

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2005 FEB -21 P 3:55

U.S. DISTRICT COURT  
DISTRICT OF MASS.

05-10213 P.

MAGISTRATE JUDGE *KBC*

JACOB BRADLEY, NOAH BRADLEY, KEITH  
RIDLEY, and JARED THOMAS,  
individually and on behalf of a class of  
similarly situated individuals,  
Plaintiffs,

V.

CITY OF LYNN; EDWARD J. CLANCY, JR.,  
in his capacity as Mayor of the City of Lynn;  
the COMMONWEALTH OF MASSACHUSETTS,  
DIVISION OF HUMAN RESOURCES; and  
RUTH BRAMSON, in her capacity as Personnel  
Administrator of the Division of Human Resources  
of the Commonwealth of Massachusetts,  
Defendants.

Civil Action No.

RECEIPT # \_\_\_\_\_  
AMOUNT \$ 50  
SUMMONS ISSUED YES  
LOCAL RULE 4.1 \_\_\_\_\_  
WAIVER FORM \_\_\_\_\_  
MCF ISSUED \_\_\_\_\_  
BY DPTY. CLK. dm  
DATE 2/2/05

COMPLAINT, PRELIMINARY AND PERMANENT INJUNCTIVE  
RELIEF REQUESTED

I. INTRODUCTION.

1. This is an action brought under state and federal law, challenging the entry-level firefighter examination for the position of firefighter in the City of Lynn conducted by the Commonwealth of Massachusetts. As set forth below, the defendants' conduct in hiring candidates from this examination, based upon a rank ordering system which utilizes scores as the primary criteria, results in a significantly disparate impact upon minority candidates, and cannot be demonstrated to be required by business necessity under state or federal law. Hence, the exam as utilized is unlawful. The plaintiffs, and the class they represent, seek preliminary and permanent injunctive relief barring the use of the entrance level firefighter examination in the City of

Lynn, to the extent such examination is utilized to select candidates based upon a rank ordering system.

II. JURISDICTION.

2. The jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343. This case arises under the laws of the United States of America, and plaintiffs invoke the Doctrine of Pendent Jurisdiction over their state claims.

III. PARTIES.

3. Plaintiffs Jacob Bradley, Noah Bradley, Keith Ridley, and Jared Thomas are adult residents of the City of Lynn, Massachusetts. They are African American and they each have all of the qualifications to be a Lynn firefighter.

4. The plaintiffs bring this action on behalf of themselves and a group of minority candidates similarly situated. That group of candidates, similarly situated, are minority individuals who meet the basic eligibility requirements to be a Lynn firefighter, have taken the entrance level firefighter examination to be firefighters for the City of Lynn, and who have not been selected. The class meets all of the requirements of Rule 23 of the Federal Rules of Civil Procedure.

5. The defendant City of Lynn is a duly incorporated municipality of the Commonwealth of Massachusetts. The City maintains a fire department.

6. The defendant Edward J. Clancy, Jr. is the Mayor of the City of Lynn, Massachusetts, and has the overall responsibility for the administrative functions for the City of Lynn, including the Lynn Fire Department.

7. The defendant Commonwealth of Massachusetts, maintains an agency, the Human Resources Division, which has overall responsibility for establishing

entrance-level firefighter and police examinations for Massachusetts' municipalities that are subject to the civil service law, M.G.L. ch. 31, and establishing lists for entry-level hiring based thereon.

8. The defendant Ruth Bramson is the Administrator of the Human Resources Division, and in that capacity is responsible for the overall conduct of the affairs of the Human Resources Division.

IV. FACTS.

A. Hiring For The Lynn Fire Department.

9. At all times relevant hereto, the City of Lynn has been subject to the civil service law, M.G.L. ch.31. Pursuant to the civil service law, entry-level hiring for all firefighters in the City of Lynn is conducted through an examination and ranking process conducted by the defendant Human Resources Division of the Commonwealth of Massachusetts.

