

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

-----X

ANTHONY ROBINSON, JASMAN DENNIS, :
CHRISTINA CAMACHO, CRYSTAL MILES, :
TAMIKA BUTLER, QUARON HARRISON, :
BONNIE CLARK, TYNESIA MORTON, :
SHIREEF JONES, BENJAMIN WILLIAMS, :
JAMES MILES, JOHN THOMAS, :
MERIUM BURWELL, WALTER EVERETT, :
ADRIENNE MAGWOOD and ELIJAH :
WOODARD, on behalf of themselves :
and all others similarly-situated, :
Plaintiffs, :

Civil Action No. 08-5577 (SD)

**AMENDED
CLASS ACTION
COMPLAINT**

JURY TRIAL DEMANDED

v.

COMPASS GROUP PLC, COMPASS GROUP :
NORTH AMERICA, FLIK INTERNATIONAL :
CORP., EUREST, EUREST DINING SERVICES, :
DERICK VOGELMAN, in his official and :
individual capacities, REGINA JAKACKI, :
in her official and individual capacities, BRIAN :
WALLACE, in his official and individual :
Capacities, and ROBERT HOLZER, in his official :
and individual capacities, :
Defendants. :

-----X

Plaintiffs Anthony Robinson, Jasman Dennis, Christina Camacho, Crystal Miles,
Tamika Butler, Quaron Harrison, Bonnie Clark, Tynesia Morton, Shireef Jones,
Benjamin Williams, James Miles, John Thomas, Merium Burwell, Walter Everett,
Adrienne Magwood and Elijah Woodard (collectively, "Plaintiffs"), on behalf of
themselves and all similarly-situated persons, by and through their undersigned counsel,
as and for their Amended Complaint in this action against Defendants Compass Group
PLC, Compass Group North America, Flik International Corp. ("Flik"), Eurest, Eurest
Dining Services, (Compass Group PLC, Compass Group North America, Flik, Eurest and

Eurest Dining Services are all referred to herein as “Compass” or the “Company”), Derick Vogelmann (“Vogelmann”), Regina Jakacki (“Jakacki”), Robert Holzer (“Holzer”) and Brian Wallace (“Wallace”) (collectively, “Defendants”), hereby allege as follows:

NATURE OF THE CLAIMS

1. Plaintiffs bring this class action to challenge a pattern and practice of race and color discrimination committed by Compass against its current and former employees of color, who have suffered, and continue to suffer, discriminatory treatment and harassment in the workplace, including being subjected to ugly and vile racial slurs, as well as discriminatory work assignments, compensation, promotional and disciplinary policies and practices and other discriminatory terms and conditions of employment.

2. This proposed class action therefore seeks declaratory, injunctive and equitable relief, as well as monetary damages, to redress Defendants’ unlawful employment practices committed against Plaintiffs and the class members, including Defendants’ discriminatory treatment, harassment and unlawful retaliation committed against Plaintiffs and class members due to their race and/or color and complaints of discrimination, in violation of Section 1981 of the Civil Rights Act of 1866, 42 U.S.C. § 1981 (“Section 1981”), as well as for other tortious acts by Defendants against Plaintiffs.¹

3. During their employment at Compass, Plaintiffs and members of the class have been subjected to pervasive and systemic discrimination and/or unlawful harassment due to their race and/or color. More specifically, White supervisors and management at Compass use racial slurs and other derogatory and offensive terms to refer to employees

¹ This Amended Complaint currently alleges class claims only under Section 1981. As stated below, Plaintiffs (except Ms. Butler) have also individually filed Charges of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) and upon the conclusion of the EEOC’s investigation, Plaintiffs will amend the Complaint to add individual and class claims under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.*

of color, such as, “Nigger,” “Monkey,” “Gorilla,” and “Chim Chim.” Moreover, the Company’s employees of color were segregated, degraded and subjected to demeaning acts on the basis of their race and/or color by their White management and employees.

4. Compass maintains, condones, tolerates, directly participates in and contributes to a hostile work environment against its employees of color. By way of example only, and in a demonstration of modern-day Jim Crow segregation, the Company permits only its White employees to work out front in the presence of guests during private catering functions at the Comcast Center in Philadelphia, Pennsylvania, and even brings in White workers from other facilities to staff these events, while employees of color are forced to work in the back by the kitchen or are excluded from staffing these events entirely. Indeed, Compass wants to maintain an all-White workforce, as evidenced by its practices and the statements by management, including, “These Black people are ghetto, you need to get some White people in here.”

5. Despite Plaintiffs’ repeated complaints about this unlawful conduct, Compass has failed to take any remedial action. To the contrary, the Company has embarked on a campaign of unlawful retaliation against Plaintiffs because of their protected complaints of discrimination. By way of example only, many of the Plaintiffs have been demoted and/or stripped of their job duties and responsibilities while others were unfairly disciplined or have been summarily terminated by Compass without any basis.

6. Furthermore, Defendants’ conduct was knowing, malicious, willful and wanton and/or showed a reckless disregard for Plaintiffs and the class members. Such conduct has caused, and continues to cause, Plaintiffs and the members of the class to

suffer substantial monetary damages, permanent harm to their professional and personal reputations and severe mental anguish and emotional distress.

JURISDICTION AND VENUE

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 as this action involves federal questions regarding the deprivation of the rights of Plaintiffs and the class members under federal civil rights laws. The Court has supplemental jurisdiction over Plaintiffs' related claims arising under state and local law pursuant to 28 U.S.C. § 1367(a).

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action, including the unlawful employment practices alleged herein, occurred in this district.

PARTIES

9. Plaintiff and class representative Anthony Robinson is a male African-American former employee of Compass who worked at the Comcast Center in Philadelphia, Pennsylvania (the "Comcast Center"). At all relevant times, he met the definition of "employee" under all applicable statutes.

10. Plaintiff and class representative Jasman Dennis is a female African-American former employee of Compass who worked at the AstraZeneca International Complex in Wilmington, Delaware (the "AstraZeneca location"). At all relevant times, she met the definition of "employee" under all applicable statutes.

