

2002 WL 34336809 (D.D.C.) (Trial Pleading)
United States District Court, District of Columbia.

Ms. Sheila QUARLES, Individually and as Class Agent, Ms. Ebony Thomas, Individually and as Class Agent, Ms. Tammy Rogers, Individually and as Class Agent, and Mr. Anthony Bellamy, Individually and as Class Agent,

v.

GENERAL INVESTMENT & DEVELOPMENT CO., Windsor Property Management Company a/k/a Windsor Management Company, and Windsor Investment Company, Inc.

No. 1:02CV01303.

June 28, 2002.

Original Complaint

Clayborne E. Chavers, Esq. (D.C. Bar No. 965749), The Chavers Law Firm, P.C., The Watergate Office Building, 2600 Virginia Avenue, NW - Suite 200, Washington, D.C. 20037, 202-333-8575 (tel.) 202-333-8226 (fax), cchavers@chavlaw.com, Attorney for the Plaintiffs and the Class.

Judge: Reggie B. Walton.

JURY TRIAL DEMANDED HEREIN

By and through their counsel, THE CHAVERS LAW FIRM, P.C., the above-named plaintiffs, individually, and as co-agents of the below-defined class, allege the following for their Complaint.

JURISDICTION AND VENUE

1. Plaintiffs invoke this Court's jurisdiction, with regard to the class action count of this complaint pursuant to 42 U.S.C. 2000e-5 *et seq.*
2. Plaintiff Sheila Quarles invokes this Court's jurisdiction, with regard to her individual claims, pursuant to 29 U.S.C. 621 *et seq.* and 28 U.S.C. 1331.
3. The unlawful employment practices alleged below were and are being committed within the District of Columbia, among other places.

GENERAL ALLEGATIONS

4. The Defendants together, separately, or in a collective arrangement among them, own (or owned) and/or manage (or managed) the properties at which each of the individual plaintiffs and class plaintiffs are or were employed.
5. On information and belief, the plaintiffs and class members were or are employed by the Defendants in properties throughout the Eastern United States, including the District of Columbia.
6. On information and belief each Defendant exercises or exercised control over the plaintiffs and class members such that the plaintiffs and class members can be said to be employed by all of the named Defendants.

PARTIES

7. Plaintiff Sheila Quarles is an African-American female citizen of the United States and a resident of District of Columbia, in the District of The District of Columbia. She was employed by the defendants in the District of Columbia at all times relevant to the allegations set forth in this Complaint.

8. Plaintiff Tammy Rogers is an African-American female citizen of the State of Virginia, County of Hanover, which lies in the Eastern District of Virginia. She was employed by the defendants in the District of Columbia and in Richmond, Richmond County, Virginia at all times relevant to the allegations set forth in this Complaint.

9. Plaintiff Ebony Thomas is an African-American female citizen of the State of Maryland, County of Baltimore, which lies in the Maryland District. She was employed by the defendants in Baltimore County and in Arlington County, Virginia at all times relevant to the allegations set forth in this Complaint.

10. Plaintiff Anthony Bellamy is an African-American male resident of the State of Virginia, which lies in the Eastern District of Virginia. He was, and is, employed by the defendants in Arlington County Virginia at all times relevant to the allegations set forth in this Complaint.

11. On information and belief, Defendant General Investment and Development Co. is a business entity organized under the laws of the Commonwealth of Massachusetts, with its principal place of business in the Commonwealth of Massachusetts and doing business throughout the Eastern United States including in the District of Columbia.

12. On information and belief, Defendant Windsor Property Management Company a/k/a Windsor Management Company, is a corporation organized under the laws of the State of Delaware with its principal place of business in the Commonwealth of Massachusetts and doing business throughout the Eastern United States including in the District of Columbia.

13. On information and belief, Defendant Windsor Investment Company, Inc. is a corporation organized under the laws of the Commonwealth of Massachusetts with its principal place of business in the Commonwealth of Massachusetts and doing business throughout the Eastern United States including in the District of Columbia.

CLASS ACTION ALLEGATIONS

14. This class action suit is being brought pursuant to Federal Rules of Civil Procedure, Rule 23(a) in addition to Rule 23(b)(1)(A), Rule 23(b)(1)(B), and/or Rule 23(b)(3).

15. The class includes all African American persons currently and previously employed by any of the above-named defendants.

16. On information and belief the class includes at least thirty individuals who currently reside and work in various jurisdictions throughout the Eastern United States.

17. The above-named plaintiffs have shown themselves to be committed to the class by their own individual efforts, including significant outlays of money for attorneys fees to remedy the prohibited personnel actions which they have personally faced at the hands of the defendants.

18. The above-named plaintiffs have been informed of the differences between bringing a class action and bringing their actions individually, and each has agreed to subsume his or her action into the class.

19. None of the above-named individuals have filed individual civil actions as of this time; therefore the inconveniences of transferring ongoing cases from different Districts to this Court are avoided.

20. The prohibited personnel practices have occurred in numerous jurisdictions, and therefore, joinder of all potential plaintiffs would be highly burdensome, impracticable and/or impossible.

21. The above-named individuals are highly motivated and eager to correct the prohibited personnel practices that have occurred and continue to occur against the class. They are committed to fairly and adequately protecting the interests of the class

22. Counsel for the individual plaintiffs and class agents are experienced in prosecuting class action claims of this type, and have the resources to prosecute this case to completion.

