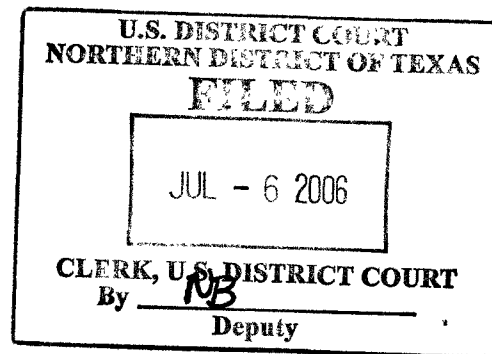


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

-----X  
)  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, )  
)  
Plaintiff, )  
)  
and )  
)  
ERIC MITCHEL, FRANCISCO OCHOA, )  
CHRISTOPHER DI GIORGIO, CARL )  
GAINES, MARK BARRET, ANDREW )  
CERVANTES, TRISTIAN FERNANDEZ, )  
HENRY FIRTH, WALTER KELLEY, )  
WILBORN LYLES, DAVID MCCOY, )  
SCOTTY MILLS, MICHAEL NELSON, )  
JEROME SLOAN, JOSH TORAM SR., )  
ANTHONY WALKER, MARK WEBSTER )  
and WILLIE WINTERS, )  
)  
Interveners, )  
)  
v. )  
)  
ALLIED AVIATION SERVICES, INC., )  
ALLIED AVIATION FUELING OF )  
DALLAS, LP, ALLIED AVIATION )  
FUELING COMPANY OF TEXAS, INC. )  
)  
Defendants. )  
-----X

CIVIL ACTION NO 3:05-CV-1379-L



INTERVENERS' (PLAINTIFFS') ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Interveners, Eric Mitchel ("Intervener Mitchel" or "Mitchel"), Francisco Ochoa ("Intervener Ochoa" or "Ochoa"), Christopher DiGiorgio ("Intervener DiGiorgio" or "DiGiorgio"), Carl Gaines ("Intervener Gaines" or "Gaines"), Mark Barret ("Intervener Barret"

or “Barrett), Andrew Cervantes (“Intervener Cervantes” or “Cervantes”), Tristian Fernandez (“Intervener Fernandez” or “Fernandez”), Henry Firth (“Intervener Firth” or “Firth), Walter Kelley (“Intervener Kelley” or “Kelley”), Wilborn Lyles (“Intervener Lyles” or “Lyles”), David McCoy (“Intervener McCoy” or “McCoy”), Scotty Mills (“Intervener Mills” or “Mills”), Michael Nelson (“Intervener Nelson” or “Nelson”), Jerome Sloan (“Intervener Sloan” or “Sloan”), Josh Toram Sr. (“Intervener Toram” or “Toram”), Anthony Walker (“Intervener Walker” or “Walker”), Mark Webster (“Intervener Webster” or “Webster”) and Willie Winters (“Intervener Winters” or “Winters”), collectively, (“Intervenors”), bring this action for damages and other legal and equitable relief from the Defendants’ violation of the laws proscribing race and national origin discrimination and retaliation, stating the following as Intervenors’ claims against Allied Aviation Services, Inc., Allied Aviation Fueling Company of Texas, Inc., and Allied Aviation Fueling of Dallas, LP (“Allied” or “Defendant(s)”):

### **INTRODUCTION**

1. This is an action brought by the Equal Employment Opportunity Commission (“EEOC”) and Intervenors challenging a continuing pattern and practice of race and national origin discrimination and retaliation committed by Allied Aviation Services, Inc., Allied Aviation Fueling Company of Texas, Inc., and Allied Aviation Fueling of Dallas, LP against current and former Black and Hispanic employees of Allied’s fueling division. Allied’s pattern and practice of discrimination is executed through various methods including: (i) the creation, maintenance and encouragement of a hostile work environment aimed at Black and Hispanic employees, (ii) the denial of advancement of qualified Black and Hispanic employees, (iii) the unlawful termination of Black and Hispanic employees, and (iv) retaliation against employees

opposing the rampant discriminatory conduct and activity in the workplace. These violations are systemic in nature, and constitute a pattern and practice of conduct which permeates Allied Aviation.

2. Defendants' employment policies and practices have the effect and have been undertaken with the purpose of altering the terms and conditions of employment to Black, Hispanic, and employees opposing discriminatory practices in violation of the Civil Rights Act of 1871, as amended, 42 U.S.C. § 1981 *et seq.*; the 1991 Civil Rights Act, as amended, 42 U.S.C. § 1981a *et seq.*; Title VII of the Civil Rights Act of 1964, as amended and 42 U.S.C. § 2000e *et seq.*

### **JURISDICTION, VENUE, AND EXHAUSTION OF REMEDIES**

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, which confers original jurisdiction upon this Court for actions arising under the laws of the United States, and pursuant to 28 U.S.C. §§ 1343(3) and 1343(4), which confer original jurisdiction upon this Court in a civil action to recover damages or to secure equitable relief (i) under any Act of Congress providing for the protection of civil rights; (ii) under the Declaratory Judgment Statute, 28 U.S.C. § 2201; and (iii) under 42 U.S.C. § 2000e, *et seq.*, as amended, 42 U.S.C. § 1981 *et seq.*, as amended and 42 U.S.C. § 1981a *et seq.*, as amended. The Court's supplemental jurisdiction is invoked pursuant to 28 U.S.C. § 1367(a), which confers supplemental jurisdiction over all non-federal claims arising from a common nucleus of operative facts such that they form part of the same case or controversy under Article III of the United States Constitution.

