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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
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LORETTA E. WYITE
CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**MELANIE KRAMER, Individually and *
on Behalf of Others Similarly Situated *
*
VERSUS *
*
THE NEW ORLEANS SAINTS, TOM *
BENSON, BENSON FOOTBALL, INC., *
AND BENZ-SAINTS MANAGEMENT *
COMPANY, L.C. *
* * * * ***

CIVIL ACTION NO.:
SECTION: 01-2451
MAGISTRATE:
SECT. L MAG. 4

COMPLAINT

I.

This is a suit in equity authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964, 2 U.S.C. Section 2000e et seq. and the Civil Rights Act of 1991, 105 Stat. 1071 and the Equal Pay Act of 1963. Jurisdiction of this Court is invoked pursuant to 42 U.S.C. Section 2000e-5(f) and U.S.C. Section 1343 (4). Declaratory relief is sought under 28 U.S.C. Section 2201 and 2202. The jurisdiction of this Court is invoked to secure protection of and to redress deprivation of those rights of the plaintiff and all others similarly situated secured by 42 U.S.C. Section 2000e et seq., providing for injunctive and other relief against sex discrimination, including pregnancy discrimination, sexual harassment, hostile workplace environment and retaliation in employment.

Fee \$150.00
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II.

This is also a suit authorized and instituted pursuant to the Family & Medical Leave Act of 1993, 29 USCA §§ 2601, *et seq.* Jurisdiction of this Court is invoked pursuant to 28 USCA § 1331. The jurisdiction of this Court is invoked to seek the protection of and to redress deprivation of those rights of the plaintiff and all others similarly situated which are secured under the Family & Medical Leave Act, 29 USCA § 2601, *et seq.*, providing for relief against prohibited acts deemed unlawful by the employer in interfering with and/or restraining and/or denying the exercise or attempted exercise of rights under the Family & Medical Leave Act. Venue under 28 USCA § 1391 is proper in this district as the challenged practices occurred within the jurisdiction of the United States District Court for the Eastern District of Louisiana. Defendant, The New Orleans Saints, is an employer within the meaning of 29 USCA § 2601, *et seq.*, employing more than fifty (50) employees on a full-time permanent basis.

III.

This is also an action brought by the plaintiff individually and on behalf of all others similarly situated under the Fair Labor Standards Act ["the Act" or "FLSA"], 29 U.S.C. § 201, *et seq.*, to enjoin and redress violations of minimum wages and overtime pay requirements of Sections 206 and 207 of the Act. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331. This action is authorized and instituted pursuant to Section 216(b) of the Act. Venue, under 28 U.S.C. § 1391, is proper in this district as the challenged employment practices occurred within the jurisdiction of the United States District Court for the Eastern District of Louisiana. At all relevant times, the Defendant, The New Orleans Saints, has continuously been doing business in the State of Louisiana

and has been engaged in an industry affecting commerce within the meaning of 29 U.S.C. § 203, and is an "employer" subject to the Fair Labor Standards Act, as defined at 29 U.S.C. § 203.

IV.

The Complaint of Melanie Kramer, individually and on behalf of all others similarly situated, respectfully represents that plaintiff has injuries common to all those similarly situated in this class action, brought on behalf of all former and current female employees of the Defendant with respect to those claims arising under Title VII of the Civil Rights Act of 1964, 2 U.S.C. Section 2000e et seq. and the Civil Rights Act of 1991, 105 Stat. 1071 and arising under the Equal Pay Act of 1963.

V.

The Complaint of Melanie Kramer, individually and on behalf of all others similarly situated, respectfully represents that plaintiff has injuries common to all those similarly situated in this class action, brought on behalf of all former and current employees of the Defendant with respect to those claims arising under the Family & Medical Leave Act of 1993, 29 USCA §§ 2601, *et seq.*

VI.

The Complaint of Melanie Kramer, individually and on behalf of all others similarly situated, respectfully represents that plaintiff has injuries common to all those similarly situated in this class action, brought on behalf of all former and current non-exempt employees of the Defendant with respect to those claims arising under the Fair Labor Standards Act ["the Act" or "FLSA"], 29 U.S.C. § 201, *et seq.*, to enjoin and redress violations of minimum wages and overtime pay requirements of Sections 206 and 207 of the Act.

THE PARTIES

VII.

