed to take any corrective action. Human resources told Plaintiff that he never was hired for the atmospheric role.

14. In early 2006 Plaintiff was terminated by Disney for not having the appropriate look. Plaintiff’s termination in early 2006 is not the adverse and wrongful employment action that this lawsuit seeks to remedy.

15. Numerous student musicians witnessed Disney's discrimination. The supporting declarations of former Disney employees Nicole Daley and Zachary Allen are attached as Exhibits B and C, respectfully.

16. During October 2006, Plaintiff attempted to be rehired by Disney in the same capacity as he was hired in 2005. He applied, in writing, with his former supervisor, Larry Hendrickson, on USF's campus.

17. Upon attempting to get rehired, Hendrickson accepted, reviewed and retained his written application and told Plaintiff that he was an excellent musician and was exactly what the company and park needed and that he had exceeded all expectations while employed during 2005. Despite these admitted qualifications, Hendrickson refused to hire him because he still had the "look problem" from 2005. The "look problem" referred directly to Plaintiff's turban and beard.

18. In October 2006 Plaintiff was denied all employment by Disney.

19. All of Plaintiff's colleagues from 2005 who wanted to be rehired were rehired by Disney in 2006.

20. But for the "look problem," Plaintiff would have been hired by Disney in October 2006.

21. Upon information and belief, Disney is continuing to discriminate against Sikhs in its employment policies.

COUNT I – FCRA
(failure to hire)

22. Plaintiff incorporates and realleges paragraphs 1 – 21.

23. Disney is subject to the FCRA.

24. Plaintiff was a protected employee under the FCRA.

25. Plaintiff is a practicing member of the Sikh religious faith.

26. Plaintiff was qualified for the position.

27. Plaintiff performed satisfactorily in a similar position he held with Disney in 2005/2006.

28. Disney directly, intentionally and willfully discriminated against Plaintiff when it refused to hire him due to his religion.

29. Plaintiff has been damaged both financially and psychologically.

30. According to Larry Hendrickson, a Disney manager, Plaintiff was denied employment because he did not have "the Disney look." Plaintiff's religious beliefs, in essence, prevented him (or any Sikh) from having the Disney look.

31. Because Plaintiff has direct evidence of discrimination, as opposed to indirect or circumstantial evidence, his claim is not subject to the familiar *McDonnell-Douglas* burden shifting approach commonly used in employment discrimination lawsuits. See *Hemsworth, II. v. Quotesmith.com, Inc.*, 476 F.3d 487, 490-91 (7th Cir. 2007) (noting that a decision-maker's comment "You're too old to work here" is a "near-admission" of liability and is not subject to *McDonnell-Douglas*).

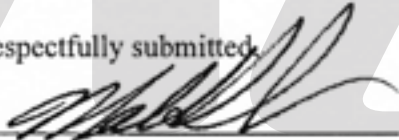
Demand for Jury Trial

Plaintiff demands a trial by jury on all issues so triable.

Prayer for Relief

Plaintiff prays that this Court enter judgment in his favor against Disney, award monetary damages (economic, non-economic and punitive) of no less than \$1,000,000.00, temporarily and permanently enjoin Disney from further discrimination against all Sikh employees and prospective employees, award him reasonable attorneys' fees and costs and any other relief this Court deems appropriate.

Respectfully submitted,



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