4. Venue is proper in this Court pursuant to 42 U.S.C. § 2000e-5(f)(3), inasmuch as this judicial district lies in a State in which the unlawful employment practices occurred. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (c), inasmuch as Defendants, domestic corporations, maintain offices, conduct business and reside in this district.

5. All conditions precedent to Interveners' rights to commence a civil action in accordance with the provisions of 42 U.S.C. § 2000e were satisfied.

### **PARTIES**

6. Plaintiff, Equal Employment Opportunity Commission ("EEOC"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, as amended.

7. Intervener Mitchel is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

8. Intervener Ochoa is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

9. Intervener DiGiorgio is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

10. Intervener Gaines is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

11. Intervener Barrett is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

12. Intervener Cervantes is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

13. Intervener Fernandez is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

14. Intervener Firth is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

15. Intervener Kelley is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

16. Intervener Lyles is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

17. Intervener Mills is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

18. Intervener Nelson is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

19. Intervener Sloan is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

20. Intervener Toram is the person who has been aggrieved by Defendants' actions. He is has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

21. Intervener Walker is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

22. Intervener Webster is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

23. Intervener Winters is the person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, a male citizen of the United States and a resident of the State of Texas.

24. Defendant Allied Aviation Services, Inc. is a New York Corporation with offices throughout the United States, Canada and Latin America, with its headquarters located in New York, New York. Defendant Allied maintains offices and employees located at Dallas/Fort Worth Airport, located in Dallas, Texas, and has actively engaged in a pattern of unlawful

discrimination and retaliation and/or knowingly encouraged and tolerated such discrimination and retaliation by its employees located in their DFW workplace.

25. Defendant Allied Aviation Fueling of Dallas, LP is a limited partnership incorporated in the State of Texas with an office and place of business located in the Dallas/Forth Worth International Airport, where it has been and continues to be engaged in the business of providing fueling services and fuel facility maintenance and has actively engaged in a pattern of unlawful discrimination and retaliation and/or knowingly encouraged and tolerated such discrimination and retaliation by its employees located in their DFW workplace.

26. Defendant Allied Aviation Fueling Company of Texas, Inc. is the General Partner for Allied Aviation Fueling of Dallas, LP and has actively engaged in a pattern of unlawful discrimination and retaliation and/or knowingly encouraged and tolerated such discrimination and retaliation by its employees located in their DFW workplace.

27. At all relevant times, Defendant has continuously been and is now doing business in the State of Texas and employs over 500 employees nationwide.

28. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000 e-(b), (g) and (h).

## **INDIVIDUAL INTERVENER ALLEGATIONS**

### **A. MITCHEL**

29. Intervener Mitchel is a Black male who commenced his employment at Allied in March 2000 as a Fueler. In June 2002, Mitchel received a promotion to Maintenance Supervisor.

30. Throughout his employment, Mitchel has been subjected to discrimination in the form of a hostile work environment. While Mitchel has brought his concerns to the attention of management and Human Resources, his complaints have not been addressed.

31. Randy DeHeart, a White male Supervisor, continually subjected Mitchel to hostility and harassment. DeHeart attempted to write Mitchel up for a delay, a disciplinary action taken when a plane does not take off on time. While delays happened to all employees on occasion, White employees were not subjected to write-ups when they had delays.

32. DeHeart threatened Black employees and used racial slurs when speaking with or about them. He openly referred to Hispanic people as “wet backs” and once told Mr. McFoley, a Black male employee he sent home, “I’m gonna get all you niggers fired.” Mitchel informed Bill Murphy (“Murphy”), a White male Operations Manager, of DeHeart’s statement, and Mitchel sent a complaint via facsimile to Jane Cardascia, a White female Human Resources representative. Mitchel did not receive a response from Murphy or Cardascia.

33. In June 2002, when Mitchel received a promotion to Supervisor, he was misled about the hours and days that he would be working. Mitchel had been told he could work any five (5) days he wanted, and Mitchel requested to have the weekends off. After completing training, Mitchel was then told by Tim Shaffer, a White male Manager, he would have Mondays and



Tuesdays off. When Mitchel spoke with DeHeart about this, he was told the weekends were not available and he had to accept this schedule. However, in February 2003, Kevin Vinson, a White male, was promoted to Supervisor and he was given Sundays off. Mitchel wrote an email to Mr. Schaffer, regarding this issue, who informed him that days off were no longer selected, they were assigned. Thus, despite the fact that Mitchel had more seniority than Vinson, he was given the day off that Mitchel had requested eight (8) months earlier.