10. Pursuant to such system, candidates for the position of firefighter, who meet certain minimum qualifications, including residency within the City of Lynn, apply for and take a written examination established by the Human Resources Division, and their scores on such examination are recorded. Based upon their scores on such written examination, candidates are then rank ordered on said civil service list for firefighter in the City of Lynn based upon such written scores. Certain categories of candidates, such as candidates who are veterans or who are the children of police or firefighters who died in the line of duty, are given an absolute preference over all other candidates, and these individuals are rank ordered on the civil service list within their categories based upon their scores on the written examination.

11. When vacancies are to be filled in the Lynn Fire Department, candidates are chosen for selection based exclusively upon their ranking on such civil service list. They then must go on to complete a physical agility test, background investigation, and medical exam.

B. The Examination Utilized By Defendant Division of Human Resources Has An Overwhelming Disparate Impact On Minority Candidates.

12. Generally, the Human Resources Division ("HRD") administers entry-level firefighter examinations for towns and cities in the Commonwealth of Massachusetts covered by the civil service law, every two years. The Commonwealth, HRD, keeps records on the scores received by Caucasian and minority candidates [minorities being defined as Spanish surname or black]. Over the course of the last several entrance level examinations administered by HRD, the Commonwealth has used a cutoff score of 70, meaning that any score below 70 constitutes a failure prohibiting the individual from being considered in the hiring process.

13. Both in the City of Lynn and elsewhere in the Commonwealth of Massachusetts, the HRD entry-level firefighter examination has a significant disparate impact on minority candidates, in that statistically minority candidates fare far worse on the examination than do Caucasian candidates. The impact is so significant, that in many communities, few, if any, minorities get hired based upon a rank ordering of their scores on the civil service examination.

C. Facts Relating To Plaintiffs.

14. In or about November of 2001, Plaintiffs Jacob Bradley, Noah Bradley, and Keith Ridley, all of whom are African-American, took the entrance level examination administered by HRD for the position of firefighter in the City of Lynn. Each plaintiff was

well qualified for such position and had a lifelong goal to become a firefighter in the City of Lynn. Plaintiffs Jacob Bradley and Noah Bradley are the sons of a Lynn firefighter, and plaintiff Keith Ridley is the nephew of a Lynn firefighter and a Peabody firefighter.

15. Plaintiff Jacob Bradley received a score of approximately 94 on the 2001 civil service examination, a score which demonstrates that he is fully qualified for the position of firefighter. Plaintiff Noah Bradley received a score of 84, a score demonstrating he is qualified to be a Lynn firefighter. Plaintiff Keith Ridley scored in the low-to-mid 90s, demonstrating that he is qualified to be a Lynn firefighter.

16. In or about April of 2002, HRD created a "Civil Service" rank ordered list resulting from the November 2001 examination. That list remained in effect through at least November of 2004. Approximately 20 firefighters were hired from that list. None of the firefighters hired were minorities, and plaintiffs Jacob Bradley, Noah Bradley, and Keith Ridley were not reached for consideration based solely on their civil service scores. The last hiring from that list occurred in October of 2004.

17. Each plaintiff has taken the November 2004 HRD civil service examination for the position of firefighter in the City of Lynn. Plaintiff Jacob Bradley received a score of 94; plaintiff Noah Bradley received a score under 70; plaintiff Keith Ridley received a score of 90; and plaintiff Jared Thomas received a score of 92.

18. On information and belief, the City of Lynn will be hiring approximately 16 firefighters in the Spring of 2005, based upon candidates' ranking on the civil service examination. Should the City of Lynn hire from a rank ordered list created by the HRD based on exam score, which has been the City's practice, none of the plaintiffs will be reached for consideration due to their scores on the civil service examination.

D. The City Of Lynn's History Of Hiring Minority Firefighters.

19. From 1974 until in or about January 1986, the City of Lynn was subject to a consent decree entered in the case of Boston Chapter, NAACP, Inc. v. Beecher, et al, 371 F. Supp. 507 (D. Mass. 1974) (Civ. Act. Nos. 72-3060-F and 73-269-F), requiring the City of Lynn and other cities in Massachusetts to hire minority firefighters in a ratio of one minority for every three Caucasians hired. The City of Lynn was subject to such consent decree by reason of a finding by the Federal District Court that the entry-level police and fire written civil service examination utilized by the Commonwealth of Massachusetts had a disparate impact on minorities and was not validly determined to be job-related.

