

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MISSOURI
WESTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
and)	Case No.: 4-02-00519-DW
)	
GREGORY STILLMAN,)	Request for Jury Trial
)	
Plaintiff-Intervenor,)	
)	
v.)	
)	
CONSOLIDATED FREIGHTWAYS)	
CORPORATION OF DELAWARE)	
Defendant.)	

PLAINTIFF-INTERVENOR’S COMPLAINT

Plaintiff hereby brings this action against Defendant for the following reasons:

JURISDICTION AND VENUE

1. Plaintiff is an individual who resides in Leavenworth, Kansas.
2. Defendant is a foreign corporation transacting business in the State of Missouri, and specifically in Kansas City, Jackson County, Missouri.
3. Plaintiff asserts these claims pursuant to Title VII of the Civil Rights Act of 1964 as amended in 1991, Title VII, 42 U.S.C. §2000e-5 et seq., the Missouri Human Rights Act at §213.010 et seq. of the Missouri Revised Statutes, and the Civil Rights Act of 1871, as amended in 1991, 42 U.S.C. §1981. Plaintiff invokes the jurisdiction of this Court pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1332, and the Court’s pendent jurisdiction.

4. Venue is proper because Defendant resides in the Western District of Missouri within the meaning of 28 U.S.C. § 1391 (b) and © and because the discriminatory actions occurred in Jackson County, Missouri in the Western District of Missouri.
5. Plaintiff filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission and with the Missouri Commission on Human Rights alleging that Defendant engaged in the discriminatory actions that are being raised in this lawsuit, or alternatively, the allegations of Plaintiff's lawsuit would have arisen from the investigation of Plaintiff's Charge of Discrimination.
6. Plaintiff has fulfilled all conditions precedent to the bringing of this claim and has duly exhausted all administrative procedures in accordance with the law prior to instituting this lawsuit.

FACTS AND ALLEGATIONS COMMON TO ALL COUNTS

7. Plaintiff-Intervenor Stillman, an African-American male was employed by Defendant in 1999 until his termination in August 2001.
8. While employed with Defendant, initially as a non-management employee, and later as a management employee in Defendant's loading dock in Kansas City, Stillman was subjected to racial harassment, assaults, threats, intimidation from co-workers and management employees.
9. Defendant's management employees failed to effectively stop the harassment or engage in conduct geared to stopping the harassment when Stillman made Defendant aware of the harassment.
10. Defendant failed to pay Mr. Stillman timely and suspended his pay because of Mr.

Stillman's race.

11. Mr. Stillman engaged in protected activities of complaining about the racial harassment, racial slurs, threats, assaults, etc. to both Defendant's management and in 2000 by filing a charge of discrimination.
12. Defendant retaliated against Stillman by delaying his pay, reprimanding and terminating him because of his complaints.
13. Defendant's unlawful acts were intentional.
14. Defendant's unlawful acts were done with malice or with reckless indifference to the federally protected rights of Stillman.

COUNT I
RACE DISCRIMINATION, RACIAL HARASSMENT AND RETALIATION
PURSUANT TO TITLE VII OF THE CIVIL RIGHTS ACT OF 1964,
AS AMENDED IN 1991

15. Plaintiff incorporates by reference the allegations contained in paragraphs 1-14 into Count I of his Complaint.
16. As a direct result of the discriminatory and unlawful acts of Defendant, Plaintiff has been caused to suffer and sustain damages, including but not limited to loss of past and future wages and benefits, incurring medical bills, extreme emotional distress, humiliation and suffering, embarrassment, inconvenience, mental anguish, a detrimental employment record, and other non-pecuniary losses.
17. Plaintiff is entitled to recover all of her costs, expenses, expert witness fees, and attorneys'

fees incurred in this matter as well as other appropriate equitable relief.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, compensatory damages, and punitive damages, all costs, expenses, expert witness fees and attorneys' fees incurred herein, reinstatement, appropriate equitable relief, for interest at the highest lawful rate, and for such other relief as the Court deems just and proper.

COUNT II
VIOLATION OF THE MISSOURI HUMAN RIGHTS ACT

18. Plaintiff incorporates by reference the allegations contained in paragraphs 1-17 into Count II of her Complaint.
19. Defendant's actions as alleged in Count I also constitute violations of Mo. Rev. Stat. § 213.055.
20. As a direct result of the discriminatory and unlawful acts of Defendant, Plaintiff has been caused to suffer and sustain damages, including but not limited to loss of past and future wages and benefits, emotional distress, humiliation and suffering, mental anguish, a detrimental employment record, and other non-pecuniary losses.
21. The conduct of Defendant, through its employees and agents, was intentional, malicious, in conscious disregard for the rights of Plaintiff and others similarly situated, and reflected a conscious indifference to Plaintiff's federally protected rights, entitling Plaintiff to an award of punitive damages.
22. Plaintiff is entitled to recover all of her costs, expenses, expert witness fees, and attorneys' fees incurred in this matter as well as other appropriate equitable relief.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, compensatory damages, and punitive damages, all costs, expenses, expert witness fees and attorneys' fees incurred herein, reinstatement, appropriate equitable relief, for interest at the highest lawful rate, and for such other relief as the Court deems just and proper.

COUNT III - VIOLATION OF SECTION 1981

23. Plaintiff hereby incorporates those allegations contained in paragraphs 1 through 22 into Count III of his Complaint.
24. Defendant terminated Plaintiff from his position because of his race.
25. As a direct result of the discriminatory and unlawful acts of Defendant, Plaintiff has been caused to suffer and sustain damages, including but not limited to loss of past and future wages and benefits, emotional distress, humiliation and suffering, mental anguish, a detrimental employment record, and other non-pecuniary losses.
26. Defendant's conduct was willful and malicious, entitling Plaintiff to punitive damages.

WHEREFORE, Plaintiff prays for judgment against Defendant for actual damages, compensatory damages, and punitive damages, all costs, expenses, expert witness fees and attorneys' fees incurred herein, reinstatement, appropriate equitable relief, for interest at the highest lawful rate, and for such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby requests a jury trial on all Counts and all allegations contained herein.

BRATCHER & GOCKEL, L.C.

By: /s/Lynne Jaben Bratcher

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ATTORNEYS FOR PLAINTIFF INTERVENOR

CERTIFICATE OF SERVICE

The undersigned hereby states that on this 6th day of June, 2002, a copy of the foregoing was electronically filed and mailed to:

Jan Shelly
Equal Employment Opportunity Commission
St. Louis District Office
Robert A. Young Federal Building
1222 Spruce, Room 8.100
St. Louis, MO 63103

/s/Lynne Jaben Bratcher

ATTORNEYS FOR PLAINTIFF INTERVENOR