34. In July 2002, Mitchel was informed by a co-worker that someone had written on the bathroom wall, "Nigger Hit List." The wall also had listed on it the names of five Black employees at Allied, including Mitchel. Mitchel immediately informed management of this racially charged vandalism and filed a report with the DFW Department of Public Safety. No one was ever found responsible for this action and no preventative measures were taken to prevent such acts from occurring again. In fact, racial epithets and vandalism continued.

35. On October 8, 2002, Mitchel sent a letter to Mr. Schaffer indicating that he was being forced to endure a hostile work environment, specifically mentioning a White male Supervisor, William Timmons ("Timmons"), as one of the perpetrators. The next day, Timmons provoked a verbal altercation with him that almost became physical. Mitchel contacted both Hank Fulmer, a White male General Manager, and Judy Brandth ("Brandth"), the White female Vice President of Human Resources employee in New York.

36. Mitchel also met with Brandth and complained of the discrimination and inappropriate behavior that his White co-workers engaged in. Ms. Brandth told Mitchel that if he felt so unsafe at work, he should quit. After this incident, Mitchel became very overwhelmed

and depressed and requested a non-paid leave of absence. However, Ms. Brandth denied this request.

37. After these complaints, Mitchel was continually subjected to disparate treatment and a hostile work environment. The environment he and his co-workers were forced to endure carried on.

38. Mitchel has since been terminated from Allied in retaliation for his complaints of discrimination and his organization of minorities opposing the years of racial hostility and inequality. In fact, Mitchel was terminated just days after CNN conducted an on-site investigation of Mitchel's workplace as part of their coverage of this case.

## **B. OCHOA**

39. Intervener Ochoa is a Mexican American and a former Sergeant in the Marine Corp. Ochoa was subjected to a hostile work environment, racial epithets, threats of violence, intimidation, and offensive depictions while employed at Allied.

40. During Ochoa's employment, he heard numerous racial and ethnic remarks made regarding Black, Hispanic, and other types of minorities.

41. These comments were made by co-workers, supervisors and managers on a frequent basis.

42. In or about May 2004, a cartoon depiction of Ochoa was made and disseminated throughout several locations in Ochoa's workplace. Specifically, a drawing entitled "Mexican Gas Chamber" was created wherein Ochoa was depicted as the central character of this drawing, bound and blindfolded. Ochoa's name was written across the chest of the character.

43. In the drawing, Ochoa was placed between the buttocks of several White employees who were “passing gas” in Ochoa’s face.

44. After this drawing was circulated throughout the workplace, Murphy displayed the drawing on his desk, under glass, for all employees to see, including other employees, managers, and corporate representatives.

45. Upon information and belief, this drawing was on Murphy’s desk for over 6 months.

46. At the time Ochoa filed his written complaints to Human Resources and the EEOC, this drawing was on Murphy’s desk.

47. Immediately after Ochoa made complaints regarding this and other acts of discrimination towards him and others, Ochoa was retaliated against.

48. Moreover, the hostile work environment continued. As an example, Ochoa overheard an employee say, “Fuck these Mexicans, they can all go back across the border.”

49. Ochoa was also informed that Murphy had instructed employees to report Ochoa whenever they could in order to get him terminated.

50. In or about August 2004, Ochoa was instructed to report to Fulmer’s office. Upon arriving at Fulmer’s office, Ochoa was confronted by both Fulmer and Murphy and accused of carrying a recording device.

51. At this point, Ochoa emptied his pockets, opened his shirt and pulled up the legs of his pants to show them he was not “wired” and was not carrying any type of tape recorder. Fulmer and Murphy inspected Ochoa’s bare chest and legs, as well as the contents of his pockets and then allowed him to go.

52. Furthermore, Ochoa was assigned a heavier work load than his counterparts which required Ochoa to take limited breaks and eat in his truck while others were permitted to take full lunch breaks.

53. In the midst of this harassment and retaliation, Ochoa was diagnosed with stage four liver cancer. As a result, Ochoa was required to take a disability leave. While on leave, and with no notification from Allied, Ochoa received a notice from his insurance company that he had been terminated from his employment with Allied.

54. At no time while out on leave did Ochoa hear from a representative of Allied to either assist him with his leave or benefits, or to wish him well. Instead, he was notified by a third party that his employment had ended and he would be left with no insurance.

55. No representative discussed with Ochoa his candidacy for Long Term Leave, or his possibilities of returning to work.

56. Instead, Ochoa was terminated in retaliation for his claims of discrimination.

57. As a result of a long battle with cancer, exacerbated by his treatment at work, Ochoa passed away.

### **C. DIGORGIO**

58. Intervener DiGiorgio is a White male who commenced his employment with Allied on February 2, 1998, as a Fueller. In March 1999, DiGiorgio was promoted to Supervisor.