20. In or about January 1986, the City of Lynn petitioned the defendant Human Resources Division for permission to be relieved of complying with the Beecher decree, and defendant HRD granted this request.

21. Since that time, the City of Lynn has hired firefighters based strictly upon civil service score and the statutory preferences described above. Over the course of the last ten years, of the some forty (40) or more firefighters hired in the City of Lynn (other than paramedics), fewer than eight (8) have been minorities. Of the 179 firefighters currently employed by the City of Lynn, only fifteen (15) are minorities.

22. Currently, approximately 40% of the population of the City of Lynn is minority.

23. The use of the HRD written examination for the entry-level position of firefighter, including its use as a rank ordering system, has resulted in a significant

disparate impact adversely affecting minority candidates for the position of firefighter in the City of Lynn.

24. The HRD examination, particularly when utilized as a rank ordering system (as opposed to a pass/fail qualifying examination), has a significant disparate impact on minority candidates generally, and cannot be shown to be a valid business necessity under the standards developed by federal EEOC and state MCAD law.

25. Without the grant of preliminary injunctive relief, the City of Lynn will continue to hire entry-firefighters based upon a civil service level examination that is unlawful.

E. Exhaustion of Administrative Remedies

26. Pursuant to state and federal requirements, Plaintiffs are filing their discrimination claims at the Massachusetts Commission Against Discrimination ("MCAD") and the Equal Employment Opportunity Commission ("EEOC").<sup>1</sup>

COUNT I

(Title VII of the Civil Rights Act of 1964)

The actions of the defendants as set forth above constitute a violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000(e).

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<sup>1</sup> As set forth in this Complaint, Plaintiffs are requesting preliminary injunctive relief due to the imminent potential harm facing Plaintiffs based on the City's intention to hire a number of firefighters based on the scores of the November 2004 civil service examination. Thus, Plaintiffs are including their discrimination claims immediately in this Complaint as the basis for the preliminary injunctive relief they are requesting. Upon receiving right-to-sue letters from the MCAD and EEOC, with whom they are filing their administrative complaints today, they will amend this Complaint to state that they have received these letters.

COUNT II

(Equal Protection)

The conduct of the defendants as set forth above constitutes a violation of the equal protection clause of Fourteenth Amendment to the United States Constitution.

COUNT III

(42 U.S.C. §1981)

The actions of the defendants as set forth above constitute a violation of 42 U.S.C. §1981.

COUNT IV

(Chapter 151B)

The actions of the defendants as set forth above constitute a violation of M.G.L. ch.151B, Section 4.

COUNT V

(M.G.L. ch.93, §103)

The actions of the defendants as set forth above constitute a violation of M.G.L. ch. 93, §103, and the equal protection clause of the Massachusetts Declaration of Rights.



COUNT VI

(Enforcement and/or Clarification of Consent Decree)

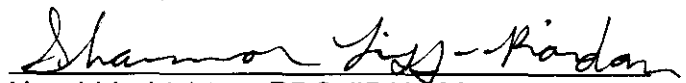
The actions of the defendants as set forth above violate the consent decree issued in the case of Boston Chapter, NAACP, Inc. v. Beecher, et al, 371 F. Supp. 507 (D. Mass. 1974) (Civ. Act. Nos. 72-3060-F and 73-269-F).

WHEREFORE, the plaintiffs pray this Court to grant them preliminary and permanent injunctive relief (1) holding that the examination system used by the defendants is unlawful; (2) ordering that the plaintiffs and appropriate class members be hired as firefighters for the City of Lynn, Massachusetts, with retroactive back pay, seniority, and other damages to which they are entitled; (3) ordering that the defendants be required to devise a hiring system that does not have disparate impact on minorities; and (4) granting other further and appropriate relief to the plaintiffs and the class they represent.