11. Plaintiff and class representative Tynesia Morton is a female African-American former employee of Compass who worked at the Comcast Center. At all relevant times, she met the definition of "employee" under all applicable statutes.

12. Plaintiff and class representative Merium Burwell is a female African-American former employee of Compass who worked at the Comcast Center. At all relevant times, she met the definition of “employee” under all applicable statutes.

13. Plaintiff and class representative Benjamin Williams is a male African-American former employee of Compass who worked at the Comcast Center. At all relevant times, he met the definition of “employee” under all applicable statutes.

14. Plaintiff and class representative Christina Camacho is a female Puerto Rican/Hispanic former employee of Compass who worked at Motorola USA Inc.’s headquarters in Horsham, Pennsylvania (the “Motorola location”). At all relevant times, she met the definition of “employee” under all applicable statutes.

15. Plaintiff and class representative Tamika Butler is a female African-American former employee of Compass who worked at the Comcast Center, Elsevier Medical Book Publishing in Philadelphia, Pennsylvania (“Elsevier”), WolfBlock in Philadelphia, Pennsylvania (“WolfBlock”), and Merck & Co., Inc. in Philadelphia, Pennsylvania (“Merck”). At all relevant times, she met the definition of “employee” under all applicable statutes.

16. Plaintiff and class representative Shireef Jones is a male African-American former employee of Compass who worked at the Comcast Center. At all relevant times, he met the definition of “employee” under all applicable statutes.

17. Plaintiff and class representative James Miles is a male African-American former employee of Compass who worked at the Comcast Center. At all relevant times, he met the definition of “employee” under all applicable statutes.

18. Plaintiff and class representative John Thomas is a male African-American former employee of Compass who worked at the Comcast Center. At all relevant times, he met the definition of “employee” under all applicable statutes.

19. Plaintiff and class representative Quaron Harrison is a male African-American former employee of Compass who worked at the Comcast Center. At all relevant times, he met the definition of “employee” under all applicable statutes.

20. Plaintiff and class representative Elijah Woodard is a male African-American former employee of Compass who worked at the Comcast Center. At all relevant times, he met the definition of “employee” under all applicable statutes.

21. Plaintiff and class representative Bonnie Clark is a female African-American employee of Compass who works at the Comcast Center. At all relevant times, she met the definition of “employee” under all applicable statutes.

22. Plaintiff and class representative Crystal Miles is a female African-American employee of Compass who works at the Comcast Center. At all relevant times, she met the definition of “employee” under all applicable statutes.

23. Plaintiff and class representative Walter Everett is a male African-American employee of Compass who works at the Comcast Center. At all relevant times, he met the definition of “employee” under all applicable statutes.

24. Plaintiff and class representative Adrienne Magwood is a female African-American employee of Compass who works at the Comcast Center. At all relevant times, she met the definition of “employee” under all applicable statutes.

25. All Plaintiffs in the proposed class reside in the United States, while most of the named Plaintiffs live in Philadelphia, Pennsylvania.

26. Defendant Compass Group PLC is the largest food services provider in the world. At all relevant times, Defendant Compass Group PLC has had its principal United States place of business located at 2400 Yorkmont Road, Charlotte, North Carolina and regularly transacts business in this district.

27. Defendant Compass Group North America is a subsidiary of Compass Group PLC. At all relevant times, Defendant Compass Group North America has had its principal place of business located at 2400 Yorkmont Road, Charlotte, North Carolina and regularly transacts business in this district.

28. Defendant Flik International Corp. is a division of Compass Group North America. At all relevant times, Defendant Flik has had its principal place of business located at 3 International Drive, Rye Brook, New York and regularly transacts business in this district.

29. Defendant Eurest is a division of Compass Group PLC. At all relevant times, Defendant Eurest has had its principal United States place of business located at 2400 Yorkmont Road, Charlotte, North Carolina and regularly transacts business in this district.

30. Defendant Eurest Dining Services is a United States subsidiary of Compass Group PLC and Eurest. At all relevant times, Defendant Eurest Dining Services has had its principal place of business located at 2400 Yorkmont Road, Charlotte, North Carolina and regularly transacts business in this district.

31. At all relevant times, Defendants Compass Group PLC, Compass Group North America, Flik, Eurest and Eurest Dining Services all met and meet the definition of an “employer” under all applicable statutes.

32. Upon information and belief, Defendants Compass Group PLC, Compass Group North America, Flik, Eurest and Eurest Dining Services share common ownership, common premises, common directors and/or officers, and/or common financial control.

33. Upon information and belief, they also share common management and control over labor relations and personnel policies and practices, including the hiring and firing of employees. As evidence of these Defendants' inextricably intertwined relationship, many of the Plaintiffs were hired by Flik or Eurest but received payroll checks from Compass Group North America. Similarly, Compass Group PLC, Compass Group North America, Eurest and Eurest Dining Service are all headquartered in the United States at 2400 Yorkmont Road, Charlotte, North Carolina.

34. Upon further information and belief, Defendants Compass Group PLC, Compass Group North America, Flik, Eurest and Eurest Dining Services co-mingle funds and other capital assets and are also operationally interrelated and interdependent upon one another.

35. Defendant Derick Vogelmann, a White male, is the Executive Chef for Compass at the Comcast Center, has been employed by the Company for almost 20 years and, upon information and belief, resides in the State of Pennsylvania.

36. At all relevant times, Defendant Vogelmann had authority to make employment decisions for the Company, including, but not limited to, the right to hire, discipline and fire Plaintiffs and other Company employees, and he has actively and directly participated in the discrimination, harassment and unlawful retaliation committed against Plaintiffs.

37. Defendant Regina Jakacki, a White female, is the District Manager for Compass at the Comcast Center, and, upon information and belief, resides in the State of New Jersey.

38. At all relevant times, Defendant Jakacki had authority to make employment decisions for the Company, including, but not limited to, the right to hire, discipline and fire Plaintiffs and other Company employees, and she has actively and directly participated in the discrimination, harassment, and unlawful retaliation taken against the Plaintiffs at the Comcast Center.

39. Defendant Brian Wallace, a White male, is a Manager for Compass at the AstraZeneca location, and, upon information and belief, resides in the State of Delaware.

