

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION AND ROBERTA BROWN

Plaintiffs

vs.

THE KANSAS CITY SOUTHER RAILWAY  
COMPANY

Defendants

Case No. 05-2668  
(Complaint filed 6/29/05)  
(Amended Complaint filed 7/27/05)

**Civil Rights – Employment  
Discrimination; 42 U.S.C. §§ 2000e,  
et seq., 42 U.S.C. § 1981, &**

SECT. *RC*

MAG. *5 2*

DEMAND FOR JURY TRIAL

**COMPLAINT IN INTERVENTION**

**NATURE OF THE ACTION**

Pursuant to 42 U.S.C. §2000e-5(f)(1), Intervenor in Intervention ROBERTA BROWN (hereinafter, "BROWN") moves to intervene in this action brought pursuant to Title VII or the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 against Defendant The Kansas City Southern Railway Company ("KCS"), Defendant, to correct unlawful employment practices on the basis of race, gender and retaliation, and to provide appropriate relief to Charging Party ROBERTA BROWN, and similarly situated individuals who were adversely affected by such practices. Defendant KCS, which operates a railroad in the State of Louisiana, subjected the above Charging Party and

Fee  \_\_\_\_\_  
Process  \_\_\_\_\_  
X Dktd  \_\_\_\_\_  
V CtRmDep  \_\_\_\_\_  
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similarly situated black individuals to unlawful retaliation and discharge based on their race and against Mrs. Brown in particular due to her gender.

ROBERTA BROWN's additional claims against Defendant allege violations of the Civil Rights Act of 1866, 42 U.S.C. §1981, and 42 USC 2000e based on racial and gender discrimination, harassment, retaliation, and failure to take steps to prevent discrimination and harassment.

#### **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, 1345, and 1367. This action is authorized and instituted pursuant to §706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) ("Title VII"), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a, and the Civil Rights Act of 1866, 42 U.S.C. § 1981.
2. Venue is proper in the Eastern District of Louisiana under 28 U.S.C. § 1391(b), as a substantial part of the events and omissions giving rise to the the Equal Employment Opportunity Commission Amended Complaint occurred in Orleans Parish and Caddo Parish, Louisiana.

#### **PARTIES**

3. At all material times herein, Intervenor and Charging Party ROBERTA

BROWN ("BROWN") has continuously been a resident of Shreveport, Louisiana and a black female employee at KCS, and is an aggrieved party authorized to intervene under 42 U.S.C. §§2000e-5(f)(1).

4. Defendant Kansas City Railway Company, ("KCS", "Employer" or "Defendant") has continuously been a Missouri Corporation doing business in the State of Louisiana and the Parish of Orleans and Parish of Caddo, and has continuously had at least 15 employees. Defendant was the employer of Intervenor and all of the Identified Aggrieved Parties at the time of the employment actions challenged herein.
5. Defendant KCS has continuously been an employer engaged in an industry affecting commerce, within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 200-e(b), (g), and (h).

#### **FACTS COMMON TO MORE THAN ONE CLAIM**

6. Intervenor ROBERTA BROWN incorporates herein, as if fully set forth, the allegations contained in paragraphs 6 through 10 of the Complaint filed by the Equal Employment Opportunity Commission ("EEOC") in this action on June 29, 2005 and Paragraphs 6 through 10 of the Amended Complaint filed by the Equal Employment Opportunity Commission ("EEOC") in this action on July 27, 2005.

7. Defendant KCS discriminated against ROBERTA BROWN because she is a black female. On or about November 25, 2003, Defendant suspended Brown for 30 days on the bases of her both her race and gender and/or in retaliation for engaging in protected activity, thereby violating Title VII. When Petitioner attempted to return to work after the suspension, management attempted to prevent her return to work.
8. Before her suspension, BROWN had complained to management about the treatment of other black employees regarding their terms and conditions of employment. She told the Defendant that the treatment of black employees was discriminatory.
9. On or about January 16, 2004, Defendant terminated Mrs. BROWN in retaliation for engaging in a protected activity and due to her gender and race in violation of Title VII.
10. ROBERTA BROWN's protests and complaints about Defendant's unlawful employment practices were a motivating reason for the actions and omissions of Defendants, and each of them, alleged herein. The acts and omissions of Defendants, and each of them, alleged herein were a substantial factor in causing Intervenor's harm.
11. As a result of the acts and omissions of Defendants, and each of them,

alleged herein, ROBERTA BROWN has suffered and/or continues to suffer compensatory damages in the form of past and future pecuniary losses, loss of benefits, medical expenses, emotional distress, anxiety, and humiliation, in an amount to be proven at trial.

12. Defendant and its employees and agents committed the acts and omissions alleged herein with malice, fraud or oppression, and with willful and conscious disregard of ROBERTA BROWN's rights, thus entitling ROBERTA BROWN to an award of punitive damages.
13. As a result of the acts and omissions of Defendant and each of them alleged herein, ROBERTA BROWN is entitled to the relief prayed for hereinafter according to proof at time of trial.

#### **EXHAUSTION OF REMEDIES**

14. On December 11, 2003, ROBERTA BROWN filed a timely charge of race and gender discrimination and retaliation against her employer KCS with the EEOC and received a right to sue letter dated August 2, 2005 which is attached hereto as Exhibit 1 and incorporated by reference herein. All conditions precedent to the institution of this lawsuit have been fulfilled.