59. Throughout DiGiorgio's employment, he had witnessed numerous White Allied employees, including supervisors and managers, repeatedly refer to Black co-workers as "niggers."

60. In November 2003, Duty Manager, Doug Miller ("Miller") stated to DiGiorgio that, "[Eric Mitchel] is a nigger trying to make money off the Company." DiGiorgio immediately informed Miller that he was offended by his comments and requested that he refrain from making such statements in the future.

61. As a result of DiGiorgio's November 2003 complaints, he was ostracized by management.

62. Miller began to scrutinize DiGiorgio's work performance and threaten him with written disciplinary action. Prior to November 2003, DiGiorgio was never issued any disciplinary action and/or counseled regarding any aspect of his work.

63. Shortly after DiGiorgio voiced his opposition to Miller's discriminatory practices, Supervisor Rubin Guzman (currently a Duty Manager) told DiGiorgio that he needed to "watch his back" and that Randy DeHeart was watching him, waiting for him to "screw up."

64. In January 2004, Fulmer informed DiGiorgio that "he looked like a nigger" referencing his braided hair.

65. During a Supervisors' meeting in or about March 2004, in which DiGiorgio was present, Murphy and Fulmer openly commented about how they felt that "niggers are worthless, they don't do their work."

66. DiGiorgio opposed these practices and comments on numerous occasions, and supported the allegations of several minorities in the workplace.

67. On June 10, 2004, DiGiorgio was terminated in retaliation for his opposition to the discriminatory practices taking place at Allied.

#### **D. GAINES**

68. Intervener Gaines is a Black male who commenced his employment with Allied in April 1999 as a Fueller. He was promoted to Supervisor in February 2006.

69. Throughout his employment, Gaines was subjected to discrimination based on race in the form of a hostile work environment, denial of promotion, racial epithets and retaliation.

70. For example, in July 2002, Gaines' name appeared on the "Nigger Hit List" that was found written on the wall of the bathroom in the main compound. He complained to management about the list, but no action was taken.

71. In August 2004, upon arriving at an airplane he was scheduled to refuel, Gaines found that written on the fuel panel were the words "Carl Gaines is a lazy nigger." Gaines called his Duty Manager Rubin Guzman and Guzman came out to the plane with his supervisor. Gaines also called the Department of Public Safety located at DFW Airport and filed a report.

72. After opposing such discriminatory and harassing actions, Gaines was subjected to hostile treatment, further discrimination and retaliation from his supervisors and co-workers.

73. Gaines has also been subjected to retaliation for his opposition to discriminatory practices and his participation in the EEOC's investigation of his charge and the charges of Mitchel, Ochoa and DiGiorgio. In 2005, Gaines applied for a promotion to Supervisor. When he arrived for his interview, HR Vice President Judy Brandth approached Gaines and asked if he was taking his name off the list of plaintiffs involved in the EEOC's case against Allied. Gaines responded that he would not. Gaines' interview that immediately followed was abruptly cut

short. Gaines did not receive the promotion and a less qualified White male was hired for the position instead.

74. Gaines has been treated for stress related symptoms caused by his work environment.

75. Because of his opposition to the discriminatory practices at Allied, Gaines was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**E. BARRETT**

76. Intervener Barrett is a Black male who commenced his employment with Allied in July 1993 in the mail department. He has been a Fueller since June 1994.

77. Throughout his employment, Barrett has been subjected to a hostile work environment and different terms and conditions of his employment based on his race. He was also retaliated against for his opposition to the discriminatory environment created by Allied.

78. For example, Barrett witnessed several incidents of racism, including the derogatory picture of Francisco Ochoa and the "Nigger Hit List."

79. Barrett also saw swastikas drawn in various bathrooms at Allied.

80. Because of his opposition to the discriminatory practices at Allied, Barrett was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

## **F. CERVANTES**

81. Intervener Cervantes is a Hispanic male who commenced his employment at Allied in May 2000 as a Fueller. In May 2005, Cervantes resigned from his position due to the discriminatory treatment he received while employed at Allied.

82. Throughout his employment, Cervantes was subjected to discrimination in the form of a hostile work environment, racial epithets, denial of promotions, disparate treatment, and threats from White co-workers. While Cervantes has brought his concerns to the attention of management and Human Resources, his complaints had never been addressed.

83. For example, in February 2004, Cervantes submitted his resume to management for the position of Supervisor. Upon information and belief, Murphy threw out his resume. Cervantes was never interviewed for the position and the position was given to two White employees with less seniority and experience than Cervantes named Chris Gunn and Jerry Cowell.

84. In August 2004, while riding the shuttle bus with Anthony Walker, they were told by a White co-worker named John Terrell, "You need to get to the back of the bus where you belong." When Cervantes reported this incident to Murphy, Murphy told him if he made any type of complaint against Terrell, Cervantes would be terminated.