Plaintiff, Melanie Kramer, is a Caucasian female citizen of the United States who, at all times pertinent herein, residing in the State of Louisiana and the Parish of Jefferson, and further appears pursuant to Federal Rules of Civil Procedure 23(a) and (b), on behalf of all classes of former and current employees of the Defendants enumerated above in Paragraphs IV-VI.

VIII.

As will appear in the allegations set forth hereinbelow:

- A. The persons which plaintiff seeks to represent is so numerous that joinder of all members is impracticable;
- B. There are questions of law and/or fact common to all members of the respective classes/subclasses;
- C. The claims of the representative are typical of the claims of each class/subclass; and
- D. The representative will fairly and adequately represent and protect the interests of the classes/subclasses.

IX.

Further, as will appear in the allegations set forth herein below, this action may be maintained pursuant to Federal Rule of Civil Procedure 23(b) because:

- A. The prosecution of separate actions by the individual members of the classes/subclasses would create a risk of inconsistent and/or varying adjudication with

respect to individual members of the classes/subclasses which would establish incompatible standards of conduct for the Defendants;

- B. The questions of law and/or fact common to the members of each of the classes/subclasses predominate over any questions affecting only individual members; and
- C. A class action is superior to other methods for the fair and efficient adjudication of this controversy, the alternative being a multiplicity of duplicative litigation to settle the matters which could most easily and economically be settled herein..

X.

Defendant, The New Orleans Saints, is a domestic partnership and/or sole proprietorship licensed to do and doing business in the Parish of Jefferson, State of Louisiana;

Defendant, Tom Benson, a person of the full age of majority and domiciled in the Parish of Jefferson, State of Louisiana, is an owner and/or partner of The New Orleans Saints;

Defendant, Benson Football, Inc., a foreign corporation licensed to do and doing business in the Parish of Jefferson, State of Louisiana, is a partner and/or owner and/or managing entity of The New Orleans Saints;

Defendant, Benz-Saints Management Company, L.C., a foreign limited liability company licensed to do and doing business in the Parish of Jefferson, State of Louisiana, is a partner and/or owner and/or managing entity of The New Orleans Saints.

Upon information and belief, the Defendants Tom Benson, Benson Football, Inc. and/or Benz-Saints Management Company, L.C. owned and/or managed the Defendant, The New Orleans Saints

and directed its day-to-day management decisions which adversely affected plaintiff and all others similarly situated in the manner described in this Complaint.

THE TITLE VII AND EQUAL PAY ACT VIOLATIONS

XI.

This is a proceeding for a declaratory judgment as to plaintiff's rights, individually and on behalf of all others similarly situated and for a permanent injunction restraining Defendants from maintaining a policy, practice, custom or usage of discriminating against plaintiff and other female employees (former and current) similarly situated because of gender, because of pregnancy, further restraining the Defendants from imposing upon the female employees unequal standards of discipline and evaluation, from adversely impacting the female employees in their "restructuring" of The New Orleans Saints organization, further restraining the Defendants from denying female employees promotional opportunities and equal pay opportunities, from maintaining a hostile workplace, from sexual harassment of the female employees, and from retaliation against plaintiff and all others similarly situated because of the exercise of their civil rights.

XII.

All conditions precedent to jurisdiction under 42 U.S.C. Section 2000e-5(f)(3) have occurred or been complied with, to wit: a charge of employment discrimination was filed by Ms. Kramer (individually and on behalf of all female workers similarly situated) with the Equal Employment Opportunity Commission within 300 days from the date of the commission of the unfair employment practices; a Notification of Right to Sue was received from the Equal Employment Opportunity

Commission on May 16, 2001; this Complaint has been filed within ninety (90) days of receipt of the Notification of Right to Sue.

XIII.

This Complaint also seeks restitution to plaintiff and all others similarly situated of all rights, privileges, benefits and income that would have been received by them but for the Defendants' unlawful, intentional and tortious practices under Title VII.

XIV.

But for the unlawful employment practices alleged below, Melanie Kramer would have continued to work for the Defendant, The New Orleans Saints. Plaintiff, a college graduate with a degree in marketing, commenced her employment with the New Orleans Saints on March 7, 1997, which position she held until her unlawful termination on or about March 8, 2000. As an Administrative Assistant, her job duties included, but were not limited to, making arrangements for summer training camp for the employees in her department.