40. At all relevant times, Defendant Wallace had authority to make employment decisions for the Company, including, but not limited to, the right to hire, discipline and fire Plaintiff Jasman Dennis and other Company employees, and he has actively and directly participated in the discrimination, harassment, and unlawful retaliation taken against the Plaintiff Dennis at the AstraZeneca location.

41. Defendant Robert Holzer, a White male, is the District Manager for the Compass at the AstraZeneca location, and, upon information and belief, resides in the State of Delaware.

42. At all relevant times, Defendant Holzer had authority to make employment decisions for the Company, including, but not limited to, the right to hire, discipline and fire Plaintiff Dennis and other Company employees, and he has actively and directly participated in the discrimination, harassment, and unlawful retaliation taken against the Plaintiff Dennis at the AstraZeneca location.

PROCEDURAL REQUIREMENTS

43. Anthony Robinson, Crystal Miles, Quaron Harrison, Bonnie Clark, Tynesia Morton, Shireef Jones, Benjamin Williams, James Miles, John Thomas, Merium Burwell, Walter Everett, Adrienne Magwood and Elijah Woodard have filed charges of discrimination on behalf of themselves and similarly-situated current and former employees of the Company with the Equal Employment Opportunity Commission (“EEOC”) and the Philadelphia Commission on Human Relations (“PCHR”), alleging violations of Title VII, 42 U.S.C. §§ 2000e *et seq.*, and the Fair Practices Ordinance, §9-1101 *et seq.*, of the Philadelphia Code. The charges arise out of the same facts alleged herein.

44. The filing of these Plaintiffs’ charges with the PCHR also satisfies the administrative exhaustion requirements of the Pennsylvania Human Relations Act (“PHRA”), 43 *Pa. Stat. Ann.* §§951, *et seq.*

45. When the EEOC completes its investigation of the charges and issues these Plaintiffs’ notices of right to sue, Plaintiffs will seek leave to amend this Complaint to add claims that Defendants violated Title VII, the PHRA and the Fair Practices Ordinance of the City of Philadelphia, in addition to the statutes and laws alleged herein.

46. Christina Camacho has dually filed her charge of discrimination on behalf of herself and similarly situated employees with the EEOC and Pennsylvania Human Relations Commission (“PHRC”) alleging violations of Title VII, 42 U.S.C. §§ 2000e *et seq.*, and 43 *Pa. Con. Stat.* §§ 951 *et seq.* Her charges arise out of the same facts alleged herein.

47. When the EEOC completes its investigation of the charges and issues Ms. Camacho’s notice of right to sue, she will seek leave to amend this Complaint to add

claims that Defendants violated Title VII and Pennsylvania state law, in addition to the statutes and laws alleged herein

48. Jasman Dennis has dually filed her charge of discrimination on behalf of herself and similarly situated employees with the EEOC and Delaware Department of Labor (“DOL”) alleging violations of Title VII, 42 U.S.C. §§ 2000e *et seq.*, and 19 *Delaware Code Chapter 7*. Her charge arises out of the same facts alleged herein.

49. When the EEOC completes its investigation of the charges and issues Ms. Dennis’ notice of right to sue, she will seek leave to amend this Complaint to add claims that Defendants violated Title VII and Delaware state law, in addition to the statutes and laws alleged herein.

50. Plaintiffs’ charges of discrimination satisfy all administrative exhaustion requirements. Any and all other prerequisites to the filing of this suit have been met.

THE COMPANY

51. Defendant Compass Group PLC provides food services to businesses, schools, universities, hospitals and other institutions throughout the nation. It also operates in more than 60 countries and has 360,000 employees worldwide. In 2007, Defendant Compass Group PLC was named the 13th largest employer in the world by Fortune magazine, and had revenues of more than \$16 billion. Furthermore, it is a publicly-traded company listed on the London Stock Exchange and is a member of the FTSE 100 Index.

52. Defendant Compass Group North America has employees throughout the United States, Mexico and Canada. According to its own website, Defendant Compass Group North America is a \$8.2 billion organization and generated revenues of more than \$3.35 billion in 2007.

53. Defendant Flik International Corp. handles food services catering in New England and the North Atlantic regions for Compass, and recently expanded from the private school and college market to include corporate dining and conference center management services. With its more than 4,000 employees, Flik serves over 230 clients and generated revenues of \$180.2 million in 2007.

54. Upon information and belief, Flik provides food catering services at a number of prestigious institutions in Philadelphia, including the Federal Reserve and the NovaCare Complex – where the Philadelphia Eagles train - and many of the colleges and private schools in the area.

55. Defendant Eurest is a catering company owned by Compass that operates in approximately 80 countries. As of 2005, Defendant Eurest employed 15,500 people in 1,850 worldwide sites.

56. Defendant Eurest Dining Services is Eurest's United States subsidiary. Upon information and belief, Defendant Eurest Dining Services has revenues of more than \$500 million and employs more than 5,000 employees.

CLASS ACTION ALLEGATIONS

57. Plaintiffs seek to maintain claims on their own behalf and on behalf of a class of current and former employees of color who have been, or continue to be, employed by Compass in foodservice positions or performing duties relating to any kitchen operated by the Company, between December 2004 and the present and have experienced race and/or color discrimination at any time during the applicable liability period. Upon information and belief, there are more than 10,000 members of the proposed class.

58. As set forth in more detail below, Plaintiffs and the class are routinely subjected to a pattern and practice of race and/or color discrimination affecting the terms and conditions of their employment at the Company.

59. Compass has also retaliated against current and former employees of color who have complained about discrimination in the workplace.

60. These practices reflect that discrimination is the standard operating procedure – the regular, rather than the unusual practice at Compass.

