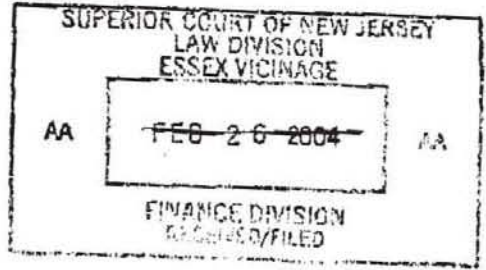


**HERBERT J. TAN, L.L.C.**  
**ATTORNEYS AT LAW**  
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NEWARK, NEW JERSEY 07102  
TELEPHONE NO: (973) 735-2681  
ATTORNEY FOR PLAINTIFF



Annie Junior, Mattie Thomas, Imo-Joye  
Scott, Rose Perway, Maskisha Booker,  
themselves and all others similarly  
Situatad

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
Docket No: 2-1630-04

Plaintiffs,

CIVIL ACTION

vs.

COMPLAINT  
AND JURY DEMAND

White Castle System, Inc., Barbara Foster,  
John Whitaker, John Docs. (1-12)  
and XYZ Corporation (1-12)

Defendant.

Plaintiffs, through her attorney, Herbert J. Tan, by way of Complaint state:

Preliminary Statement and Jurisdiction

1. Annie Junior is an African American female citizen of the United States, a resident of the City of Jersey City and State of New Jersey.
2. Mattie Thomas is an African-American female citizen of the United States, a resident of the City of Newark and State of New Jersey.
3. Imo-Joye Scott is an African-American female citizen of the United States, a resident of the City of Orange and State of New Jersey.
4. Rose Perway is an African-American female citizen of the United States, a resident of the City of Orange and State of New Jersey.
5. Maskisha Booker is an African-American female citizen of the United States, a resident of the City of Orange and State of New Jersey.
6. Defendant White Castle System, Inc. (hereinafter referred to as "Defendant Corporation") is a

legal entity under the laws of New Jersey and within the meaning of N.J.S.A. 10:5-1 *et seq.* and was, at all times mentioned in the complaint, the employer of Plaintiffs and the supervisory personnel acting as its agents.

7. Defendant Barbara Foster is a managerial and supervisory agent/employee of Defendant Corporation who agreed together, and with others to retaliate against Plaintiffs for making complaints about disparate treatment; for discriminating against Plaintiffs; and for subjecting Plaintiff to a hostile work environment. This defendant is joined individually and officially.
8. Defendant John Whittaker is a managerial and supervisory agent/employee of Defendant Corporation who agreed together, and with others to retaliate against Plaintiffs for making complaints about disparate treatment; for discriminating against Plaintiffs; and for subjecting Plaintiff to a hostile work environment. This defendant is joined individually and officially.
9. Defendant John Doe (1-12) are managerial and supervisory agents or employees of Defendant Corporation who agreed together, and with others to retaliate against Plaintiffs for making complaints about disparate treatment; and for subjecting Plaintiff to a hostile work environment. These defendants are joined individually and officially.

#### STATEMENT OF CLAIM

10. Plaintiff Junior has faithfully served Defendant Corporation for a 22 years.
11. Plaintiff Thomas has faithfully served Defendant Corporation for a 27 years.
12. Plaintiff Scott has faithfully served Defendant Corporation for a 13 years.
13. Plaintiff Petway has faithfully served Defendant Corporation for a 15 years.
14. Plaintiff Markisha had faithfully served Defendant Corporation for a 7 years.
15. Plaintiffs allege that the Defendant Corporation maintains a pattern of discrimination in employment on the basis of gender and race. As part of that pattern and practice, the

Defendant:

- a. Fails to maintain a hiring, promotion and transfer policy based on objective job-related criteria that are uniformly applied to African-American women.
- b. Fills managerial openings through word of mouth recruiting which unfairly restricts the hiring, promotion and transfer of qualified African-American women.
- c. Fails to promote African-American women to higher level managerial job classifications.
- d. Limit promotional opportunities for African-American women by failing to provide training opportunities accorded to non African-American women.
- e. Relegates African-American women to jobs with less visibility, prestige, responsibility and prospects for promotion than those held by equally qualified non-African-American women.
- f. Assigns and/or promotes and/or transfers African-American women to more dangerous work areas and/or departments than those to which men are assigned, promoted or transferred to.
- g. Denies African-American women the opportunity accorded to equally or less qualified men to handle supervisory assignments thus limiting African-American women's acquisitions of professional contacts and recognition necessary for promotional prospects.
- h. Selects employees for positions on the basis of criteria which have not been shown to be relevant and necessary to job performance and which are not uniformly applied to African-American women.
- i. Relegate women disproportionately to jobs with less responsibility, prestige and prospects for promotion than those held by equally qualified men.
- j. Disciplines African-American women employees more harshly as compared to non African-American female employees.



16. The policies described above are part of a pattern and practice of sex and/or race discrimination utilized by the Defendant and constitute a violation of N.J.S.A. 10:5-1 et seq., also known as the Law Against Discrimination.

#### RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- (1) Rule that the matter is properly maintained as a class action;
- (2) Enter a judgment declaring that the acts and practices of the Defendant are in violation of the laws of the United States and State of New Jersey;
- (3) Award Compensatory damages;
- (4) Award Pre-judgment interest;
- (5) Award Post-judgment interest;
- (6) Award Punitive damages in the amount of \$10,000,000 (TEN MILLION DOLLARS);
- (7) Award Costs of suit;
- (8) Award Reasonable attorneys fees as provided by §706(k) of the Civil Rights Act of 1964, 42 U.S.C. §2000e-5(k), New Jersey's Law Against Discrimination and
- (9) Grant Plaintiffs and the class they represent such other and further relief as the Court deems just and equitable.

