

WILL: Small business owners sue cable giant Comcast for illegal race discrimination

Posted on Monday, Apr 4, 2022

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WILL represents business owners in challenge to grant program that violates federal prohibition on racial qualifications

The News: Four small business owners filed a [federal lawsuit](#) against Comcast Cable Communications Management, LLC for developing and implementing a small business program that excludes them on the basis of their race. The Wisconsin Institute for Law & Liberty (WILL) filed the lawsuit in the Southern District of Indiana alleging the [Comcast RISE program](#) violates the Civil Rights Act of 1866, a federal statute that “prohibits racial discrimination in the making and enforcement of private contracts.”

WILL represents plaintiffs in four states: Indiana, Massachusetts, Pennsylvania, and Tennessee. The lawsuit asks the court for an immediate injunction prohibiting Comcast from imposing racial qualifications in the Comcast RISE program.

The Quotes: WILL President and General Counsel, Rick Esenberg, said, “Comcast is violating federal law by establishing strict racial qualifications for the Comcast RISE small business grant program. Federal law is clear that private institutions and businesses may not engage in race discrimination when making contracts.”

Christopher Moses, a plaintiff from Greenwood, Indiana, said, “Like most small business owners around the country, I could use some help. When I first learned about the Comcast RISE program, I had hoped that it was something that could help my business. But I soon learned that I’m not eligible because of the color of my skin. Race discrimination is always wrong. I hope Comcast changes this program and opens it up to all small business owners.”

Eligibility for the Comcast RISE grant program

Background: The [Comcast RISE](#) program, developed by Comcast in 2020, offers small businesses “resources and tools to elevate your business,” including consulting, creative production of a 30-second TV commercial, and a TV media schedule, among other things. Small businesses can apply to the Comcast RISE program and, if selected, have the opportunity to enter into a contractual relationship with Comcast, under which Comcast would provide the promised resources and the businesses would grant Comcast rights of publicity and other terms.

But the Comcast RISE program is not open to white male small business owners. Comcast’s website lays out the [eligibility requirements](#), which contain an explicit racial qualification that “at least 51% [of the applying business must be] owned and operated by someone who identifies as Black, Indigenous, a Person of Color, or a female.”

Since 2020, Comcast has awarded over [8,000 small businesses](#) RISE grants, boasting grant recipients in 590 cities in 34 states. Applicants can apply for RISE grants until June 2022.

Christopher Moses, plaintiff

WILL’s Clients: WILL represents small business owners in four states. Each would have applied for the Comcast RISE grant but are ineligible because of their race.

Christopher Moses owns All American Clean LLC, a commercial cleaning company based in Greenwood, Indiana. He is a disabled veteran and started his business in 2012 with his wife.

Themis Sacarellos owns Round the Clock East, Inc., a restaurant in York, Pennsylvania, along with his father Dimos Sacraellos. Themis and Dimos own and operate multiple successful restaurants, including Round the Clock East, in the York, Pennsylvania area.

Antonio Vitolo owns a Jake’s Bar and Grill, LLC, in Harriman, Tennessee. Mr. Vitolo was previously the victim of race discrimination by the Small Business Administration, as detailed in *Vitolo v. Guzman* (2021).

Alfred Castiglioni owns Chardonnays Inc., and Zinfandel LLC, doing business as Chardonnay’s Restaurant in Seekonk, Massachusetts, and Meritage Restaurant in

East Greenwich, Rhode Island.

Antonio Vitolo, plaintiff

The Lawsuit: Under the [Civil Rights Act of 1866](#), “[a]ll persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts.” The term “make and enforce contracts” includes the “making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship.” Specifically, [Section 1981](#) of the Civil Rights Act of 1866 “prohibits racial discrimination in the making and enforcement of private contracts.”

The four business owners WILL represents would be eligible for RISE grants if the criteria were race neutral. Because they desire to make and enforce a contract with Comcast, they do not enjoy the same right to make, enforce, and perform a contract with Comcast as non-white small business owners. This violates Section 1981 of the Civil Rights Act of 1866.

[The lawsuit](#) is filed in the United States District Court for the Southern District of Indiana. Plaintiffs are asking for a preliminary restraining order prohibiting Comcast from imposing the racial qualifications in the Comcast RISE grant program and a declaratory judgment that Comcast’s racial qualifications violate federal civil rights law.

This lawsuit is part of WILL’s [Equality Under the Law Project](#). More information about this project can be found at [DefendEquality.org](#).