

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 30 2021

JAMES W. McCORMACK, CLERK

By: _____
DEP. CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

JANE DOE

PLAINTIFF

VS.

NO. 4:21CV591-JM

**HOSPITALITY SOLUTIONS INC.,
d/b/a EXTENDASTAY MOTEL;
JOHN DOES 1-4; JOHN DOE ENTITIES 1-4**

DEFENDANTS

This case assigned to District Judge _____
and to Magistrate Judge _____

COMPLAINT

COMES NOW the Plaintiff, Jane Doe, by and through her attorneys, RAINWATER, HOLT & SEXTON, P.A., and for her Complaint against the Defendants, states and alleges the following:

I. RESIDENCY & PARTIES

1. Plaintiff Jane Doe was at all times relevant a citizen and resident of the State of Arizona. Plaintiff was picked up in Arizona by a couple believed to be associated with her traffickers. She was brought to West Memphis, Arkansas by that couple where she was then given to and held by her traffickers at their home in West Memphis, Arkansas from October of 2020 to January of 2021.

2. Defendant Hospitality Solutions Inc., d/b/a Extendastay Motel (“Extendastay”) is a for profit corporation. At all relevant times, Hospitality Solutions Inc., was operator of Extendastay located at 210 West Service Road, West Memphis, Arkansas 72301. Defendant Extendastay may be served by

serving its registered agent for service of process, Steve M. Hari, 210 West Service Road, West Memphis, Arkansas 72301.

3. The residency of Defendant John Does 1-4 (“John Does”) remains unknown.

4. The residency of Defendant John Doe Entities 1-4 (“John Doe Entities”) remains unknown.

5. Plaintiff’s counsel executed a “John Doe Affidavit” in accordance with Ark. Code Ann. § 16-56-125, and it is attached hereto as Exhibit 1.

6. The incident giving rise to this cause of action occurred on or about October 10, 2020 through January 9, 2021, in West Memphis, Crittenden County, Arkansas.

II. JURISDICTION AND VENUE

7. The United States District Court for the Eastern District of Arkansas has jurisdiction under 28 U.S.C. § 1332(a)(1).

8. Venue for this action is governed by 28 U.S.C. § 1391(b)(2). Venue lies properly in the Eastern District of Arkansas as the events or omission giving rise to this claim occurred in West Memphis, Crittenden County, Arkansas.

9. This Court has personal jurisdiction over Defendant because the negligent acts and omissions of Defendant were committed in whole or in part in the State of Arkansas against a resident of the State of Arkansas.

III. BASIC PREMISE

10. According to the Polaris Project, founded and based out of Washington D.C, from 2007 to 2017, the National Human Trafficking Hotline

documented 34,700 sex trafficking cases inside the United States.

11. The Trafficking Hotline saw a nearly 20 percent increase in the number of reported sex trafficking victims, totaling over 22,000 identifiable victims and survivors, in the year 2019 alone.

12. The Polaris Project defines human trafficking as the business of stealing freedom for profit. In some cases, traffickers trick, defraud or physically force victims into providing commercial sex. In other cases, victims are lied to, assaulted, threatened or manipulated into working under inhumane, illegal or otherwise unacceptable conditions. It is a multi-billion dollar criminal industry that denies freedom to 24.9 million people around the world.

13. From their data, the Polaris Project has found that the most common venue for sex trafficking is at hotels or motels.

14. It has long been recognized that exploiters and traffickers use hotel and motel rooms when setting up “tricks” or “dates” between victims of sex trafficking and those individuals purchasing sex.

15. Traffickers have capitalized on the hotel industries’ refusal to adopt companywide anti-trafficking policies, train staff on what to look for and how to respond, establish a safe and secure reporting mechanism, as well as seclusion and privacy of hotel rooms.

16. According to a 2012 BEST study, 63% of trafficking incidents happen in hotels or motels, ranging from luxury to economy, with the majority of victims being children.

17. The hotel industry is on notice that traffickers utilize hotels and

motels for trafficking their victims. Recently, several hotel and motel chains now train their staff on sex trafficking.

18. Extendastay is on notice that traffickers utilize hotels and motels for trafficking their victims.

19. Extendastay at 210 W. Service Road in West Memphis is a known hot spot for criminal activity. Extendastay turns a blind eye to criminals and criminal activity on their premises.

20. From July 2020 through April 25, 2021, the West Memphis Dispatch office was called to Defendant's hotel approximately one hundred and twenty (120) times. These calls were for crimes involving guns, drug seizures, drug overdoses, suspicious activity, battery, warrant arrests, and included calls for rape and sexual assault.

