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'Enough Already': Lawyers Weigh in as Wells Fargo Sued for Racial Discrimination

Dr. Barbara Carroll suggests her run-in with alleged racism at a Fort Lauderdale Wells Fargo bank is the latest public instance of private businesses behaving in a hostile manner toward black patrons. She's taken her complaint to court.

By Zach Schlein | July 30, 2018

When Dr. Barbara Carroll stopped by a Fort Lauderdale branch of Wells Fargo in the affluent Victoria Park neighborhood on Nov. 28, 2017, she had no intention of staying long. The 78-year-old grandmother of eight had stopped by the bank to cash an \$140 check for her son, a task she thought would be simple enough.

Carroll instead had her identification confiscated, was accused of fraud by a bank teller and was detained for nearly



A Wells Fargo bank branch in New York. A lawsuit alleging racial discrimination has been filed against the company by South Florida woman, Dr. Barbara Carroll. Photo: Bloomberg

three hours until police arrived on the scene, according to her lawsuit filed in federal court in Florida.

Carroll is a Michigan-born black woman with a doctorate in criminal justice, according to her complaint. She filed suit in the U.S. District Court for the Southern District of Florida. Her two-count complaint demands a jury trial, accuses the bank of intentional infliction of emotional distress and alleges violation of Section 1981 of the Civil Rights Act of 1866. Her lawyer is Dania Beach litigator Yechezkel “Chezky” Rodal, of Rodal Law.

**[Click here to read the lawsuit
\(https://images.law.com/contrib/content/uploads/documents/39
Carroll-Complaint-1-1.pdf\)](https://images.law.com/contrib/content/uploads/documents/39Carroll-Complaint-1-1.pdf)**

Carroll told the Daily Business Review the alleged incident was one of the most humiliating things she has ever endured. According to Carroll, the teller asked her, “What did you do to earn that money?”

Because Carroll was not a Wells Fargo member, the bank teller asked her for two forms of identification. After providing her driver’s license and passport — both of which were valid and up to date — Carroll said she was met with silence as the teller examined her IDs and told her to be patient. After 30 minutes, Carroll asked to speak with a manager, at which point the manager told her that her documents were not being returned, and that bank staff had called police. She said bank employees refused to return her documents, forcing her to remain in the bank.

“Nothing made me more angry than the fact she had humiliated me,” Carroll said. “I was angry, I was hurt. ... she didn’t have the courtesy to say, ‘I’m sorry.’ That would’ve been the end of it for me.”

Carroll said she wound up calling the police herself, and that officers eventually concluded that her documents were legitimate. Three hours after her initial arrival, Carroll was allowed to leave with the \$140 and her IDs.

“Dr. Carroll called Wells Fargo’s customer service department to lodge a complaint and was quite taken aback by what Micah—the representative who answered the call—told her,” the complaint alleges. “Micah told Dr. Carroll that he ‘hate[s] to say it, but that branch was notorious for treating black people poorly.’”

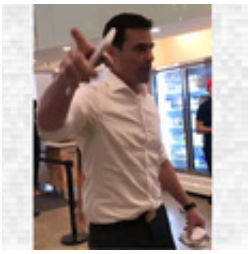
No lawyer had entered an appearance on the bank’s behalf by press time.

Wells Fargo told the Daily Business Review it was investigating Carroll’s allegations.

“We always want to make sure we’re doing right by our customers, guarding against fraud and taking extra precautions to protect them,” the bank wrote in a statement. “Wells Fargo opposes discrimination of any kind, and we take Dr. Carroll’s allegations very seriously.”

Carroll’s complaint comes as multiple viral videos have brought strong media coverage depicting ethnic minorities being threatened with arrest — or actually being arrested — in public spaces and businesses for no immediately discernible reason.

In April, for instance, a Starbucks employee in Philadelphia called police on two black men who were sitting in the cafe waiting for a friend. Starbucks CEO Kevin R. Johnson later apologized and announced widespread training to prevent racial bias. And in New York, attorney Aaron Schlossberg found himself kicked out of his office space after a viral video showed him threatening to have Spanish-speaking restaurant workers deported for not communicating in English.



Backlash Mounts Against Attorney Whose Racist Rant Went Viral

(<https://www.law.com/dailybusinessreview/2018/05/17/backlash-mounts-against-attorney-whose-racist-rant-went-viral/>)

The videos go viral, but some attorneys say such matters settle long before they reach the courtroom.

“You see an uptick on the postings online, but in terms of legal action taken in courts, we haven’t seen that with regards to complaints filed,” said Miami civil rights attorney Christopher Benjamin, founder of The Barrister Firm and chairman on the Legal Redress Committee for the Miami-Dade NAACP. Benjamin has seen no increase in such lawsuits in either Miami-Dade circuit courts or federal courts.

Jeffrey N. Berman, a Miami personal injury and civil rights attorney, said his office has received a spike in calls alleging discrimination identical to what Carroll described, thanks perhaps to newfound media coverage.

“Somebody sees it on the news, and if they believe they’ve experienced some kind of discrimination, they’re going to get on the phone with a lawyer,” he said.

Jackie Azis is one of the attorneys called. The staff attorney with the ACLU of Florida said she’s seen a sharp increase in civil rights lawsuits in the last year. Her comments follow release of an ACLU July study showing racial bias at all levels of the Miami-Dade criminal justice system.

South Florida Attorneys Divided On ACLU Report Depicting Racially Biased Justice System in Miami-Dade

(<https://www.law.com/dailybusinessreview/2018/07/19/south-florida-attorneys-divided-on-aclu-report-depicting-racially-biased-justice-system-in-miami-dade/>)



“We receive approximately 300 requests for help every month. I think this would be a priority though. This is something that the ACLU is concerned with,” Azis said. “Courts have expressly recognized that states must prevent the harms of discrimination in workplaces and in businesses.

“Any kind of case like this is not allowed by our Constitution, and businesses need to do better when ensuring that their employees are properly trained and understand that they are not allowed to discriminate against customers in this manner,” Azis continued. “Discrimination has no place in business, and businesses cannot put up signs essentially saying, ‘Your kind cannot be served here.’”

Azis’s sentiments mirror those of Carroll herself, who said “enough already” to racial discrimination.

“Everybody needs to be able to feel that they have value,” Carroll said. “I’m not used to this. I don’t like it. ... It’s humiliating.”

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Read Barbara Carroll's complaint against Wells Fargo:

Case 0:18-cv-61646-WPD Document 1 Entered on FLSD Docket 07/18/2018 Page 1 of 6

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

CASE NO.:

BARBARA ANNE CARROLL,

Plaintiff,

vs.

WELLS FARGO BANK, N.A.,

Defendant.

COMPLAINT AND DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff, BARBARA ANNE CARROLL ("Dr. Carroll"), by and through undersigned counsel, and brings this action against Defendant, WELLS FARGO BANK, N.A. ("Wells Fargo"), and as grounds thereof alleges as follows:

INTRODUCTION

1. Dr. C: Page 1 / 6 .grandmother of one,
great-grandmother of five, and grandmother of eight, with a PhD in criminal justice and over a