

LUTHER C. THOMAS, Clerk
By: *[Signature]* Deputy Clerk

MAR 03 2005
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By: *[Signature]*

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

**LEJEAN KOGER, Individually and on)
behalf of a class of similarly situated persons,)
)
Plaintiffs,)
)
v.)
)
TEXACO, INC., SHELL OIL COMPANY,)
PROTIVA, INC., MASHUD M. REZA,)
BABUL ISLAM, and all other persons)
and entities acting in concert with the named)
Defendants,)
)
Defendants.)**

Civil Action File

No.: 04CV00797-TWT

4:04cv 205-HLM

AMENDED COMPLAINT

1. Plaintiff resides in Ft. Oglethorpe, Georgia. The acts giving rise to Plaintiff's claims occurred in Catoosa County, Georgia, where all of the Defendants did or do business. This Honorable Court has jurisdiction over the parties and subject matter of this lawsuit.

2. The Plaintiff was employed for a number of years at a Shell convenience store located at 5511 Alabama Highway, Ringgold, Georgia 30736.

3. The convenience store at which the Plaintiff was employed was owned and operated for many years by the Defendants Texaco, Inc. and Shell Oil

Company who, at all times material, acted pursuant to entities controlled by them as agents. These other entities included Motiva, Inc. and Star Staff, Inc.

4. In 2003, the Defendants Shell Oil Company and Texaco, Inc. entered into a transaction with Defendant Mashud Reza. As part of that transaction, Reza caused a number of different corporations controlled by him either alone or by persons acting in concert with him to take over the operation of a number of Shell convenience stores in the State of Georgia. Reza caused the incorporation of the Defendant Protiva, Inc. which undertook to operate the store at 5511 Alabama Highway, Ringgold, Georgia 30736.

5. Defendant Reza, either alone, in concert with others, and in conjunction with a number of corporation controlled by him, including Defendant Protiva, Inc., undertook to operate the Shell convenience stores in the State of Georgia on behalf of the Defendants Shell Oil Company and Texaco, Inc. As part of that transaction, the employees who worked inside the convenience stores sold Shell fuel products to the public for Shell and Texaco, Inc. Upon information and belief, at all times material, Shell Oil Company and/or Texaco, Inc., or their subsidiaries or agents never relinquished ownership of the fuel until it was sold to the ultimate purchaser. At all times material, the Plaintiff was an employee of Shell Oil Company, Inc., Texaco, Inc., Protiva, Inc., and Mashud M. Reza.

6. The Defendants Reza and Protiva, Inc. conferred regional authority for the operation of some or all of the Shell convenience stores upon Babul Islam.

7. The Defendants Reza and Islam undertook to replace Caucasian managers at many, if not all, of the stores that they had begun to operate for Shell and Texaco. As part of this plan, the Defendants caused the demotion of the Plaintiff from her former position as Manager of the store located at 5511 Alabama Highway, Ringgold, Georgia 30736. She was replaced by a much younger, very inexperienced male by the name of Moni Mannaruzziman, who was of the same race as Defendants Reza and Islam.

8. Plaintiff filed charges of employment discrimination with the Equal Employment Opportunity Commission. On or about November 9, 2004, the Equal Employment Opportunity Commission terminated its proceedings and issued a right-to-sue letter to Plaintiff.

9. The conduct of the Defendants in demoting her from her position as store manager in favor of a person with a different race violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964, as amended and 42 U.S.C. § 1981.

10. The Defendants conducted a similar purge of Caucasian or American store managers at a large number of stores controlled by them within the State of Georgia for the purpose of replacing them with persons of the same race as the


Defendants. Plaintiff accordingly sues upon behalf of all similarly situated persons who were demoted from or removed from their positions as store managers by the Defendants on account of their race.

11. Plaintiff accordingly prays for leave to proceed as a representative of a class of all similarly situated persons. On behalf of herself and all such similarly situated persons, Plaintiff seek damages in the form of back pay, front pay, compensatory damages, punitive damages, attorneys fees under all applicable statutes, such equitable relief to which she may be found entitled, and all such other relief to which the Plaintiff and members of the class she seeks to represent are entitled.


12. Plaintiff demands a jury to try all issues.

Respectfully submitted,

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing **Amended Complaint** has been served upon all parties and/or counsel listed below by placing it in the United States Mail, addressed to said parties with sufficient postage to carry the same to its destination, on this day of January 25, 2005.

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