21. The narrative section of many of these police reports note that the Extendastay is "a high crime area" and "Extendastay is known for subjects loitering for the purpose of drugs or prostitution."

22. Many of the reports from June 2020 through April 27, 2021, mention numerous individuals found to be in possession of drugs and guns while on the premises of Extendastay.

IV. FACTS

23. From October, 2020 through January, 2021, through use of manipulation, coercion, threats of abuse, and physical abuse, Plaintiff Jane Doe, who was seventeen (17) at the beginning of her trafficking, was held by her traffickers at a home in West Memphis, Arkansas.

24. Plaintiff's traffickers would drive Plaintiff to defendant's premises to engage in sex or sexual acts in exchange for money with Randle Blair. Plaintiff was forced to have sexual intercourse with Mr. Blair on approximately five occasions on Defendant's premises. Plaintiff was physically held down and raped by Mr. Blair and her trafficker. All of the money paid by Mr. Blair went to the Plaintiff's traffickers who were facilitating the business.

25. Defendant allowed Randle Blair, a resident of Earl, Arkansas, which is less than thirty-minutes from West Memphis, to purchase the motel room per hour using cash. Mr. Blair had been renting rooms in this manner with the Defendant for over a year before Plaintiff was brought to Defendant's premises and raped by Mr. Blair.

26. At least one of these rapes occurred when Plaintiff was a minor. Plaintiff turned eighteen years old in November of 2020.

27. In January of 2021, Plaintiff was finally able to escape the trafficker's home and run to a nearby Wal-Mart where she asked someone to call the police.

V. CAUSE OF ACTION - NEGLIGENCE

28. All of the allegations previously plead herein are re-alleged as though stated word-for-word.

29. As owners, proprietors, and managers of the Extendastay, Defendant invited persons onto the premise and had a duty to exercise reasonable care in keeping those on the property safe.

30. Defendant owed a duty of care to Plaintiff to use ordinary and

reasonable care to maintain a safe premise, which includes preventing the sexual exploitation and trafficking of any person on the premise.

31. Defendant breached their duty to Plaintiff in each of, but not limited to, the following ways:

- a) Failing to have reasonable check-in/out procedures as evidenced by accepting cash payment from a local resident for a room he is renting by the hour;
- b) Failure to have adequate security on the premises to combat loitering, prostitution, sex trafficking, and other criminal activity.
- c) Failure to properly train staff on the warning signs of sex trafficking;
- d) Failure to notify law enforcement once signs of sex trafficking became apparent;
- e) Failing to implement proper security procedures to monitor foot traffic coming and going at the Extendastay;
- f) Failing to properly monitor premises and guests for signs of sex trafficking;
- g) Otherwise failing to maintain a safe premises.

VI. CAUSE OF ACTION – A.C.A § 16-118-109 – CIVIL CAUSE OF ACTION FOR VICTIMS OF HUMAN TRAFFICKING

32. All of the allegations previously plead herein are re-alleged as though stated word-for-word.

33. An individual who is a victim of human trafficking may bring a civil action in any appropriate state court.

34. Plaintiff is entitled to all remedies and damages under Ark. Code Ann. § 16-118-109 for violating Ark. Code Ann. § 5-18-103(a)(2) Trafficking of Persons – for knowingly benefitting financially or receiving anything of value from participation in a venture under Ark. Code Ann. § 5-18-103(a)(1).

35. The statute of limitation period imposed for the filing of a civil action under Ark. Code Ann. § 16-118-109 does not begin to run until the Plaintiff discovers that the Defendants caused, were responsible for, or profited from the human trafficking incident.

36. An individual who is a victim of human trafficking may bring a civil action in any appropriate state court and recover damages, to include actual damages, compensatory damages, and punitive damages, from a Defendant who knowingly benefits financially or benefits by receiving anything of value from participation in the offense of human trafficking.

37. Defendants benefited financially from the trafficking of Plaintiff on their premises by receiving cash payment from Randle Blair for the room rentals.

VII. CAUSE OF ACTION – 18 USCS § 1595 FOR VIOLATION OF §1591

38. All of the allegations previously plead herein are re-alleged as though stated word-for-word.

39. An individual who is a victim of human trafficking may bring a civil action against whoever benefits, financially or by receiving anything of value from participation in a venture, which that person knew or should have known has engaged in an act in violation of 18 USCS §1591 et seq. in an appropriate District Court of the United States. 18 USCS § 1595.

40. Plaintiff is entitled to all remedies and damages under 18 USCS §1595, including but not limited to damages and reasonable attorney fees.

41. Defendant knew or should have known that hotels are a common ground for the business of sex trafficking.

42. Defendant knew or should have known that Randle Blair and Plaintiff's traffickers were engaging in sex trafficking on their premises.