61. Among Compass' discriminatory policies, practices and procedures are the following:

- a. subjecting African-American/Black employees to pervasive discrimination and unlawful harassment due to their race and/or color;
- b. referring to African-American/Black employees as “Nigger,” “Monkey,” “Gorilla,” “Chim Chim” and “Black Bitch;”
- c. requesting its managers hire only White workers and discouraging the employment of people of color, by saying, amongst other things, “These Black people are ghetto, you need to get some White people in here;”
- d. permitting only White employees to work out front in the presence of guests during private catering functions, even White workers from other facilities, while African-American/Black employees are forced to work in the back by the kitchen or are excluded from staffing those events entirely;
- e. segregating African-American/Black employees from White employees by forcing African-American/Black employees to eat lunch in the locker room;

- f. subjecting current and former employees of color to repeated, baseless warnings, unnecessary scrutiny and critique, and discriminatory discipline and termination;
- g. relying on subjective judgments, procedures and criteria which permit and encourage the incorporation of racial stereotypes and biases by the Compass' predominantly White managerial and supervisory staff in making compensation, assignment, promotional and disciplinary decisions;
- h. retaliating against those current and former employees of color who complained, or complain, about discrimination by subjecting them to material adverse terms and conditions of employment; and
- i. failing to promote employees of color at the same rate and on the same terms and conditions as similarly-situated White employees; and
- j. generally refusing to provide equal terms and conditions of employment for employees of color.

62. The violations are systemic in nature, and constitute a pattern and practice of conduct which has permeated, and continues to permeate, Compass.

63. The employment policies and practices of Compass have the effect and have been undertaken with the purpose of denying employees of color management level positions and promotional opportunities, equal compensation, and equal terms and conditions of employment.

64. Additionally, Compass has engaged in a pattern and practice of retaliation designed to deter employees of color from objecting to Defendants' discriminatory

policies and practices. Compass has retaliated against class members by unfairly disciplining and terminating class members, demoting and/or stripping the job duties of class members, and denying class members' opportunities for promotion after such persons have exercised their civil rights by objecting to Defendants' discriminatory policies and practices.

65. Furthermore, the Company's supervisors, who are mostly White, are entrusted with discretion in the discharge of their duties, which has been unfettered, and affords them the opportunity to apply their own personal preferences and biases in making employment decisions. Collectively, these decisions comprise a practice which is excessively subjective, has no legitimate business justification, and create a disparate impact on the Company's employees of color.

66. As a result, qualified employees of color have been intentionally denied employment and promotional opportunities, compensation and benefits that are available to similarly-situated White employees.

67. Employees of color are also subjected to harsher discipline, including terminations, more than similarly-situated White employees.

68. Moreover, employees of color have been adversely affected by these excessively subjective policies and practices.

69. Accordingly, the policies and practices identified herein are being challenged under systemic disparate treatment and disparate impact theories of discrimination.

70. The above cited discriminatory practices and retaliation have resulted in patterns of discriminatory disparate treatment and/or disparate impact towards the Company's employees of color.

Efficiency of Class Prosecution of Common Claims

71. Certification of a class of current and former employees of color similarly-situated to Plaintiffs is the most efficient and economical means of resolving the questions of law and fact that are common to Plaintiffs' claims and those of the proposed class.

72. Plaintiffs' individual claims require resolution of the common question of whether Compass has engaged in a systemic pattern and/or practice of discrimination against current and former employees of color.

73. Plaintiffs have standing to seek such relief because of the adverse effect that such discrimination has had on them individually and on the Company's employees of color generally.

74. Without class certification, the same evidence and issues would be subject to re-litigation in a multitude of individual lawsuits with an attendant risk of inconsistent adjudications and conflicting obligations.

75. Certification of the proposed class is the most efficient and judicious means of presenting the evidence and arguments necessary to resolve such questions for Plaintiffs, the proposed class, and Defendants.

Numerosity and Impracticability of Joinder

76. The individuals in the class are so numerous that joinder of all members is impracticable. While the exact number of class members is unknown at this time, upon information and belief, Compass employs more than 10,000 employees of color. Although the number of class members is incapable of precise determination at this time, it is significant and satisfies the numerosity requirement of Rule 23.

Common Questions of Law and Fact

77. There are questions of law common to the class that predominate over any questions affecting only individuals. Among these questions are:

- a. whether Compass maintains discriminatory policies and/or has engaged in an unlawful pattern of intentionally discriminating against the members of the class in assignments, promotions, discipline and/or the terms, conditions and/or privileges of employment;
- b. whether Compass subjects employees of color to racial slurs and other derogatory and offensive comments such as “Nigger,” “Monkey,” “Gorilla,” and “Chim Chim” and “Black Bitch;”
- c. whether Compass has policies and practices that have a disparate impact on employees of color;
- d. whether Compass has unlawfully retaliated against employees of color for complaining about discrimination;
- e. whether Compass’ discriminatory employment practices constitute a continuing violation;

- f. if discrimination is found, whether injunctive relief, including changes to Company-wide written and unwritten policies and practices, is needed to adequately remedy past and present discrimination against the class members and prevent future discrimination against members of the class;
- g. whether Compass' conduct constitutes a pattern or practice of discrimination against the class justifying an award of lost wages, benefits or other similar remedies to individual members of the class; and
- h. whether Compass' conduct constitutes a pattern of discrimination against members of the class justifying an award of compensatory and punitive damages to individual members of the class.

78. There are questions of fact common to the class that predominate over any questions affecting only individuals. Among these questions are, whether, through its policies, practices, or procedures, Compass has:

- a. subjected employees of color to differential treatment on the basis of race and/or color, including but not limited to, racial slurs, harassment, less preferable work assignments and harsher discipline;
- b. subjected employees of color to repeated, baseless warnings, unnecessary scrutiny and critique, and discriminatory discipline;
- c. denied employees of color employment or promotions to positions for which they are qualified;
- d. paid employees of color less than similarly situated White employees;
- e. relied on unweighted, arbitrary, and subjective criteria in making work assignments; and

- f. retaliated against the Company's employees of color for complaining about the race and/or color discrimination described above.

79. The discriminatory employment policies, practices and/or procedures to which Plaintiffs and the members of the class are subject are established at Compass' corporate level and apply universally to all class members throughout the country. These employment policies, practices and/or procedures are not unique or limited to any department; rather, they apply to all departments.

80. Throughout the liability period, a disproportionately large percentage of the managers, supervisors, division heads, and executives at Compass have been White.

