

Hotels Must Face Suit Over Sex Trafficking Knowledge

By **Lauren Berg**

Law360 (October 8, 2019, 9:21 PM EDT) -- The operators of six hotels must face a lawsuit from a sex trafficking survivor who alleges they should have known she was being victimized at their lodgings, an Ohio federal judge ruled, saying the survivor has shown enough to allege the hotels benefited financially from the trafficking.

U.S. District Judge Algenon L. Marbley denied motions to dismiss Monday from Buckeye Hospitality Inc., First Hotel Management LLC, Columbus Hospitality LLC, Krrish Lodging LLC, Wyndham Hotels & Resorts, Inc. and Choice Hotels International Inc., rejecting their arguments that the survivor hasn't shown the hotels knowingly benefited financially from the sex trafficking happening on their premises or that they should have known what was going on.

The plaintiff, identified only as M.A., was trafficked for sex from the spring of 2014 until she escaped in August 2015, according to Judge Marbley's order, and she alleges the trafficking happened at several Days Inn by Wyndham, Comfort Inn and Crowne Plaza locations in Columbus, Ohio. Her suit seeks to hold the hotels liable under the Trafficking Victims Protection Reauthorization Act.

M.A. alleges the hotels knew or should have known the trafficking was happening on their properties because her trafficker asked for rooms near exits, she was told to decline housekeeping, and the trash cans in her rooms contained an "extraordinary number of used condoms," according to the order.

"Plaintiff alleges that, while she was at each hotel property, 'the hotel staff would have or should have observed visible physical changes, such as bruising,' and that '[d]espite her desperate pleas and screams for help, after being beaten or choked at the defendants' hotel properties, the hotel staff ignored her and did nothing to prevent the ongoing and obvious torture she endured,'" the order states.

M.A. alleges the hotels didn't take adequate measures to prevent human trafficking, according to the order.

Judge Marbley said that M.A.'s allegation that the hotels benefited financially by renting rooms to her trafficker is enough at this point in the case.

The judge also found that M.A.'s allegations that the hotels should have seen the signs and realized sex trafficking was taking place on their premises are sufficient to survive the motions to dismiss, according to the order.

Pointing to the First Circuit's ruling in *Ricchio v. McLean* [🔗](#) — a case that alleged a hotel owner and the trafficker were working together for profit and that the trafficker physically assaulted the survivor in public — Judge Marbley said M.A.'s allegations don't rise to that level of obviousness, but that she doesn't have to have evidence showing the hotels actually knew about the trafficking.

"M.A. does not need to prove reckless disregard ... only that the defendants 'should have known' about the nature of the venture under a negligence standard," the judge wrote. "This does not require evidence of actual knowledge or conspiracy between defendants and the trafficker."

On the other end of the scale, the judge said, is the New York federal case *Hillary Lawson v. Howard Rubin* [🔗](#), in which the owner of a condo was not found to be liable for the renter procuring women for sex trafficking because the owner did not have reason to know about the activity.

The judge said M.A.'s case falls in the middle of the two cases and found that she has shown enough at this point in the case to allege the hotels should have known about the trafficking.

"M.A. has alleged that defendants were on notice about the prevalence of sex trafficking generally at their hotels and failed to take adequate steps to train staff in order to prevent its occurrence," the judge wrote. "She also alleges facts specific to her own sex trafficking, including a number of signs she alleges should have alerted staff to her situation."

Counsel for the parties did not immediately respond to requests for comment Tuesday.

These aren't the first hotels to be hit with lawsuits from sex trafficking survivors this year. In March, two teenage survivors of sex trafficking — identified as B.H. and C.A. in complaints — filed separate suits against three Philadelphia hotels, accusing them of **turning a blind eye** to the girls' sex trafficking.

The girls were allegedly held by sex traffickers and forced to meet men at the Roosevelt Inn, Days Inn and North American Motor Inn, whose staff and management should have recognized and reported signs of the trafficking and prostitution, according to the lawsuits filed in Pennsylvania state court.

Hotels have a duty to their guests to prevent them from being harmed by crime on their premises, and by renting rooms to the people who exploited the girls, who were teenage minors when they were trafficked for sex between 2012 and an FBI raid in 2013, the hotels had failed in that duty, the suits said.

The suits seek both compensatory and punitive damages from the hotels, which is allowed under the Pennsylvania Human Trafficking Law of 2014, according to a statement the girls' attorneys released when the lawsuits were filed.

"These two women — two girls — did not know each other, yet they were trafficked out of the same couple of hotels named in the lawsuits, around the same time, by different pimps," Nadeem Bezar, one of the attorneys representing the girls, told Law360 in March. "How crazy does that make these places sound?"

M.A. is represented by Steven C. Babin Jr. of Babin Law LLC, Gregory M. Zarzaur and Anil A. Mujumdar of Zarzaur, and Kimberly L. Adams of Levin Papantonio Thomas Mitchell Rafferty & Proctor PA.

Wyndham Hotels is represented by Michael R. Reed and Elisé K. Yarnell of Hahn Loeser & Parks LLP, and David S. Sager of DLA Piper.

Choice Hotels is represented by Jennifer Snyder Heis and Alyson Terrell of Ulmer & Berne LLP, and Sara M. Turner of Baker Donelson Bearman Caldwell & Berkowitz.

Krrish Lodging is represented by Samuel N. Lillard and Mathew A. Parker of Fisher & Phillips LLP.

Columbus Hospitality is represented by Quintin F. Lindsmith and Victoria Flinn McCurdy of Bricker & Eckler LLP.

First Hotel Management is represented by Joseph L. Piccin of Joseph L. Piccin Co. LLC.

Buckeye Hospitality is represented by Charles R. Griffith and Joshua J. Fravel of Griffith Law Offices.

The suit is M.A. et al. v. Wyndham Hotels & Resorts Inc. et al., case number 2:19-cv-00849, in the U.S. District Court for the Southern District of Ohio.

--Additional reporting by Matthew Santoni. Editing by Breda Lund.