43. Defendant benefitted financially by accepting cash money from Randle Blair on several occasions for the room rental.

44. Defendant's hotel is located at the intersection of Interstate 40 and Interstate 55, the two main interstates which transport persons between Arkansas and Tennessee. Defendant rents rooms to persons who live out of state and have traveled to Arkansas using either the interstate or an airplane.

VII. PROXIMATE CAUSATION

45. All of the allegations previously plead herein are re-alleged as though stated word-for-word.

46. The Defendants' negligence proximately caused the injuries and damages sustained by Plaintiff.

VIII. INJURIES AND COMPENSATORY DAMAGES

47. All of the allegations previously plead herein are re-alleged as though stated word-for-word.

48. Plaintiff sustained personal injuries and damages as a result of the negligence of Defendants.

49. Plaintiff is entitled to the following damages:

- a) the nature, extent, duration, and permanency of her mental and physical injuries;
- b) the full extent of the injuries she sustained;
- c) the expense of her medical care, treatment and services received, including transportation, board and lodging expenses and those expenses that are reasonably certain to be required in the future;
- d) any pain, suffering and mental anguish experienced in the past and reasonably certain to be experienced in the future;
- e) the value of any earnings, earning capacity, profits, or salary lost in the past and that are reasonably certain to be lost in the future; and
- f) the visible results of her injuries.

50. The injuries and damages described herein have been suffered in the past and will be continuing in the future.

IX. DEMAND FOR JURY TRIAL

51. Plaintiff hereby demands a trial by jury.

X. DEMAND & PRAYER

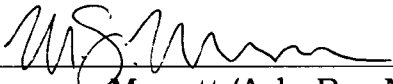
52. The Plaintiff demands judgment against the Defendants for a sum in excess of that required for federal court jurisdiction in diversity of citizenship cases and sufficient to fully compensate her for her damages, including those damages authorized by Ark. Code Ann. §16-118-109 (Civil Cause of Action for Victims of Human Trafficking) and 18 USCS § 1595, to include compensatory damages, punitive damages or any other relief as stated in Ark. Code Ann. § 16-

118-109 and 18 USCS § 1595.

53. The Plaintiff demands judgment against the Defendant for pre-judgment interest and post judgment interest at the maximum rate allowed by law; for reasonable expenses; attorneys' fees; costs; and for all other proper relief to which she may be entitled.

Respectfully Submitted,

Attorneys for Plaintiff

By: 

Lauren Manatt (Ark. Bar No. 2011150)
Meredith S. Moore (Ark. Bar No. 2014237)
Denise Hoggard (Ark. Bar No. 84072)
RAINWATER, HOLT & SEXTON, P.A.
P.O. Box 17250
Little Rock, AR 72222
Telephone: (501) 868-2500

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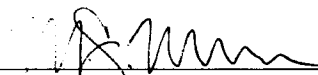
STATE OF ARKANSAS)

) ss:

COUNTY OF PULASKI)

Comes now Meredith Moore, and states, upon oath, the following:

1. I represent Plaintiff, Jane Doe, in the above matter.
2. Plaintiff, Jane Doe, is seeking a judgment against unknown tortfeasors.
3. The names of the unknown tortfeasors in this action will be designated by the pseudo-names John Doe Entities 1-4 and John Does 1-4, and will be named as such in the Plaintiff's Complaint.
4. Upon determining the identities of John Does 1-4 and John Doe Entities 1-4, Plaintiff's Complaint will be amended by substituting the real name for the pseudo-name.
5. This affidavit is made pursuant to A.C.A. § 16-56-125.



Meredith Moore

6/30/21

Date

SWORN AND SUBSCRIBED before me on the 30th day of June 2021.



Notary Public

My commission expires:

Amy Jo Ann Richardson
Saline County
NOTARY PUBLIC -- ARKANSAS
My Commission Expires February 1, 2028
Commission No. 12703938

JS 44 (Rev. 04/21)

CIVIL COVER SHEET 4:21CV591-JM

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p style="text-align: center;">JANE DOE</p> <p>(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) Lauren Manatt, Meredith Moore, Denise Reid Hoggard Rainwater, Holt & Sexton, PA PO Box 17250</p>	<p>DEFENDANTS</p> <p>HOSPITALITY SOLUTIONS INC., d/b/a EXTENDASTAY MOTEL;</p> <p>County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>INTELLECTUAL PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
A.C.A § 16-118-109

Brief description of cause:
CIVIL CAUSE OF ACTION FOR VICTIMS OF HUMAN TRAFFICKING

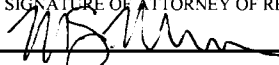
VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: June 30, 2021

SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____