Typicality of Claims and Relief Sought

81. Plaintiffs are members of the class they seek to represent. Plaintiffs' claims are typical of the claims of the proposed class. Plaintiffs assert claims in each of the categories of claims they assert on behalf of the proposed class. Discrimination in work assignments, compensation, promotions, discipline and other terms and conditions of employment affects Plaintiffs and the proposed class members in similar ways. The relief Plaintiffs seek for the discrimination complained of herein is also typical of the relief which is sought on behalf of the proposed class.

82. Plaintiffs and numerous other current and former employees of color have complained to Compass' management and Human Resources about race and/or color discrimination. The Company has not conducted any investigation into these complaints and/or its investigations have been inadequate or superficial. Plaintiffs and the class members have been affected in the same way by Compass' failure to implement adequate procedures to detect, monitor and correct this pattern and practice of discrimination.

83. Plaintiffs and numerous other current and former employees of color have experienced retaliation from White Compass managers and supervisors after complaining about discrimination and harassment.

84. Compass has failed to create adequate incentive for its managers to comply with equal employment opportunity laws regarding each of the employment policies, practices and/or procedures referenced in this Complaint and has failed to adequately discipline its managers and other employees who violate the anti-discrimination laws. These failures have affected Plaintiffs and the class members in similar ways.

85. The relief necessary to remedy the claims of Plaintiffs is exactly the same as that necessary to remedy the claims of the proposed class members in this case. Plaintiffs seek the following relief for their individual claims and for those of the members of the proposed class:

- a. a declaratory judgment that Defendants have engaged in systemic discrimination against employees of color by exposing them to differential treatment, subjecting them to racial hostility at work, including ugly and vile racial slurs, and baseless and disproportionate discipline, denying them employment and promotional opportunities, and retaliating against them for complaining about the race and/or color discrimination to which they are subjected;
- b. a permanent injunction against such continuing discriminatory conduct, including injunctive relief which effects a restructuring of Compass' work environment, promotion, compensation and discipline policies, practices

and/or procedures so that employees of color will be allowed to work in an environment free of discrimination, harassment and retaliation and receive work assignments and promotions to better and higher paying classifications with terms and conditions of employment traditionally enjoyed by White employees;

- c. equitable relief which effects a restructuring of Compass' workforce so that employees of color are promoted into higher and better paying classifications that they would have held in the absence of Compass' past race and/or color discrimination;
- d. compensatory damages;
- e. punitive and nominal damages to prevent and deter Compass from engaging in similar discriminatory practices in the future; and
- f. attorneys' fees, costs and expenses.

Adequacy of Representation

86. Plaintiffs' interests are co-extensive with those of the members of the proposed class of current and former employees of color that they seek to represent in this case. Plaintiffs seek to remedy Compass' discriminatory employment policies, practices and/or procedures so that employees of color will no longer be subjected to racial slurs and other degrading and offensive terms, discriminatory and unfair work assignments, and repeated and baseless disciplinary actions and terminations, denied employment opportunities and promotions and/or receive differential treatment.

87. Plaintiffs are willing and able to represent the proposed class fairly and vigorously as they pursue their similar individual claims in this action.

88. Plaintiffs have retained counsel who are qualified, experienced and able to conduct this litigation and to meet the time and fiscal demands to litigate an employment discrimination class action of this size and complexity.

89. The combined interests, experience and resources of Plaintiffs and their counsel to litigate competently the individual and class claims at issue in this case satisfy the adequacy of representation requirement of Fed. R. Civ. P. 23(a)(4).

Requirements of Rule 23(b)(2)

90. Compass has acted on grounds generally applicable to Plaintiffs and the proposed class by adopting and following systemic policies, practices and/or procedures that are discriminatory on the basis of race and/or color.

91. This discrimination is Compass' standard operating procedure rather than a sporadic occurrence. Compass has refused to act on grounds generally applicable to the class by, *inter alia*:

- a. subjecting the Company's employees of color to constant racial slurs and other derogatory comments and discriminatory work assignments;
- b. subjecting current and former employees of color to repeated and baseless warnings, unnecessary scrutiny and critique, and discriminatory discipline, including terminations;
- c. refusing to adopt and apply compensation, assignment, promotion and discipline policies, practices and/or procedures which do not have a disparate impact on, or otherwise systemically discriminate against, employees of color; and

- d. refusing to provide equal terms and conditions of employment for the Company's employees of color.

92. Compass' systemic discrimination and refusal to act on grounds that are not discriminatory have made appropriate the requested final injunctive and declaratory relief with respect to the class as a whole.

93. Injunctive and declaratory relief are the predominant relief sought in this case because they are the culmination of the proof of Compass' individual and class-wide liability and the essential predicate for Plaintiffs' and the class members' entitlement to monetary and non-monetary remedies to be determined at a later stage of the proceedings.

94. Declaratory and injunctive relief flow directly and automatically from proof of the common questions of law and fact regarding the existence of pervasive discrimination against current and former employees of color at Compass.

95. Declaratory and injunctive relief are the factual and legal predicates for Plaintiffs and the class members' entitlement to monetary and non-monetary remedies for individual losses caused by, and for exemplary purposes necessitated by such pervasive discrimination.

Requirements of Rule 23(b)(3)

96. The common issues of fact and law affecting Plaintiffs' claims and those of the proposed class members, including, but not limited to, the common issues identified in the paragraphs above, predominate over any issues affecting only individual claims.

97. A class action is superior to other available means for the fair and efficient adjudication of Plaintiffs' claims and the claims of the members of the proposed class.

98. The cost of proving Compass' pattern and practice of discrimination makes it impracticable for Plaintiffs and members of the proposed class to pursue their claims individually.

99. The cost of proving Compass' pattern and practice of discrimination makes it impracticable for Plaintiff and members of the proposed class to pursue their claims individually.

ALLEGATIONS OF THE INDIVIDUAL PLAINTIFFS

EXAMPLES OF COMPASS' NATIONWIDE DISCRIMINATION AGAINST ITS EMPLOYEES OF COLOR

The Comcast Center

100. In or about March 2008, Compass leased space and began providing food services at the Comcast Center in Philadelphia. More specifically, the Company operates and manages the cafeteria on the top floor, as well as the food services on the 6th floor, of the Comcast Center.