23. The questions of law and fact that are common to the class is whether the following of defendants' practices are in violation of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5, *et seq.*):

a. Forcing past and current qualified African American employees to hold intermediary positions prior to advancement that equally and/or less qualified white individuals are not forced to hold;

b. Forcing past and current qualified African American employees to meet requirements for promotion that and/or less qualified white employees are not required to meet;

c. The pattern and practice of failing to promote past and current qualified African American employees, in favor of equally and/or less qualified white employees;

d. Failing to notify past and current qualified African American employees of job openings to which equally and/or less qualified white employees are subsequently appointed; and

e. Otherwise prohibiting, based on their race, qualified past and current qualified African American employees from advancement in the defendants' corporations.

ADMINISTRATIVE PROCEDURES

24. On information and belief, no Plaintiff is barred from bringing the present action by any law or regulation.

COUNT I. VIOLATIONS ALLEGED AS TO THE CLASS

25. Plaintiffs repeat and incorporate by reference each of the above numbered paragraphs here.

26. Each defendant followed and is following a policy and practice of discrimination against the plaintiffs and class members because of their race in violation of 42 U.S.C. Section 2000e *et seq.* The discriminatory practices and policies include, but are not limited to the following:

a. Forcing past and current qualified African American employees to hold intermediary positions prior to advancement that equally and/or less white employees are not forced to hold;

b. Forcing past and current qualified African American employees to meet requirements for promotion that equally and/or less qualified white employees are not required to meet;

c. Failing to promote past and current qualified African American employees, in favor of equally and/or less qualified white employees;

d. Failing to notify past and current qualified African American employees of job openings, or concealing those job openings, to which equally and/or less qualified white employees are subsequently appointed; and

e. Otherwise prohibiting qualified past and current qualified African American employees, based upon their race, from advancement in the defendants' corporations.

27. The effect of the policies and practices pursued by the defendants as alleged above has been (and continues to be) to limit, classify, and discriminate against the plaintiffs and class members in ways which deprive them of employment

opportunities and otherwise adversely affects (or affected) their status as employees because of their race in violation of 42 U.S.C. Section 2000e *et seq.*

28. As a further result of defendants' above-stated actions, the plaintiffs and class members have been and are being deprived of income in the form of wages and prospective retirement benefits, social security and other benefits due to them (or that were due to them) as employees solely because of their race in a sum to be proven at trial.

29. As a further result of defendants' above-stated actions, the plaintiffs and class members have been and are being subjected to severe emotional distress.

30. Defendants have acted maliciously or with reckless indifference to plaintiffs' and class members rights as discussed herein.

COUNT II. ALLEGATIONS AS TO PLAINTIFF SHEILA QUARLES IN HER INDIVIDUAL CAPACITY

31. Plaintiff Sheila Quarles repeats and incorporates by reference each of the above numbered paragraphs here.

32. In addition to, or in the alternative to, the unlawful discrimination alleged in Count I, above, each Defendant followed and is following a policy and practice of discrimination against the Plaintiff Sheila Quarles because of her age in violation of 29 U.S.C. 623. The discriminatory practices and policies include, but are not limited to the following:

a. Forcing her to hold intermediary positions prior to advancement that younger, equally and/or less qualified white employees are not forced to hold;

b. Forcing her to meet requirements for promotion that equally and/or less qualified younger, white employees are not required to meet;

c. Failing to promote her in favor of equally and/or less qualified younger, white employees;

d. Failing to notify her of job openings, or concealing job openings from her, to which equally and/or less qualified younger, white employees are subsequently appointed; and

e. Otherwise prohibiting her from advancement in the defendants' corporations based upon her age.

33. The effect of the policies and practices pursued by the defendants as alleged above was to limit, classify, and discriminate against the plaintiff, Sheila Quarles, in ways which deprived her of employment opportunities and otherwise adversely affected her status as an employee because of her age in violation of 29 U.S.C. 623.

34. As a further result of defendants' above-stated actions, the plaintiff, Sheila Quarles was deprived of income in the form of wages and prospective retirement benefits, social security and other benefits due to her (or that were due to her) as an employee because of her age in a sum to be proven at trial.

35. As a further result of defendants' above-stated actions, the plaintiff was and is being subjected to severe emotional distress.

36. Defendants have acted maliciously or with reckless indifference to plaintiff's rights under the 29 U.S.C. 621 *et seq.*

WHEREFORE, plaintiffs, individually and on behalf of the class respectfully pray this Court to:

1. Grant plaintiffs a permanent injunction enjoining defendants, their officers, agents, successors, employees, attorneys, and assigns and other representatives, and all those persons acting in concert with them and at their discretion, from engaging in any employment policy or practice which discriminates against the plaintiffs on the basis of race or age or is retaliatory against the plaintiffs because of the plaintiffs exercising rights afforded to them under 42 U.S.C. Section 2000e *et seq.* and 29 U.S.C. 621 *et seq.*

2. Order defendants to make whole the plaintiffs and class members by providing appropriate back pay and reimbursement for lost pension, social security and other benefits, plus prejudgment interest, in an amount to be shown at trial; and where applicable offering the plaintiff(s) the promotions and other employment opportunities they were denied.

3. Order defendants to pay plaintiffs and class members punitive and compensatory damages in an appropriate amount to discourage such prohibited employment practices in the future.

4. Order the defendants to be taxed with the cost of this action, including all fees associated with bringing the class action aspect of the case, and reasonable attorney's fees for the plaintiffs and class members;

5. Retain jurisdiction over this action to assure compliance with the orders of this Court, and require defendants to file such reports as the Court may deem necessary to evaluate such compliance;

6. Try all issues of fact to a jury; and

7. Grant such additional relief as to the Court may seem just and proper.

--	--