85. Also in August 2004, while walking with Field Trainer Gary Melburn and other Hispanic co-workers, Cervantes overheard a White co-worker, Scott Casillio, say, "There goes Melburn with his gang of wetbacks." When Cervantes reported this incident to Danny Miller, a White Shop Steward, he was told, "Can you afford to lose your job over filing a complaint about this incident?" When Casillio found out that Cervantes had reported the incident to Miller, he



told Cervantes to meet him outside in a threatening manner. Mark Edelman also stated to Cervantes, “maybe if you stopped eating all those tamales this wouldn’t have happened.”

86. Throughout his employment, Cervantes and other minority co-workers were also regularly given heavier work loads than their White counterparts. Minority employees received workloads of 12-13 airplanes to refuel, while White co-workers were only required to refuel 8-9 airplanes.

87. Throughout his employment, Cervantes and other minority co-workers were also subjected to strict overtime regulations and frequent random drug tests. Other similarly situated White co-workers were not subjected to the same treatment.

88. Throughout his employment, Cervantes also witnessed physical evidence of discrimination, such as the “Nigger Hit List”, swastikas, racial cartoons, and racial inscriptions on planes.

89. Because of his opposition to the discriminatory practices at Allied, Cervantes was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

#### **G. FERNANDEZ**

90. Intervener Fernandez is a Hispanic male who commenced his employment with Allied in April 2004. His employment with the company ended in February 2006.

91. Throughout his employment, Fernandez has been subjected to and witness to discrimination in the form of a hostile work environment and racial epithets as well as different terms and conditions of employment.

92. Throughout his employment, Fernandez overheard racially charged comments made by managers towards other minorities more than once a week.

93. Throughout his employment, Fernandez also witnessed incidents of racism in the form of racial slurs and graffiti on the walls of the bathroom at Allied.

94. Because of his opposition to the discriminatory practices at Allied, Fernandez was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

#### **H. FIRTH**

95. Intervener Firth is a White male who is not currently employed with Allied.

96. Throughout his employment with Allied, Firth has been subjected to and witness to discrimination based on race in the form of a hostile work environment as well as different terms and conditions of employment and retaliation.

97. For example, in June of 2004, Firth overheard Paul Higgins, Stoney Lowarence, and Donnie Nichols, White male co-workers, say that Andrew Cervantes was “a stupid Mexican.”

98. Throughout his employment, Firth witnessed Lowarence, Mark Edelman and Nichols, all White male co-workers, use racial slurs. For example, when they discussed Eric Mitchel they used the term “nigger” as well as other racial slurs.

99. Additionally, Nichols stated to Firth on several occasions that he could go see the “nigger” Walter Kelley for any problems that he had at work.

100. Firth also witnessed Lowarence make a noose and hang it from the ceiling in the coordinator’s office month after Deveon Cotton, a Black male, was hired.

101. Because of his opposition to the discriminatory practices at Allied, Firth was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**I. KELLEY**

102. Intervener Kelley is a Black male who commenced his employment at Allied as a Fueler.

103. Throughout his employment, Kelley has been subjected to discrimination based on race in the form of a hostile work environment as well as different terms and conditions of employment and retaliation.

104. As an example, throughout his employment, Kelley overheard racially charged comments made by White co-workers where they referred to minorities as “wet backs” and “niggers.” Additionally, he overheard White co-workers refer to people of Polynesian descent as “coconuts.”

105. Additionally, Kelley witnessed White co-workers wearing confederate flag bandannas and confederate flags on the backs of their jackets.

106. Because of his opposition to the discriminatory practices at Allied, Kelley was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**J. LYLES**

107. Intervener Lyles is a Black male who was hired by Allied in February 1995 as a Fueling Supervisor. He currently holds the position of Maintenance Supervisor.

108. Throughout his employment, Lyles has been subjected to discrimination based on race in the form of a hostile work environment as well as different terms and conditions of employment and retaliation.

109. Lyles has been subjected to retaliation for his participation in the EEOC's investigation and prosecution of claims of discrimination and harassment at Allied. In January 2005, Lyles was approached by Judy Brandth, a White Female Vice President of Human Resources, regarding running a station at a different airport. At this time, Brandth commended Lyles on his job performance and thanked him for sacrificing holidays for the company. Brandth also told Lyles that his name was being mentioned in consideration for a management position.

110. However, in February 2005, shortly after discovering that Lyles was involved in the EEOC's case against Allied, Lyles was called into Brandth's office, where she chastised him for being part of the investigation and prosecution of the claims of discrimination. The meeting ended with Brandth asking Lyles to write a statement saying that he had no intention of taking part in the case.

111. Additionally, in April 2005, Lyles was scheduled to work on a job in Sacramento, California. Lyles would have received time and a half in payment for this assignment. Without explanation, Brandth pulled Lyles off of this job at the last minute.

112. Additionally, in July 2005, Lyles was scheduled to work on another job in New York, for which he would have also received time and a half in payment. Lyles was then contacted at home by a White Male Maintenance Manager, Jerry Keeney, and told that he was being pulled from this job, again without explanation.