101. When Compass first began its operations at the Comcast Center, it initially hired African-American/Black employees for lower level positions only, despite their qualifications for the higher level positions of employment that were filled by White people only. Now that the venture at the Comcast Center is fully-staffed, the Company is seeking to purge its African-American/Black workforce to create a nearly all-White work environment. Towards that end, the Company has unfairly disciplined and unlawfully terminated many of its African-American/Black employees, including many of the

Plaintiffs, because of their race and/or color and/or complaints of discrimination, and replaced them with White workers.

102. In or around June 2007, Plaintiff Benjamin Williams was hired by Compass as a steward in the kitchen at one of the Company's locations in Lansdale, Pennsylvania. In January 2008, he was transferred to the Comcast Center.

103. In or around November 2007, Plaintiffs Anthony Robinson was hired as a steward in the kitchen, Bonnie Clark was hired as a cashier, Shireff Jones was hired as a prep cook, Tynesia Morton and Adrienne Magwood were hired as baristas at the coffee bar and John Thomas was hired as a utility man by Compass.

104. In or around December 2007, Plaintiff Merium Burwell was hired as a cashier by the Company.

105. In or around January 2008, Plaintiff Crystal Miles was hired as a cashier by Compass.

106. In or around February 2008, Plaintiffs Walter Everett was hired as a prep cook, Tamika Butler was hired to work at the deli.

107. In or around March of 2008, Plaintiffs James Miles was hired by Compass as a baker, Elijah Woodard was hired as a Sous Chef and Quaron Harrison was hired as a cook.

108. The Plaintiffs were all hired to staff the Company's new operations at the Comcast Center, and some of them worked at other Compass locations until the building opened in or around March 2008.

Discriminatory Practices by The Company at The Comcast Center

109. Compass initially hired approximately 50 employees to work at the Comcast Center, and nearly all of these employees were African-American/Black. Approximately eight months later, out of the 50 employees who work at the Comcast Center, only 10-15 of the employees are African-American/Black.

110. Furthermore, when Compass initially hired African-American/Black employees, those employees were relegated to lower level positions despite their qualifications, while all of the supervisors and senior chefs for the Company at the Comcast Center were and are White.

111. For example, Ms. Morton was previously employed by Starbucks as a Floor Supervisor, but she was hired by Compass as a barista to make coffee, and despite her repeated requests and the Company's assurances that she would be promoted to a supervisor, she was never even interviewed for a management position.

112. Similarly, Mrs. Miles was hired as a cashier by Compass, even though she had two food service licenses and certifications, and prior to working at the Comcast Center, she was an assistant manager at Au Bon Pain.

113. Compass did not consider many of its African-American/Black employees for promotions based upon their race and/or color.

114. As one example of this discriminatory practice, Mr. Robinson was a steward in the kitchen and learned that a higher paying catering job was opening up because an employee in that department was going back to school. Even though this job opening was never posted on site, Mr. Robinson applied and was interviewed for this job by Compass. However, despite his qualifications and satisfactory job performance with

the Company, he was summarily rejected and told that he was “not ready” to assume that position.

115. Thereafter, Compass openly demonstrated its discriminatory hiring practices to Mr. Robinson, as he was required by the Company’s management to escort the all-White applicants for this same catering position to the back office area. Indeed, the Company selected two White outside hires for the catering position for which Mr. Robinson applied and should have been promoted but for his race and/or color.

Racial Slurs, Other Discriminatory Comments and a Hostile Work Environment

116. At the Comcast Center, Compass has encouraged, fostered, condoned and directly participated in creating a discriminatory, hostile work environment for its employees of color.

117. Specifically, William Shapiro, who was a White manager for the Company at the Comcast Center, openly and repeatedly called African-American/Black employees “Niggers” and made other derogatory and degrading remarks based on the Plaintiffs’ race and/or color.

118. During one incident, while performing their duties on the loading dock of the Comcast Center, Messrs. Robinson and Williams approached Mr. Shapiro, who referred to them as, “Ya’ll Niggers.” Messrs. Robinson and Williams, and all the other workers present, were shocked by Mr. Shapiro’s blatant racism towards African-American/Black people. They also told Mr. Shapiro that they were deeply offended by his inappropriate comments and asked him to refrain from using “that word” in the future. Mr. Shapiro completely ignored Messrs. Robinson’s and Williams’ complaints

about his discriminatory statements. In fact, he continued to freely utter the term “Nigger” when referring to African-American/Black employees in the workplace.

119. In another instance, Mr. Robinson needed a key from Mr. Shapiro who responded, in substance, “Ya’ll Niggers asking me for the key?” Mr. Robinson again objected to Mr. Shapiro’s racism and again Mr. Shapiro used his position of authority to ignore these complaints by abruptly cutting Mr. Robinson off, handing him the key and instructing him to get back to work.

120. Mr. Shapiro also made other degrading remarks to and yelled only at the Company’s African-American/Black employees. On another occasion, he told Ms. Burwell that, “You Black people always need help.”

121. Other supervisors and managers for the Company at the Comcast Center similarly discriminated against, disparaged and demeaned the African-American/Black employees on the basis of their race and/or color.

122. Specifically, Defendant Vogelmann, the Executive Chef at the Comcast Center, called Plaintiffs and other African-American/Black employees discriminatory names based on their race and/or color, such as “Gorilla,” “Monkey,” and “Chim Chim,” which is the name of the chimpanzee monkey in the Speed Racer movie and cartoon.

123. The African-American/Black employees were subjected to discriminatory and degrading comments and treatment on a daily basis.

124. Defendant Vogelmann’s discrimination of the Plaintiffs was so severe and pervasive that a new Company employee at the Comcast Center from France, “Lela,” heard him repeatedly call the African-American/Black employees, “Chim Chim” and she

too started referring to Plaintiffs and the other African-American/Black employees as “Chim Chim.”