In addition, aside from her "camp" responsibilities, Ms. Kramer was to handle all correspondence, communications, answering the telephone, sending faxes and all other office administrative duties in her department. She also was responsible for the non-graphic production of the play books and was responsible for coordinating with the printer, ordering the binders, and merging the graphics with the text of those play books. She was also responsible for assimilating all of the data for the scouting books. Her duties also encompassed rotating Saturdays to cover for the receptionist along with other female staff members. No male staff members were required to cover for the receptionist on Saturdays.

XV.

Plaintiff commenced her employment with The New Orleans Saints with the expectation that there would be promotional opportunities within an organization of that size, especially given the fact that Plaintiff held a Bachelor's of Science in Marketing from Indiana State University. Despite the fact that she held such a degree, that she had worked in an assistant managerial capacity for one year post-college and that she had an excellent work history with The New Orleans Saints, Plaintiff was afforded no opportunities for advancement as no opportunities were made known to her through job postings or any other means reasonably calculated to give female employees notice of any such opportunities.

XVI.

In addition to the fact that The New Orleans Saints afforded her no promotional opportunities, approximately five or six weeks before her termination, Plaintiff was forced to endure a barrage of sexually suggestive comments made by her new supervisor. Her new supervisor, together with other of his male co-workers made numerous demeaning remarks about her. Plaintiff had not had this problem with her former supervisor so she chose to ignore the remarks or act as if they did not bother her, all in an effort to get along with her new supervisor, in the hopes that such remarks would cease when he realized she was not interested in him.

At about this same time, Ms. Kramer had notified her supervisor of her pregnant condition so as to apprise him when she would be taking a brief period of family leave, for four-to-six weeks. Ms. Kramer did assure him, however, that she could in fact fulfill all of her duties, including attendance at summer camp from mid-July to early August of 2000. The plaintiff's child was due to

be born in late August/early September of 2000. Her supervisor expressed doubt as to her ability to fulfill her job and, second, he made sexually suggestive remarks regarding her anatomy. Further, he made other remarks to her about her unmarried state, her being pregnant, and inquiring as to her interest in staying with her fiancée. In addition, her supervisor would make comments to the effect that perhaps she was not committed to her fiancée and that she should be after someone with money. Then the supervisor would flash her a stack of currency.

XVII.

Despite these offensive remarks which occurred over a five to six-week time frame prior to her termination(which time-frame coincided with the commencement of her new supervisor's employment with The New Orleans Saints), plaintiff continued to politely rebuff her new supervisor because she wanted to perform her job in a professional manner. Accordingly, she did not bring his remarks to anyone's attention because she believed, wrongly, that she had resolved the issue without causing anyone embarrassment.

Plaintiff avers that the supervisor's repeated offensive remarks, together with the close connection in time between Ms. Kramer's announcement to her supervisor that she was pregnant, his lack of time in the position to judge her performance, her excellent work history preceding her new supervisor's arrival, and the supervisor's abrupt firing of her demonstrate the real reasons for her termination, those being that she was being terminated for unlawful causes, *i.e.*, Title VII gender/pregnancy discrimination and retaliation due to not responding to her supervisor's sexual advances. As a result of the actions taken by her employer, plaintiff avers that she was forced to

work in a hostile environment and was retaliated against by her employer for rebuffing her new supervisor.

XVIII.

Plaintiff also avers that she was adversely impacted by the alleged “restructuring” by the Defendants. On Plaintiff’s pink slip, the Defendant’s official “position” was that there was a “restructuring” and that her position was “eliminated”; however, a white male, Ms. Kramer’s replacement, was given less secretarial duties, the same other responsibilities which Ms. Kramer handled or like job duties which Ms. Kramer could have handled, given her experience. Her male replacement was given an increase in pay over that which Ms. Kramer was making.

XIX.

Further, Plaintiff was told by her supervisor, at the time that he fired her, that he would talk to Arnold Fielkow (the Director of Administration) and set something up with him because he thought there were a couple of positions open in ticket sales. When Plaintiff met with Mr. Fielkow the next day, Mr. Fielkow told her that there were some positions open in ticket sales, but the positions paid much less than what Plaintiff had been making. Plaintiff then inquired of Mr. Fielkow if there were any marketing positions open which positions would have been considered either lateral or promotional in that the pay would have been equal or greater than that which she was making as an Administrative Assistant.