**FIRST CLAIM FOR RELIEF**  
**Discrimination Based On Race**  
**[Title VII Of Civil Rights Act Of 1964, as amended in 1991 AND 42 USC 1981]**

15. As a first, separate and distinct cause of action, ROBERTA BROWN complains against Defendant KCS for a cause of action alleges:  
  
ROBERTA BROWN incorporates by reference Paragraphs 1-15, inclusive as if fully set forth herein.
  
16. Since at least September 22, 2003, Defendants KCS, its employees and agents harassed, suspended and terminated ROBERTA BROWN allegedly for poor job performance which is untrue. KCS engaged in unlawful practices of discrimination based on race in violation of §703(a) (1) of Title VII, 42 U.S.C. §2000e-2(a)(1) and 42 USC 1981 by subjecting ROBERTA BROWN to a hostile, abusive, intimidating and offensive work environment because of her race. The effect of the actions complained of above has been to deprive ROBERTA BROWN of equal employment opportunities and otherwise adversely affect her status as an employee because of her race.
  
17. The unlawful employment practices complained of above were intentional.

**WHEREFORE, ROBERTA BROWN requests the relief prayed for hereinafter.**

**SECOND CLAIM FOR RELIEF**

**Retaliation**

**[Title VII Of Civil Rights Act Of 1964, as amended in 1991 AND 42 USC 1981]**

18. As a second, separate and distinct cause of action, ROBERTA BROWN complains against Defendant KCS for a cause of action alleges:

ROBERTA BROWN hereby incorporates the allegations of paragraphs 1 through 17 above as though fully set forth herein.

19. In addition to the above-referenced harassment, Defendant engaged in unlawful employment practices in violation of §704(a) of Title VII, 42 U.S.C. §2000-e-3(a) by engaging in adverse employment actions against ROBERTA BROWN in retaliation for her opposition to and/or rejection of the discrimination referenced herein, for complaints and protests made to KCS regarding its poor treatment of blacks in terms of discipline and other terms and conditions of employment. The retaliation in the form of a suspension and discharge precluded ROBERTA BROWN from working, resulting in wage loss.

20. The effect of the action complained of above has been to deprive ROBERTA BROWN of equal employment opportunities and to otherwise adversely affect his status as employee because of her protected activity.

21. The unlawful employment practices complained of above were intentional.

WHEREFORE, ROBERTA BROWN requests the relief prayed for hereinafter.

**THIRD CLAIM FOR RELIEF  
Discrimination Based On Gender  
[Civil Rights Act Of 1964, As Amended In 1991]**

22. As a third, separate and distinct cause of action, ROBERTA BROWN complains against Defendant KCS and for a cause of action alleges:  
  
ROBERTA BROWN hereby incorporates by reference Paragraphs 1 through 21, inclusive, as though set forth here in full.

23. KCS suspended and discharged ROBERTA BROWN due to her gender.

24. The unlawful employment practices complained of herein were intentional.

WHEREFORE ROBERTA BROWN prays for relief as set forth hereinafter.



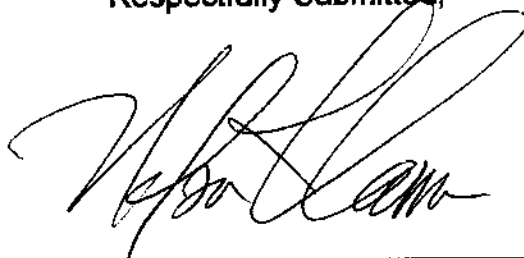
**PRAYER FOR RELIEF**

WHEREFORE, Intervenor seeks judgment against Defendant and requests as follows:

1. An award of all actual, consequential and incidental damages, according to proof, including but not limited to, loss of earnings, loss of enjoyment of life, together with prejudgment interest.
2. An award of general damages for emotional distress in an amount to be proven at time of trial.
3. An award of costs of suit, including expert witness fees, attorney fees pursuant to law;
4. An assessment of punitive damages against each Defendant in an amount to be proven at time of trial;
5. Trial by Jury; and,
6. Such other and further relief as the Court deems proper.

Dated: August 22, 2005

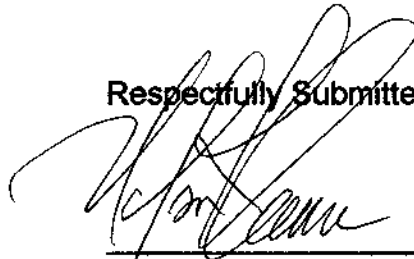
Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Nelson W. Cameron". The signature is fluid and cursive, with a large initial "N" and "C".

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**NELSON W. CAMERON**  
Attorney at Law  
675 Jordan Street  
Shreveport, Louisiana 71101  
(318) 226-0111  
Bar No.: 01283  
**ATTORNEY FOR Intervenor**

Respectfully Submitted,



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**NELSON W. CAMERON**

Attorney at Law

675 Jordan Street

Shreveport, Louisiana 71101

(318) 226-0111

Bar No.: 01283

**ATTORNEY FOR INTERVENOR**

**ROBERTA BROWN demands a trial by jury  
of all issues and causes of action.**

Dated: August 22, 2005