125. No matter what Plaintiffs did to stop Defendant Vogelman’s blatant acts of discrimination, he simply refused to do so. In one instance, Defendant Vogelman repeatedly called Mr. Robinson “Chim Chim.” Hoping that Defendant Vogelman would finally stop saying these harmful utterances, Mr. Robinson ignored him. However, rather than cease his persistent discrimination of Mr. Robinson, Defendant Vogelman snapped his fingers at him and repeatedly said, “Chim Chim” louder and louder. After he continued to ignore him, Defendant Vogelman approached Mr. Robinson, tapped him on the shoulder and said, “‘Chim Chim,’ don’t you hear me calling your name?” Mr. Robinson asked Defendant Vogelman to call him by his actual name but Defendant Vogelman continued to humiliate and taunt Mr. Robinson and the other Plaintiffs by calling them, “Chim Chim, Chim Chim!” over and over again.

126. Defendant Vogelman’s discriminatory animus was further demonstrated when he said to another chef for the Company in the kitchen at the Comcast Center that he was going to have a difficult time working “with all these chimps,” openly referring to the African-American/Black employees as primates.

127. In another instance, Defendant Vogelman yelled out, “Yo, Gorilla!” when he was calling to “Gregory,” an African-American/Black employee who worked for the Company at the Comcast Center, and also told Mr. Williams in the produce room that, “Black guys have big cucumbers,” referring stereotypically to the size of their penises, in a further effort to degrade the African-American/Black employees.

128. Even when acknowledging the good, fast and hard work of the Plaintiffs, Defendant Vogelman would still make comments remarks by referring to them as “Carl Lewis,” the African-American/Black former track star. He did not make similar comments to any of the White employees.

129. Other senior chefs for the Company at the Comcast Center, made similar discriminatory remarks. For instance, when instructing the other cooks how food was to be prepared, another chef would point to an African-American/Black, or a Hispanic employee and tell the cook to make the food look like them or to make it look like “Michael Blackstone.” When Mr. Woodard asked why the chefs called the workers “Michael Blackstone,” Defendant Vogelman replied, “Because you don’t know if you are Black or White.”

130. Defendant Vogelman, and at least one other chef, also repeatedly called Mr. Everett his “best Black pizza-making mother-fucker.” Defendant Vogelman also referred to Messrs. Everett and Harrison as “You Black mother-fuckers.”

131. Defendant Vogelman also repeatedly called Mr. Harrison, “Bojangles”- a reference to Bill “Bojangles” Robinson, the African-American who famously tap-danced for White audiences in the 1930s and 1940s - because Defendant Vogelman claimed that he was “no good with these names you people got.”

132. Additionally, Defendant Vogelman frequently ridiculed Steven Bowman, a White Sous Chef for the Company at the Comcast Center who was engaged to an African-American/Black woman. Defendant Vogelman asked, “How could he have a Black girlfriend?” or stated, “This guy thinks he is one of you people.”

133. Defendant Vogelmann's blatant prejudice towards non-White ethnicities and race was also demonstrated when he discriminatorily referred to the workers, who appeared to be from an Arabic descent, as "suicide bombers."

134. Management's disrespect towards the Company's employees of color was further demonstrated by Defendant Jakacki, the most senior manager at the Comcast Center for the Company, who would call Ms. Morton by the names of other African-American/Black female employees at the Company, such as "Bonnie," "Adrienne," or "Crystal." When Ms. Morton complained to Defendant Jakacki about her discriminatory grouping of the African-American/Black, female employees and arbitrarily calling her by one of their names, she laughed and dismissively said that she could "call her Ralph."

135. Defendant Jakacki's discriminatory animus was also demonstrated when in front of other employees, she stated, "her slow Black ass can't work for me," pointing to Ms. Clark, and at other times stated, "Those fucking bitches with weaves in their hair," referring to the African-American/Black female employees.

136. Defendant Jakacki would also scream and curse at the African-American/Black employees but would not subject White workers to such degrading treatment.

Discriminatory Work Assignments, Compensation and Disciplinary Practices

137. As part of the discrimination and hostile work environment, the Company unfairly imposed discipline against many of the Plaintiffs, and other employees of color.

138. Compass also set up the African-American/Black workers to fail so that they could then be terminated, as part of its plan to eliminate the Company's workers of color at the Comcast Center.

139. By way of example only, Mr. Thomas was hired as a utility person but was forced to make sandwiches in the kitchen. Despite knowing that Mr. Thomas did not have any experience making sandwiches, the Company did not provide him with any training, and soon thereafter, discharged him purportedly because of his poor work performance in the kitchen.

140. Additionally, Mr. Williams was disciplined by Defendant Vogelman for no apparent reason and when he asked why he was being written up, Defendant Vogelman claimed that Mr. Williams had threatened him with his eyes.

141. The Company's discriminatory animus against Plaintiffs and other employees of color was further demonstrated by the Company's policies for its private catering functions.

142. Specifically, only White employees could work out front in the presence of guests during the Company's private functions, while the African-American/Black employees were forced to work exclusively in the back, as runners, or were excluded from working these events altogether.

143. Because there were not enough White employees at the Company to work in the presence of guests, the Company brought in White employees from its subsidiary, Restaurant Associates (RA) Corp. ("RA"), who were otherwise assigned to work at another location, to avoid having to allow African-American/Black employees work within the presence of guests attending these events.

144. During one of these private catering functions, Mr. Robinson came out front for a moment to look for Defendant Vogelman when a sheriff approached and scolded him for not staying in the kitchen during the event. Indeed, it appears that even

local law enforcement was made aware of the Company's discriminatory staffing for private events and enlisted by the Company to help enforce this discriminatory system.

145. In July 2008, a number of the Plaintiffs requested to work for the Company at the Democratic Governor's Association Event, which took place at the Comcast Center and was catered by the Company. The convention was attended by Pennsylvania Governor Edward G. Rendell and Philadelphia Mayor Michael Nutter. However, for no apparent reason, the Plaintiffs' requests to work at this event were denied, no African-American/Black employees worked for the Company at this function, and, instead, the Company again brought in White replacement employees from RA.

146. The Company's blatant discrimination against the Plaintiffs has not only caused them severe emotional distress, but they have also missed out on the opportunity to work out front with guests during private catering functions where they would have more chances to earn "Flik dollars," which is the Company's internal awards program where these incentives can be exchanged for various products, such as home appliances, jewelry, computers and other items.