Mr. Fielkow told her there were none, despite the fact that there were at least two or more openings which were filled by males shortly after Plaintiff’s departure. Plaintiff was never called to

interview for those positions despite the fact that Mr. Fielkow knew she needed another job and that she had a marketing degree, as he had commented on it in their meeting.

XX.

Plaintiff has suffered emotional distress, humiliation, concern over her financial well-being and that of her family during a time which was most stressful, that being, while she was pregnant. As a result of the Defendant's violations, plaintiff, Melanie Kramer has lost substantial income and other benefits associated with her employment, including health benefits.

XXI.

Plaintiff avers that she and other females similarly situated, both former and current employees of The New Orleans Saints have been treated differently and/or adversely impacted in the following respects:

a) they were given more onerous job functions than the male workers employed in the same capacity, yet with less pay and less benefits than their male co-workers;

b) they were afforded no opportunities for advancement as no opportunities were made known to female workers through job postings or any other means reasonably calculated to give female employees notice of any such opportunities. New positions were announced after the said positions had been filled by the male employees;

c) they were evaluated, disciplined, and/or terminated with the Defendants using a much more stringent performance criteria than was utilized in evaluating, disciplining and/or terminating the male employees;

d) they were adversely impacted by the “restructuring” efforts of the Defendants due to the fact that certain positions held by female workers were allegedly “restructured” to give male workers an opportunity to fill newly created positions at higher pay than what the female workers had been paid, although the newly created positions could have been held by the female employees;

e) they were also adversely impacted by the “restructuring” efforts of the Defendants due to the fact that certain positions held by female workers were undervalued and given no pay increase whatsoever while certain positions held by male workers or certain positions newly created for male workers were given substantial pay increases;

f) they were also adversely impacted by the “restructuring” in that female workers’ positions were eliminated without allowing female workers to make lateral or promotional moves into other available openings;

g) they were adversely treated in other non-exclusive ways, all of which will be shown at the trial of this matter.

Plaintiff further avers that she and other females similarly situated, both former and current employees of The New Orleans Saints have been sexually harassed and subjected to a hostile workplace environment.

XXII.

Plaintiff avers that the Defendants intentionally engaged in the pattern of continuing tortious conduct outlined above against her and all others similarly situated. As a result of the above conduct, the Defendant has violated Title VII by unlawfully and intentionally allowing sexual harassment of female workers, and a hostile environment in the workplace, allowing gender and pregnancy

discrimination against plaintiff and all others similarly situated and retaliation against all female employees with reckless indifference to their federally protected rights under Title VII and in violation of federal common law. Further, Plaintiff avers that the Defendants, by their actions, have violated the Equal Pay Act of 1963, thereby causing the Defendants to be liable unto Plaintiff and all other females similarly situated.

XXIII.

Plaintiff, Melanie Kramer, and other females similarly situated, have no plain, adequate or complete remedy at law to redress the wrongs alleged, and this suit for injunctive relief is their only means of securing adequate relief. Plaintiff and other females similarly situated are now suffering and will continue to suffer irreparable injury from Defendants' policies, practices, customs and usages as set forth herein until and unless enjoined by the Court.

XXIV.

Plaintiff, Melanie Kramer, both individually and on behalf of other females similarly situated, further avers that such Title VII violations on the part of the Defendants constitute willful and reckless indifference to federally protected rights. As such, plaintiff and the class are entitled to compensatory damages for emotional distress and anguish, and to punitive/statutory damages in the maximum amount allowed by law, in addition to plaintiff's and the class' pecuniary damages and attorney's fees. As well, plaintiff and the class which she seeks to represent are entitled to all costs of expert witness fees and for judicial interest from date of demand until paid.

XXV.

The revision of Title VII of the Civil Rights Act of 1964 entitles plaintiff and all others similarly situated to a trial by jury.

THE FAMILY AND MEDICAL LEAVE ACT VIOLATIONS

XXVI.

Plaintiff re-urges and re-avers all of the allegations contained in Paragraphs II, V, VII-X, XIV, XVI-XX of this Complaint. Plaintiff further avers that as a result of the above conduct, Defendants have violated The Family and Medical Leave Act by unlawfully and intentionally interfering with and/or restraining or denying the exercise or attempted exercise of rights to which the former employee plaintiff, Melanie Kramer, was entitled under FMLA., and this Complaint seeks restitution to the plaintiff and all others similarly situated of all rights, privileges, benefits and income that would have been received by them but for the Defendants' unlawful, intentional and tortious practices.