113. As a result of being pulled from these jobs without explanation, Lyles has lost significant pay and benefits, as well as consideration for a job promotion.

114. Because of his opposition to the discriminatory practices at Allied, Lyles was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**K. MCCOY**

115. Intervener McCoy is a Black male who commenced his employment at Allied on March 23, 2001. He is currently employed as a Fueler with Allied.

116. Throughout his employment, McCoy has witnessed and been subjected to discrimination in the form of a hostile work environment, racial epithets and disparate treatment.

117. For example, in July 2004, while McCoy was eating his lunch, a White co-worker approached McCoy and passed gas directly above his food and then began to laugh about it.

118. Additionally, McCoy and other minority employees were regularly given heavier work loads than their White co-workers, often having to refuel 12-13 airplanes while White co-workers were given only 8-9 planes to fuel.

119. In August 2004, McCoy also witnessed the fuel panel where the words "Carl Gaines is a lazy nigger" were written.

120. Because of his opposition to the discriminatory practices at Allied, McCoy was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**L. MILLS**

121. Intervener Mills is a Black male and former Marine Platoon Sergeant who commenced his employment at Allied in December 1999 as a Fueller. His employment with the company ended in September 2004.

122. Throughout his employment, Mills has witnessed and been subjected to discrimination in the form of a hostile work environment, racial epithets, disparate treatment, and threats from White co-workers. While Mills had brought his concerns to the attention of management and Human Resources, his complaints were never addressed.

123. For example, Mills began working the 2:30pm to 10:30 pm shift. White workers were allowed to leave work 2 hours early with pay for the full shift. When Mills complained to Murphy about the situation, he told Mills that he would look into the situation. Upon information and belief, Murphy took no actions regarding the situation.

124. In July 2002, Mills found the “Nigger Hit List” written in the bathroom wall of the main compound. Mills’ name appeared on the list along with other Black employees. When Mills brought the incident to Murphy’s attention, Murphy told him to “keep silent about it” and told him he would meet privately with him about it later on. However, Murphy never spoke to Mills regarding the issue.

125. Throughout his employment, Mills would see racial comments written on fuel tanks. He continually reported these comments to Murphy, yet no action was ever taken regarding them.

126. Throughout his employment, during months where the weather was hot, Mills witnessed White co-workers wearing confederate flag bandannas, which he found offensive. Mills complained about the bandannas to the Murphy and his response was, "They don't mean anything by it."

127. Mills also witnessed the Ochoa cartoon Murphy displayed on his desk under glass.

128. Because of his opposition to the discriminatory practices at Allied, Mills was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

#### **M. NELSON**

129. Intervenor Nelson is a Black male who commenced his employment at Allied in March 1979. He was transferred to elite mechanic status ten years ago.

130. Throughout his employment, Nelson has been subjected to discrimination based on race in the form of a hostile work environment.

131. For example, a White male co-worker told Nelson he had a "white man's job" when he first started working with the company and in order to keep his job, he would have to "wrestle a bear, drink a fifth of whiskey and fuck a nigger."

132. Because of his opposition to the discriminatory practices at Allied, Nelson was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**N. SLOAN**

133. Intervener Sloan is a Black male who commenced employment at Allied in October 1999 in data entry. He is currently a Purchasing Supervisor.

134. Throughout his employment at Allied, Sloan has been subjected to discrimination in the form of a hostile work environment.

135. For example, William Timmons, a White male Supervisor, constantly caused problems with Black and minority employees, including Sloan. Timmons told Sloan's co-worker, Carrie Derby, a White female, that she would get promoted if she helped get Sloan fired.

136. Timmons also told another employee, Mike Hill, that "he wishes he could see Jerome outside of work so he could whip his ass."

137. Additionally, Timmons tried to accuse Sloan of stealing parts, when in fact, Timmons was actually ordering parts that were already in stock and stealing them.

138. Sloan and other Black employees complained about Timmons to Hank Fulmer, a White male General Manager. Fulmer accused them of causing problems and told them if they were having problems getting along with people, they will be fired.

139. Throughout his employment, Sloan was frequently tested for drugs, unlike his White co-workers. When a White male co-worker got into an accident with an Allied vehicle, for example, no drug test was administered, despite the fact that it is company policy to perform a drug test after any such incidents.



140. Sloan frequently overheard White managers and co-workers referring to Black employees as “niggers” on a daily basis and witnessed racial epithets and illustrations around the work environment.

141. Because of his opposition to the discriminatory practices at Allied, Sloan was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

#### **O. TORAM**

142. Intervener Toram is a Black male with 17 years seniority working as a Fueller. He was wrongfully terminated from Allied in 2003.

143. Throughout his employment at Allied, Toram has witnessed and been subjected to discrimination in the form of a hostile work environment as well as different terms and conditions of employment and retaliation.

144. For example, Toram, a minority employee with seniority, was regularly given heavier work loads than his White co-workers, often having to refuel 12-13 airplanes while White co-workers with less seniority such as Danny Miller, John Terrell, and J.R. Mitchell, were given only 8-9 planes to fuel.

