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Appeals court says Ann Arbor hotel discrimination suit can proceed

Paul Egan / The Detroit News

A black couple who was unable to book their wedding reception at an Ann Arbor hotel can proceed with their racial discrimination lawsuit, a federal appeals court ruled today.

The U.S. 6th Circuit Court of Appeals reversed U.S. District Judge Robert H. Cleland, who had dismissed a lawsuit brought by Alfreda and Devon Keck against Graham Hotel Systems Inc., which operates the Kensington Court Hotel.

The Kecks complained that in 2004 they attempted for three months to book their planned wedding reception at the hotel, formerly known as the Crowne Plaza Hotel, but were unable to get calls returned after visiting the hotel or even meet with the hotel's wedding specialist.

Cleland ruled the Kecks failed to show they were treated differently than white couples during the relevant three-month period and were not treated in a "markedly hostile" manner. He noted the hotel had provided nondiscriminatory explanations for what happened, including the hotel's temporary lack of a wedding specialist during part of the time period and the unscheduled nature of the Kecks' visits to the hotel.

The appeals court said it was not enough for hotel staff to treat the couple courteously.

"The plaintiffs made numerous attempts to enter into a contract with the hotel to host their wedding reception," the court said in a published opinion released today. "It is possible to construe the hotel's complete failure to consummate this transaction as 'contrary to (its) financial interests' and 'outside of widely accepted business norms.' "

Stephen Dane, the Washington, D.C., civil rights attorney who represented the Kecks, said he was pleased with the ruling and hopes the case will now go to a jury trial.

"We knew that we had a valid claim to present to the jury from the very beginning and were very surprised that the district court judge threw the case out," Dane said.

Jan Hildebrand, a Southfield attorney representing the hotel company, issued a statement that said the company is disappointed with the ruling but confident it will prevail in the lawsuit.

The appeals court "focused only on plaintiffs' testimony to the exclusion of the hotel's evidence, such as

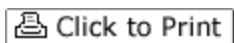
that one-third of the hotel's catering and sales staff is African American, the hotel regularly hosts events for African-American groups ... and a wedding for an African-American couple occurred at the hotel two weeks after plaintiffs' proposed wedding date," the statement said.

Testing by the Fair Housing Center of Southeastern Michigan, in which black and white testing couples were sent to the hotel to book receptions, also showed signs of discriminatory treatment, the court record showed.

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