XXVII.

As a result of the Defendants' FMLA violations, plaintiff, Melanie Kramer, alleges that she has suffered mental anguish and emotional distress over losing her job. In addition, plaintiff has lost benefits and back pay. Plaintiff also is entitled to recover reasonable attorney's fees and court costs resulting from such conduct. Additionally, plaintiff is entitled to reinstatement, recovery of reasonable attorney's fees, punitive/statutory damages, and court costs resulting from such conduct.

XXVIII.

Plaintiff, Melanie Kramer, further avers that such FMLA violations on the part of the Defendants were in willful and reckless indifference to her federally protected rights. As such, plaintiff is entitled to compensatory damages and to punitive/statutory damages in the maximum amount allowed by law in addition to plaintiff's pecuniary damages and attorney's fees. As well, plaintiff is entitled to and seeks all costs of her expert witness fees and for judicial interest from date of demand until paid, and is entitled to a trial by jury. Plaintiff further avers that she is representative of all class members, former and current employees of Defendants, who have been adversely affected by the exercise or the attempted exercise of their rights under FMLA.

THE FAIR LABOR STANDARDS ACT VIOLATIONS

XXIX.

Plaintiff re-urges and re-avers all of the allegations contained in Paragraphs III, VI, VII-X of this Complaint. In addition to the above violations, the Defendants have violated the Fair Labor Standards Act with respect to the maintaining of records and to the calculation of overtime for its non-exempt staff, including Ms. Kramer. The New Orleans Saints had no bonafide agreement with the employees regarding any alternative method of keeping or calculating overtime permissible under the Act and, as such, the Defendants have failed and/or refused to keep the appropriate books and records regarding employee overtime worked.

During the course of Plaintiff's tenure, and that of the other non-exempt employees similarly situated, many of the non-exempt employees of Defendants regularly and routinely worked in excess

of forty hours per week. Plaintiff avers that she and each such employee of Defendants should have been paid for those excess hours at the statutory overtime rate of one and one-half times their normal hourly wage for each hour worked in excess of forty hours per week. Instead, Defendants paid some non-exempt employees no additional wages whatsoever for hours worked over forty; other non-exempt employees were paid only straight time or half time for hours worked over forty; and non-exempt employees were improperly classified as exempt and placed on a salary, whereby their hours were not recorded by Defendants, and the employees received either no additional compensation for hours worked over forty or the inappropriate compensation. These practices on the part of Defendants are in violation of the overtime provisions of the FLSA, 29 U.S.C. § 207. No exemption under the Act applies to excuse Defendant's failure to pay the appropriate overtime wages to Plaintiff and the other similarly situated employees.

XXX.

In addition to the minimum wage and overtime violations alleged herein, Defendants also engaged in prohibited acts by failing to properly record the working time of its non-exempt employees, in violation of the record-keeping requirements of Section 11(c) of the FLSA, 29 U.S.C. § 211(c).

XXXI.

The information necessary for the exact determination of the wages owed, and of the identities of the current and former employees to whom those wages are owed, is within the control of Defendants. In order to comply with the requirements of Section 16(b) with respect to the joinder of similarly situated employees, and to enable those individuals who might wish to join in this matter

to seek recovery of back wages owed to them, Plaintiff requests this Court to require Defendants to provide the names and addresses of all current and former employees who worked for Defendants during the three years prior to the institution of this lawsuit. Plaintiff further prays for a trial by jury and for the Court's supervision of notification to these individuals, pursuant to the guidelines of *Hoffman-La Roche, Inc. v. Sperling*, 493 U.S. 165 (1989).

XXXII.

Inasmuch as Defendants have willfully violated provisions of the Act, Plaintiff, on behalf of herself and other employees similarly situated, demands payment for all compensation due and owing for three (3) years prior to the day of filing this action, in accordance with 29 U.S.C. § 255(a). Plaintiff, on behalf of herself and other employees similarly situated, demands from the Defendants an additional amount, equal to the total compensation due, as liquidated damages pursuant to 29 U.S.C. §§ 216 and 269. In accordance with 29 U.S.C. § 216, Plaintiff demands from Defendants reasonable attorneys' fees and such costs as may be required to prosecute this action. Finally, Plaintiff further prays that this Court exercise judicial control and supervision over the notification of this lawsuit to similarly situated individuals, and of their rights to opt-in by providing their consent in writing to become a party, pursuant to the provisions of Section 16(b) of the Act.