145. Additionally, Toram noticed that when openings for a new position became available, senior White employees would always apply to the position and then pass them down to lesser qualified White workers in order to circumvent the position going to more qualified senior minority employees.

146. Toram also observed that many times, if a bus would arrive late to work, the minority workers would be sent home from work for being late, while White employees who were late to work were allowed to work.

147. In September 2003, Toram was wrongfully terminated from Allied for not having a drivers license, even though he produced a copy of his license at a hearing held regarding the matter. Toram believes he was terminated due to his race and in retaliation for his opposition to discriminatory practices.

148. Because of his opposition to the discriminatory practices at Allied, Toram was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**P. WALKER**

149. Anthony Walker ("Walker") is a Black male who commenced his employment at Allied in January 2001 as a Fueler. Walker is still presently employed with the company.

150. Throughout his employment, Walker has been subjected to continuous discrimination in the form of a hostile work environment, racial epithets, disparate treatment, and threats from White co-workers. While Walker has brought his concerns to the attention of management and Human Resources, his complaints have not been addressed.

151. For example, in August 2004, while riding the shuttle bus with Andrew Cervantes, they were told by a White co-worker named John Terrell, "You need to get to the back of the bus where you belong."

152. Throughout his employment, Walker and other minority co-workers were regularly given heavier work loads than their White counterparts. Minority employees received workloads of 12-13 airplanes to refuel, while White co-workers were only required to refuel 8-9 airplanes.

153. Additionally, Walker and his other minority co-workers are also subjected to strict overtime regulations and frequent random drug tests. Other similarly situated White co-workers were not treated the same.

154. Throughout his employment, Walker also witnessed physical evidence of discrimination, such as confederate flags, the "Nigger Hit List", nooses, swastikas, and racial inscriptions on planes.

155. Walker was also subjected to other acts of retaliation in connection to his opposition to these discriminatory practices. While out on worker's compensation and directly after a story regarding this case aired on CNN, Walker's benefits and medical insurance were cut off without notice.

156. Because of his opposition to the discriminatory practices at Allied, Walker was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

**Q. WEBSTER**

157. Intervenor Webster is a White male who commenced employment at Allied in April 2000 as a Fueler.

158. Throughout his employment, Webster has been subjected to continuous discrimination in the form of a hostile work environment, racial epithets and disparate treatment as well as different terms and conditions of employment and retaliation.

159. Throughout his employment, Webster constantly heard White Allied employees, including supervisors and managers, use racial slurs and refer to Black employees as “niggers.”

160. In February 2001, Roy Judd said to Webster, “I hear your girlfriend is black, that’s okay, there’s nothing wrong with a little nigger pussy sometimes.”

161. Webster also overheard Donnie Nichols and Greg Brauner talking about a college football game and one said to the other, “why do you want to go to the football game to watch a bunch of niggers run around, they already run around all over Texas.”

162. Webster also witnessed the derogatory picture of Francisco Ochoa, as well as many other racially demeaning drawings and cartoons. Many of the pictures were copied and handed out, and even posted in the smoking room at Allied.

163. Because of his opposition to the discriminatory practices at Allied, Webster was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

#### **R. WINTERS**

164. Intervener Winters is a Black male who commenced his employment with Allied on April 6, 1987 in the mail department. He has been a Fueller since June 1987 and currently holds that position. He was also a shop steward for the union for 15 years.

165. Throughout his employment, Winters has been subjected to discrimination based on race in the form of a hostile work environment and retaliation.

166. For example, when Winters first became a Fueller in or around July 1987, he reported to his manager, Bill Hester, from the field after completing his third load of the day. When he opened the door to the room, he saw a hangman's noose hanging from the ceiling. As the only minority working under Hester, Winters assumed the noose was meant for him.

167. Winters was also subjected to various other acts of discrimination and harassment in the workplace. He was retaliated against for his opposition to these practices and his involvement in the EEOC's case against Allied. After giving an interview to CNN on his own time regarding the environment at Allied, Winters, who held the position of shop steward with his union for almost fifteen years, was relieved of his duty. At a union hearing regarding the matter, it was stated that Winters was "not a team player" as the reason for the loss of this position, one which he had been voted into for the past fifteen years.

168. Because of his opposition to the discriminatory practices at Allied, Winters was subjected to a hostile work environment and was subjected to different terms and conditions of employment and retaliation.

