

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

**FILED**  
STATESVILLE, N.C.

APR 5 2000

UNITED STATES OF AMERICA, and )  
DONALD R. STOKLEY, )

Plaintiffs, )

vs. )

CITY OF NEWTON, NORTH )  
CAROLINA, )

Defendant. )  
\_\_\_\_\_ )

Civil Action No.5:99:CV189-V

U.S. DISTRICT COURT  
W. DIST. OF N.C.

**COMPLAINT OF INTERVENER AND DEMAND FOR JURY TRIAL**

Plaintiff, Donald R. Stokley, alleges as follows:

1. This action is brought by Donald R. Stokley as a result of violations of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. §2000e, *et seq* ("Title VII").
2. Plaintiff United States of America has brought this action to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000 *et seq* ("Title VII").
3. This court has jurisdiction over this action pursuant to 42 U.S.C. §2000e-5(f) and 28 U.S.C. § 1354.
4. Defendant City of Newton, North Carolina (hereinafter referred to as "Newton" or "the City") is a political subdivision of the State of North Carolina created pursuant to North Carolina law.

5. Defendant Newton is a person within the meaning of 42 U.S.C. § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).

6. Defendant Newton has discriminated against Plaintiff Stokley, a white male formerly employed as a sanitation worker in the City of Newton's Department of Public Works and Utilities, because of his race, white, and his association with a black person, in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

a. Subjecting Plaintiff Donald R. Stokley to racial harassment while he was employed in the City's Department of Public Works and Utilities on the basis of his race and his association with a black person;

b. discharging Plaintiff Stokley from his employment as a sanitation worker on the basis of his race and his association with a black person; and

c. failing or refusing to take appropriate action to remedy the effects of the discrimination against Plaintiff Stokley.

7. The Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Plaintiff Stokley (Charge No. 140-97-1556) in which Plaintiff Stokley alleged that the City of Newton discriminated against him on the basis of his race and his association with a black person by subjecting Stokley to racial harassment and then terminating him from his position as a sanitation worker.

8. Pursuant to § 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to support Plaintiff Stokley's allegations of discrimination,

unsuccessfully attempted to achieve through conciliation a voluntary resolution of the matters, and subsequently referred the charge to the Department of Justice.

9. All conditions precedent to the filing of this action have been performed or have occurred.

10. As a result of the unlawful and discriminatory acts of Defendant City of Newton, Plaintiff Stokley was injured and suffered damages, including lost wages, humiliation, mental anguish, and loss of enjoyment of life, including, but not limited to severe emotional distress and physical harm as a result of his having been discharged for unlawful reasons.

WHEREFORE, Plaintiff Stokley prays that this Court grant him the following relief:

(a) Enjoin the City and its directors, officers, agents, employees, successors, and all persons in active concert or participation with the City, as appropriate, from failing or refusing to:

i) provide sufficient remedial relief to make whole Plaintiff Donald Stokley for the loss he has suffered as a result of the discrimination against him as alleged in this complaint;

ii) adopt a clear, meaningful, and well publicized written policy prohibiting racial harassment against any City employee; and

iii) take other appropriate nondiscriminatory measures to overcome the effect of the discrimination.

(b) Award compensatory damages to Plaintiff Stokley for mental and/or physical injuries incurred as a result of the discrimination against him as alleged in this complaint, pursuant to and within the statutory limitations of §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

Plaintiff Donald Stokley prays for such additional relief as justice may require, together with his costs and reasonable attorney fees in this action.

**JURY DEMAND**

Plaintiff Stokley hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

Respectfully submitted, this the 3<sup>rd</sup> day of April, 2000.

PHYLLIS A. PALMIERI  
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BY:



Phyllis A. Palmieri  
N.C. Bar 17191

**CERTIFICATE OF SERVICE**

I, Phyllis A. Palmieri, hereby certify that a copy of the foregoing First Complaint of Intervener Donald R. Stokley has this day been served on the following, by U.S. Mail, postage prepaid:

Charlotte Burrows  
Civil Rights Division  
U.S. Department of Justice  
P O Box 65968  
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P O BOX 30397  
Charlotte, NC 28230

This the 3<sup>rd</sup> day of April, 2000.

BY: Phyllis A. Palmieri  
Phyllis A. Palmieri