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ROBERT H. SHEMPELL, CLERK  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

FILED  
U. S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

DEC 20 2004

ROBERT H. SHEMPELL, CLERK  
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EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
TRAC-WORK, INC. )  
 )  
Defendant. )

CIVIL ACTION NO. CVO4-1981  
INTERVENTION

RICHARD SHELTON, a resident of the Parish of Calcasieu, State of Louisiana, of full age of majority, represents that:

1.

Plaintiff, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("EEOC"), has brought an action entitled *EQUAL EMPLOYMENT OPPORTUNITY COMMISSION vs. TRAC-WORK, INC.*, Docket Number CV04-1981, United States District Court for the Western District of Louisiana, Lake Charles Division, seeking recovery pursuant to Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Richard Shelton and other African Americans who were adversely affected by such practices.

2.

Intervener, RICHARD SHELTON, is an African American.

3.

Intervener, RICHARD SHELTON, avers that he was employed by TRAC-WORK, INC. on or about September 1, 2002 as a laborer with a starting pay of \$7.00.

4.

White employees were hired as labors with starting pay of \$8.00 to \$9.00 per hour.

5.

At the time intervener, RICHARD SHELTON, was hired and for the duration of his employment, his immediate supervisor was TIM STELLY.

6.

From the date that intervener, RICHARD SHELTON, was first hired at TRAC-WORKS, INC., he was subjected to racial epithets and harassment on a daily basis.

7.

TIM STELLY repeatedly referred to RICHARD SHELTON as well as other African American co-workers as "niggers".

8.

TIM STELLY often summoned RICHARD SHELTON and other African American co-workers by telling them to "get your monkey asses over here," or "get your black asses over here," and "get your nigger asses over here".

9.

Other white foremen would tease TIM STELLY about the fact that he was often late to work and would have had a hard time getting the day's work done. TIM STELLY's usual response was, "Don't worry about that; my niggers will take care of it."

10.

Each morning, RICHARD SHELTON reported to the TRAC-WORK, INC. office and TIM STELLY would then drive the crew to the job site in his vehicle.

11.

TIM STELLY displayed a hangman's noose with a black doll dangling from it by the neck from his rearview mirror.

12.

RICHARD SHELTON as well as other co-workers complained to PAUL ACRES, the branch manager, regarding TIM STELLY's constant harassment and use of offensive racial epithets.

13.

PAUL ACRES only reply to RICHARD SHELTON, as well as the other co-workers, was "You know how he is."

14.

PAUL ACRES never did anything to resolve the situation and the harassment and abuse continued.

15.

On or about December 6, 2001, TIM STELLY was upset regarding the manner in which some work was performed and yelled at RICHARD SHELTON and his co-workers saying, "Which one of you fuckin' niggers was out there on the switch?"

16.

TIM STELLY often referred to the crew in these terms when he was upset about something.

17.

In early December, RICHARD SHELTON broke his finger on the job. While under medical restrictions, RICHARD SHELTON was required to work in the unheated shop, picking up papers and sweeping.

18.

Two weeks before RICHARD SHELTON was due to be released to full duty, TIM STELLY approached RICHARD SHELTON in the shop and began harassing him about his medial restriction and told RICHARD SHELTON, "It's time for you to go back to work. Take your black ass and go pick up some papers."

19.

After approximately four months of daily harassment and abuse, RICHARD SHELTON could no longer tolerate the situation and quit TRAC-WORK, INC. in January of 2002.

20.

As a result of this daily harassment and abuse, Intervener, RICHARD SHELTON, has suffered the following damages:

- (1) Pain and Suffering;
- (2) Emotional Distress;
- (3) Loss of enjoyment of life and humiliation;
- (4) Past, Present and future wage loss;
- (5) Loss of income and future earning capacity; and
- (6) Any other damages to be proven at trial.

WHEREFORE, intervener prays:

- A. For leave of court to file this intervention;
- B. For judgment in favor of intervener and against defendant for any and all remedies as appropriate under the circumstances.

Respectfully submitted,

**RICHARD LAW FIRM, LLC**



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