### **CAUSES OF ACTION**

169. Intervenors were subjected to a hostile work environment and other adverse employment actions due to their race and/or national origin and/or good faith opposition to discriminatory practices in violation of the Civil Rights Act of 1871, as amended, 42 U.S.C. § 1981 *et seq.*; the 1991 Civil Rights Act, as amended, 42 U.S.C. § 1981a *et seq.*; Title VII of the Civil Rights Act of 1964, as amended and 42 U.S.C. § 2000e *et seq.*

**WHEREFORE**, Interveners demand judgment against Defendants as follows:

170. Preliminary and permanent injunctions against Defendants and their officers, owners, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful practices, policies, customs, and usages set forth herein;

171. A judgment declaring that the practices complained of herein are unlawful and in violation of the Civil Rights Act of 1871, as amended, 42 U.S.C. §1981 *et seq.* and the 1991 Civil Rights Act, as amended, 42 U.S.C. § 1981a *et seq.*; Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C. § 2000e *et seq.*

172. Reinstatement and/or advancement of those Interveners to those jobs they would now be occupying but for Defendants' discriminatory practices;

173. Granting an order restraining Defendants from any retaliation against any Intervener for participation in any form in this litigation;

174. All damages which individual Interveners have sustained as a result of Defendants' conduct, including back pay, front pay, general and special damages for lost compensation and job benefits they would have received but for Defendants' discriminatory practices, and for emotional distress, humiliation, embarrassment, and anguish;

175. Front pay to Interveners until such time as they can be placed in the same positions they would now have occupied but for Defendants' discriminatory practices;

176. Exemplary and punitive damages in an amount commensurate with Defendants' ability and so as to deter future malicious, reckless and/or intentional conduct;

177. Awarding Interveners their costs and disbursements incurred in connection with this action, including reasonable attorneys' fees, expert witness fees and other costs;
178. Pre-judgment and post-judgment interest, as provided by law; and
179. Granting Interveners such other and further relief as this Court finds necessary and proper.

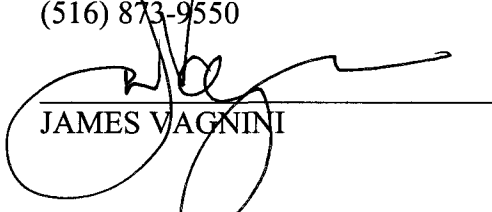
### **JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by the complaint.

Respectfully submitted,

STEVEN B. THORPE  
THORPE, HATCHER & WASHINGTON, L.L.P.  
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(516) 873-9550



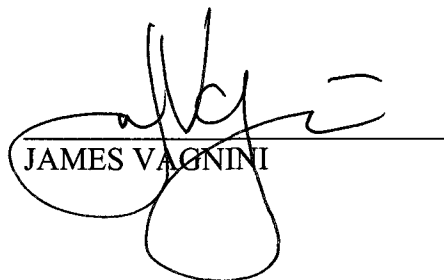
JAMES VAGNINI

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing has been served on all counsel of record for the  
Defendant at the address bellow via United States first class mail, postage prepaid, on this the  
5<sup>th</sup> day of July, 2006.

Paul E. Hash  
Rachel D. Ziolkowski  
JACKSON LEWIS, L.L.P.  
3811 Turtle Creek Boulevard, Suite 500  
Dallas, Texas 75219

Ronetta J. Francis  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Dallas District Office  
207 South Houston, 3<sup>rd</sup> Floor  
Dallas, Texas 75202



JAMES VAGNINI



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

<b>I. (a) PLAINTIFFS</b> EEOC and ERIC MITCHEL, ET AL.	<b>DEFENDANTS</b> ALLIED AVIATION SERVICES; ALLIED AVIATION FUELING CO. OF TX, INC.; ALLIED AVIATION FUELING OF DALLAS
<b>(b) County of Residence of First Listed Plaintiff</b> (EXCEPT IN U.S. PLAINTIFF CASES) DALLAS	<b>County of Residence of First Listed Defendant</b> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
<b>(c) Attorney's (Firm Name, Address, and Telephone Number)</b> LEEDS MORELLI & BROWN, P.C. NORTH DALLAS, TEXAS SUITE 347, CARLE PLACE, NY 11514 (516) 873-9550	<b>Attorneys (If Known)</b> <div style="font-size: 2em; font-weight: bold; text-align: center;">3-06CV1201-6</div>

<b>II. BASIS OF JURISDICTION</b> (Place an "X" in One Box Only)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (Place an "X" in One Box for Plaintiff and One Box for Defendant)												
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td style="width: 33%;">Incorporated or Principal Place of Business In This State</td> <td style="width: 33%;">PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4										
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Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6										

<b>IV. NATURE OF SUIT</b> (Place an "X" in One Box Only)				
<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

<b>V. ORIGIN</b> (Place an "X" in One Box Only)						
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

<b>VI. CAUSE OF ACTION</b> Brief description of cause: 42 USC SEC 1981 et seq.; TITLE VII CIVIL RIGHTS 1964; 42 USC SEC 2000(e) et seq.
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<b>VII. REQUESTED IN COMPLAINT:</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> Undetermined	CHECK YES only if demanded in complaint: <b>JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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<b>VIII. RELATED CASE(S) IF ANY</b>	(See instructions). JUDGE _____	DOCKET NUMBER _____
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DATE: JULY 5, 2006 SIGNATURE OF ATTORNEY OF RECORD: [Signature]

RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____
		MAG JUDGE _____	