WHEREFORE, Plaintiff, Melanie Kramer, prays this Court deem this Complaint as just and sufficient, advance this case on the docket, order a speedy hearing at the earliest practicable date, cause this case to be in every way expedited and on such hearing to the Court, that it:

1. Enter a declaratory judgment that the practices complained of herein are unlawful and violative of Title VII of the Civil Rights Act of 1964, and its amendments and the Equal Pay Act of 1963;
2. Permanently enjoin the Defendants, their agents, successors, officers, employees, attorneys and those acting in concert with them from engaging each of the unlawful practices, policies, customs and usages set forth herein, and from continuing any and all of the practices shown to be in violation of applicable law;
3. Order modification or elimination of practices, policies, customs set forth herein and all other such practices shown to be in violation of applicable law;
4. Compensate and make whole plaintiff and all others similarly situated for all earnings, wages and other benefits they would have received but for the unlawful, intentional discrimination by Defendants and by their unlawful violations of Title VII, of the Equal Pay Act of 1963, of The Family & Medical Leave Act and of the Fair Labor Standards Act;
5. Award plaintiff and all others similarly situated the costs and disbursements of this action, including reasonable attorney's fees in accordance with 42 U.S.C. Section 1988, 1000e-5(k), as amended, and pursuant to Title VII, the Equal Pay Act of 1963, The Family & Medical Leave Act and the Fair Labor Standards Act;:
6. Award plaintiff and all others similarly situated the cost of any and all expert witness fees pursuant to the above statutes;

7. Award plaintiff and all others similarly situated punitive/statutory damages in the maximum amount allowed by law pursuant to the above statutes;
8. Grant plaintiff a trial by jury;
9. Award plaintiff and all others similarly situated compensatory damages, including but not limited to, damages for their emotional distress and anguish and physical infirmities related thereto, in an amount to be determined by the evidence presented, together with judgment interest from date of demand until paid, pursuant to the relief afforded in the above statutes;
10. Grant such other relief as may be just and proper;
11. Assuming jurisdiction of the case and certifying the proposed classes and any appropriate sub-classes thereof under the provisions of FRCP 23 and appointing plaintiff and her counsel to represent the classes and/or sub-classes;
12. For the actual damages suffered by the plaintiff and others similarly situated as alleged hereinabove to be established at trial, all as recoverable under the statutes referenced herein;
13. For statutory, punitive, and exemplary damages against Defendants for all federal law violations complained of herein;
14. For all attorney's fees incurred by the classes and/or sub-classes members;
15. For pre-judgment interest and all costs;

16. For all such equitable and other relief as the Court may deem just and proper.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paula Perrone", written over a horizontal line.

PAULA PERRONE (#10518) *TA*

PATRICIA PANNELL (#18665)

Chehardy, Sherman, Ellis, Breslin & Murray

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Attorneys for Plaintiff, Melanie Kramer

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**MELANIE KRAMER, Individually and *
on Behalf of Others Similarly Situated *
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VERSUS *
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THE NEW ORLEANS SAINTS, TOM *
BENSON, BENSON FOOTBALL, INC., *
AND BENZ-SAINTS MANAGEMENT *
COMPANY, L.C. *
* * * * ***

CIVIL ACTION NO.:
SECTION:
MAGISTRATE:

VERIFICATION

STATE OF LOUISIANA

PARISH OF JEFFERSON

BEFORE ME, the undersigned authority, personally came and appeared:

MELANIE KRAMER

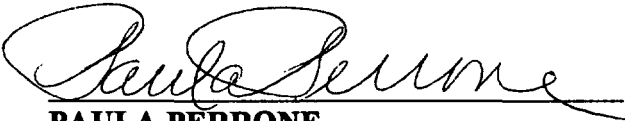
a person of the full age of majority, domiciled in and a resident of the Parish of Jefferson, State of Louisiana, who, after being first duly sworn, did declare and state that she is a plaintiff in the above entitled and numbered proceedings; that she has read the above and foregoing Complaint; and, that

all of the allegations of fact contained therein are true and correct to the best of her knowledge,
information, and belief.



MELANIE KRAMER

SWORN TO AND SUBSCRIBED BEFORE
ME, THIS 13TH DAY OF AUGUST, 2001.



PAULA PERRONE
Notary Public