Respectfully submitted,

JACOB BRADLEY, NOAH BRADLEY, KEITH RIDLEY, and JARED THOMAS, individually and on behalf of a class of similarly situated individuals,

Dated: February 2, 2005

  
Harold L. Lichten, BBO #549689  
Shannon Liss-Riordan, BBO# 640716  
Alfred Gordon, BBO #630456  
Pyle, Rome, Lichten, Ehrenberg &  
Liss-Riordan, P.C.  
18 Tremont St., Ste. 500  
Boston, MA 02108  
(617) 367-7200

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) JACOB BRADLEY et. al. v. CITY OF LYNN et al.

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

05-10213 PBS

- I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950. \*Also complete AO 120 or AO 121 for patent, trademark or copyright cases
- III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(G)). IF MORE THAN ONE PRIOR RELATED CASE HAS BEEN FILED IN THIS DISTRICT PLEASE INDICATE THE TITLE AND NUMBER OF THE FIRST FILED CASE IN THIS COURT.

Boston Chapter, NAACP, Inc. et al. v. Beecher et al., 72-3060-F

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT?

YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC §2403)

YES NO

IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY?

YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC §2284?

YES NO

7. DO ALL OF THE PARTIES IN THIS ACTION, EXCLUDING GOVERNMENTAL AGENCIES OF THE UNITED STATES AND THE COMMONWEALTH OF MASSACHUSETTS ("GOVERNMENTAL AGENCIES"), RESIDING IN MASSACHUSETTS RESIDE IN THE SAME DIVISION? - (SEE LOCAL RULE 40.1(D)).

YES NO

A. IF YES, IN WHICH DIVISION DO ALL OF THE NON-GOVERNMENTAL PARTIES RESIDE?

EASTERN DIVISION	CENTRAL DIVISION	WESTERN DIVISION
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B. IF NO, IN WHICH DIVISION DO THE MAJORITY OF THE PLAINTIFFS OR THE ONLY PARTIES, EXCLUDING GOVERNMENTAL AGENCIES, RESIDING IN MASSACHUSETTS RESIDE?

EASTERN DIVISION	CENTRAL DIVISION	WESTERN DIVISION
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(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Harold Lichten, Shannon Liss-Riordan, and Alfred Gordon

ADDRESS Pyle, Rome, 18 Tremont Street, Suite 500, Boston MA 02108

TELEPHONE NO. (617) 367-7200

JS 44 (Rev. 3/99)

**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.)

**I. (a) PLAINTIFFS**  
 JACOB BRADLEY, NOAH BRADLEY, KEITH RIDLEY, and  
 JARED THOMAS, individually and on behalf of a  
 class of similarly situated individuals

**DEFENDANTS**  
 CITY OF LYNN; EDWARD J. CLANCY, JR.; the  
 COMMONWEALTH OF MASSACHUSETTS, DIVISION  
 OF HUMAN RESOURCES; and RUTH BRAMSON

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed \_\_\_\_\_  
 U.S. PLAINTIFF CASES ONLY  
 IN ALL OTHER CASES, USE THE LOCATION OF THE  
 LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) (617) 367-  
 Harold Lichten, Shannon Liss-Riordan, and 7200  
 Alfred Gordon  
 Pyle, Rome, Lichten, Ehernberg & Liss-Riordan, P.C.  
 18 Tremont Street, Suite 500, Boston MA 02108

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

**DEF** **DEF**

Citizen of This State  1  1 Incorporated or Principal Place of Business in This State  4  4

Citizen of Another State  2  2 Incorporated and Principal Place of Business in Another State  5  5

Citizen or Subject of a Foreign Country  3  3 Foreign Nation  6  6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<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 <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	<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	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <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	<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 DIW C/DIW W (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	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <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"/> 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 Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<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 checked="" type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <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	<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	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <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"/> 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 Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions	

**V. ORIGIN** (PLACE AN "X" IN ONE BOX ONLY)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. Sec. 2000 (e), 42 U.S.C. Sec. 1981

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ \_\_\_\_\_

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): \_\_\_\_\_

JUDGE: Patti B. Saris

DOCKET NUMBER: 72-3060-F

DATE: 2/2/05

SIGNATURE OF ATTORNEY OF RECORD: Shannon Liss-Riordan