#### SECOND COUNT

17. Plaintiffs repeats the allegations of the First Count as if fully restated herein.
18. On or around September 2002, Plaintiffs, issued a formal complaint, through counsel, to Defendant Corporation regarding *inter alia* the discriminatory practices of their employer.
19. On or around November 2002, Plaintiff Thomas witnessed Elizabeth Tykarski, a.k.a. Alfredo Perez, managers at White Castle #36, intentionally refuse to give

to African Americans while giving out applications to non African Americans. Plaintiff Thomas complained to Sandy Montgomery. To Plaintiff Thomas' knowledge, no remedial actions were taken.

20. In retaliation for complaining about discrimination, Plaintiffs were retaliated against in the following manner:

- a. Plaintiffs were subjected to a hostile work environment.
- b. Plaintiffs were given downgraded work reviews.
- c. Plaintiffs were unnecessarily disciplined.
- d. Individual Plaintiffs were forced to sign false disciplinary actions.
- e. Individual Plaintiffs were publicly humiliated by upper management supervisors.
- f. Plaintiffs were not allowed to apply for upper management positions.
- g. Individual Plaintiffs were subjected to derogatory racial comments. ie. Plaintiff Junior was told by her Supervisor John Whittaker, "I don't know how YOU PEOPLE live, but we at White Castles keep our Castles clean."
- h. Plaintiffs were alienated from any decision making authority.
- i. Individual Plaintiffs were demoted.
- j. Plaintiffs were denied further training opportunities.
- k. Plaintiff Markisha Booker was forced to resign.
- l. Plaintiff Rose Petway was forced to resign.

21. Said allegations amount to violations of *N.J.S.A. 10:5-1 et seq.*, also known as the Law Against Discrimination due to retaliation for complaining about discriminatory conduct.

22. As a consequence of the aforementioned acts, plaintiff has been damaged as previously set forth.

**WHEREFORE**, Plaintiff requests judgment against all defendants for monetary damages,

both compensatory and punitive, both past and prospective, both several and joint plus costs, and interest for violation of New Jersey's Law Against Discrimination.

### THIRD COUNT

23. Plaintiffs repeat the allegations of the previous paragraphs as if fully restated herein.
24. Defendant's actions amounted to negligent, reckless and intentional infliction of severe emotional distress on Plaintiffs.
25. Defendant's actions have been consented to by persons high in the Defendant company who are in policy making positions and have negligently, recklessly or intentionally allowed Defendant to discriminate and/or retaliate against Plaintiffs.
26. As a consequence Plaintiffs have been harmed.

**WHEREFORE**, Plaintiffs requests judgment for monetary damages both compensatory and punitive plus costs, interest and attorneys fees.

### FOURTH COUNT

27. Plaintiffs repeat the allegations of the previous paragraphs as if fully restated herein.
28. Said allegations amount to violations of Article I, Paragraphs 1 and 5 of the New Jersey Constitution as Plaintiffs were so discriminated against because they are women and/or because they are African-American and/or because they are women.
29. As a consequence of the aforementioned acts, Plaintiffs have been damaged as previously set forth.

**WHEREFORE**, Plaintiffs request judgment against the Defendant for monetary damages, both compensatory and punitive, both past and prospective, both several and joint plus costs, and interest for violation of Article I, Paragraphs 1 and 5 of the New Jersey Constitution.

### JURY DEMAND

Plaintiffs request for a jury as to all issues set forth in the complaint except those relating to

class action certification.

HERBERT TAN, L.L.C.  
*Attorney(s) for the Plaintiff*

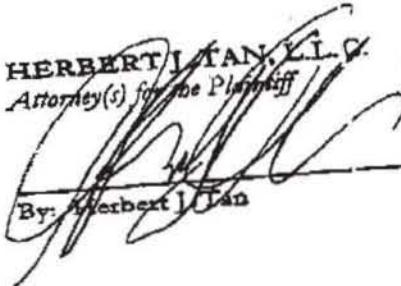
By:   
Herbert J. Tan

Dated: January 15, 2004

**DESIGNATION OF TRIAL COUNSEL**

Herbert J. Tan, Esq., is hereby designated as trial counsel for the above captioned matter.

HERBERT TAN, L.L.C.  
*Attorney(s) for the Plaintiff*

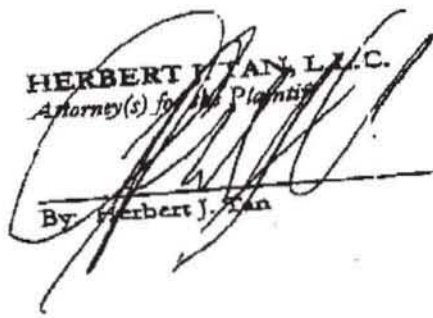
By:   
Herbert J. Tan

Dated: January 15, 2004

**CERTIFICATION**

I hereby certify that to the best of my knowledge, the within matters in controversy are not the subject of any other action pending in any other Court or of a pending arbitration proceeding nor is any action or arbitration proceeding contemplated nor are other parties required to be joined in this action.

HERBERT TAN, L.L.C.  
*Attorney(s) for the Plaintiff*

By:   
Herbert J. Tan

Dated: January 15, 2004