

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

CLERK OF COURT
U.S. DISTRICT COURT
AUGUSTA, GA.

2008 Jul -6 P 3:33

E. Winters

EQUAL EMPLOYMENT)
 OPPORTUNITY COMMISSION)
)
 Plaintiff,)
 and)
)
 KHALEED ABDUL-AZEEZ)
)
 Intervenor,)
 vs.)
)
 FEDERAL EXPRESS CORP.)
)
 Defendant.)

Civil Action: CV100-50

COMPLAINT IN INTERVENTION

The above-named Intervenor files this Complaint In Intervention against the above-named Defendant, and says:

1. Equal Employment Opportunity Commission, the original Plaintiff, filed the complaint on March 17, 2000, against Federal Express Corporation, for unlawful employment practices of Religious Discrimination and Retaliatory Discharge pursuant to Title VII of the 1964 Civil Rights Act, as amended by 1991.

2. Federal Express Corporation, the original Defendant, filed an answer in the original action on May 15, 2000, denying violations of Title VII, 42 U.S.C. §2000e-3(a) and Title VII, 42 U.S.C. § 2000e-2(a)(1) of 1964 Civil Rights as amended by 1991.

3. Intervenor is a member of the Islamic religion. As such, he holds a sincere religious belief that as a practicing Muslim-male, he is required to wear a beard.

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4. Intervenor began his employment with Defendant on November 1, 1998 as a Courier-Deliver in its public contact position.

5. Intervenor had at all times relevant and in a timely fashion, sought to engage Defendant in a meaningful dialogue with respect to a reasonable accommodation for his religious need to continue to wear a beard.

6. Defendant's only exception to its no beard policy is for medical purposes. Defendant asked Intervenor to assert a medical exception, but in light of Intervenor's religious convictions, he could not make a good faith and sincere assertion.

7. Defendant, despite the mandatory obligation imposed by federal law, has failed, refused and neglected to make any reasonable accommodation whatsoever for the religious needs of Intervenor, despite the fact that such accommodation could have been made without any hardship, undue or otherwise, on the conduct of Defendant's business.

8. In response to Intervenor's requests for reasonable accommodation, Defendant has denied any accommodation whatsoever.

9. Intervenor engaged in statutorily protected activity by filing a complaint of discrimination with the Augusta-Richmond Human Relations Commission and the Equal Employment Opportunity Commission and suffered an adverse employment action of retaliatory discharge.

10. Defendant's unlawful conduct demonstrates a malicious and reckless disregard of Intervenor's federally protected rights.

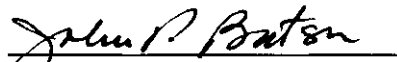
WHEREFORE, Intervenor respectfully prays this Court:

- (a) to order Defendant to reinstate him to the position from which he was terminated, with all benefits fully restored;
- (b) to order Defendant not maintain its policy of wearing beards for public contact positions for those who hold sincere beliefs that conflict with said policy;
- (c) to award him all back pay and lost benefits suffered as a result of Defendant's discriminatory discharge;
- (d) to award him compensatory and punitive damages for Defendant's malicious disregard for Intervenor's federal rights in the amount of \$300,000.00;
- (e) to award him costs of this action and reasonable attorneys' fees;
- (f) to award him such other and further relief as this Court deems just and proper.

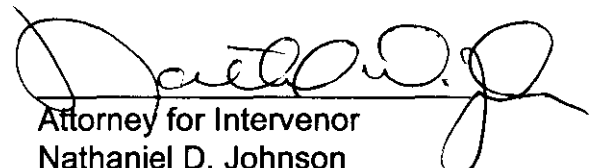
And that an answer is filed both by Equal Employment Opportunity Commission, the original Plaintiff, and Federal Express Corporation, the original Defendant.

Respectfully submitted,

This 15th day of June 2000.



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(Western District)

CERTIFICATE OF SERVICE

This is to certify that the undersigned attorney did this date serve a copy of the within and foregoing pleading upon all counsel of record by one or more of the following method(s):

- Depositing the same in a properly addressed envelope with adequate postage thereon to the following address(es):


Mr. James D. Hyder, Jr.
Hunter, Maclean, Exley & Dunn, P.C.
1202 First Union Bank Bldg.
699 Broad Street, Suite 1202
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Mr. Richard C. Paul
Federal Express Corporation
Legal Department
1980 Nonconnah Blvd.
Memphis, TN. 38132

Mr. Steven M. Tapper
EEOC
100 Alabama St., SW, Suite 4R30
Atlanta, GA. 30303

- Delivering a copy to counsel by hand to the following address(es):
- Faxing a copy of the same to the following Fax No(s):

This 15th day of June, 2000.


John P. Batson
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Attorney for Plaintiff

Prepared by:

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