147. Furthermore, because the Plaintiffs could not work at any of the Company's private catering functions, they missed out on the opportunities to earn overtime compensation that were available to the Company's White workers.

148. Based upon these and other systemic practices, Plaintiffs were denied compensation equal to that of White employees at the Company solely based upon their race and/or color.

149. The Company's segregation of its workforce based on race and/or color was blatant, extremely degrading and permeated many of the daily activities in the

workplace for the employees of color. By way of example only, the White supervisors would take prolonged lunches while sitting at the only table designated for the Company's employees to eat lunch. Since the Company also prohibited the African-American/Black employees from leaving the premises during their lunch breaks, many times they were forced to eat lunch in the Company's locker room at the Comcast Center.

Complaints About the Unlawful Conduct and The Company's Failure to Act

150. It is clear that Compass was and is aware of the discrimination and hostile work environment that existed, and still exists, at the Comcast Center and has purposefully ignored this unlawful conduct, including many of the Plaintiffs' repeated complaints.

151. For example, Defendant Vogelmann used to work for the Company at one of its work sites in New Jersey. However, upon information and belief, Defendant Vogelmann was removed off of this site after the African-American/Black employees at that location repeatedly complained about his discrimination against them based on their race and/or color.

152. Upon information and belief, rather than investigate or act on these complaints, the Company transferred Defendant Vogelmann to its locations in Philadelphia and he is now employed at the Comcast Center, where his racist and discriminatory conduct is severe and pervasive, well-known, encouraged, fostered and condoned by the Company.

153. Indeed, the discrimination and hostile work environment is so blatant and severe and pervasive that Mr. Bowman has repeatedly lamented about the discrimination in the workplace and acknowledged that Defendant Vogelmann is a racist.

154. Initially, the African-American/Black employees in the kitchen did not know who else to complain to about this horrible conduct and thus were forced to complain directly to Defendant Vogelmann about his discriminatory remarks, reiterating that they found such remarks to be deeply offensive, degrading and humiliating.

155. Despite these repeated complaints from a number of the Plaintiffs, Defendant Vogelmann only increased his discriminatory utterances to further taunt the Plaintiffs. Specifically, when Mr. Robinson complained to Defendant Vogelmann about his racist bantering, he would smile and respond, “Ok, ‘Chim Chim.’”

156. As just another example, Ms. Butler also objected when Defendant Vogelmann called her, “Chim Chim.” Indeed, Ms. Butler told Defendant Vogelmann that “Chim Chim is a monkey,” and to call the African-American workers by that name was offensive. Despite such complaints, Defendant Vogelmann continued to spew his racist invective. Indeed, Defendant Vogelmann repeatedly stated, “I am the fucking man around here, you need to remember that. This is all about what Flik wants. You people will never be where I am. I make \$90,000 a year, you don’t make that.”

157. When a number of the Plaintiffs complained about Defendant Vogelmann’s discriminatory conduct to his boss, Defendant Jakacki, she responded by claiming that she did not know what “Chim Chim” meant. Even after it was explained to her and how the Plaintiffs and other African-American/Black employees of the Company found Defendant Vogelmann’s conduct to be harmful and inappropriate, Defendant Jakacki did not investigate the matter or take any action against Defendant Vogelmann to put a stop to this discriminatory harassment.

158. Defendant Jakacki utterly failed to appropriately address these complaints and never even interviewed any of the Plaintiffs as part of any investigation into Defendant Vogelmann's unlawful conduct. As a result, Defendant Vogelmann continued to discriminate against the African-American/Black workers with impunity.

159. Mr. Robinson also complained to Defendant Jakacki about Mr. Shapiro calling him a "Nigger," but she did not say she would investigate this serious matter and apparently never even conducted an appropriate investigation, as no one interviewed Mr. Robinson about those incidents.

160. A number of the Plaintiffs, including, but not limited to, Mrs. Miles, Ms. Burwell and Ms. Clark, each complained to Defendant Jakacki and other managers at the Company about its discriminatory staffing of private events. However, Defendant Jakacki could not care less about these complaints and never investigated or addressed them. In fact, in response to Ms. Burwell's complaints, Defendant Jakacki held her hand up to Ms. Burwell's face, told her to "talk to the hand," and walked away, which was completely disrespectful towards Ms. Burwell.

161. Mr. Jones also complained to Defendant Jakacki about the manner in which she screamed at him and other African-American/Black employees. Without even asking him more about his complaint, Defendant Jakacki summarily responded that, "I'll talk to you any way I want to," and abruptly ended the conversation.

162. Additionally, Ms. Butler also contacted Compass' corporate human resources hotline by calling (877) 311-HRHR. However, the voice recording states, in substance, that "If you are not a manager, please hang up the telephone and talk to your manager."

163. Running out of options, a number of the Plaintiffs contacted the Regional Vice President for the Company, Brian Donahue, a White male.

164. Specifically, Ms. Clark complained about the work environment and asked to meet with Mr. Donahue, about Defendant Jakacki's unfair treatment of her.

165. Mr. Williams also tried to end the discrimination and hostile work environment by speaking with Mr. Donahue, who refused to speak with him, as he always said he was too busy or they would talk the next time he came to the building.

166. However, Mr. Donahue never spoke to Mr. Williams and because the Company ignored his repeated attempts to have someone address the racially hostile work environment, Mr. Williams could no longer endure such horrible treatment and thus was constructively discharged on or about August 12, 2008.

Unlawful Retaliation by The Company at The Comcast Center

167. As a result of Plaintiffs' complaints of discrimination, the Company retaliated against the Plaintiffs at the Comcast Center in many pernicious ways, including by stripping them of their job duties, reducing their hours (and in turn compensation), unfairly disciplining them, demoting them to lesser positions and/or ultimately terminating their employment.

168. Specifically, after Ms. Clark complained about the Company's discrimination against her and other African-American/Black employees during private events, Defendant Jakacki and Christie Lynn, another White manager at the Comcast Center, initially reduced Ms. Clark's hours and gave her work hours to a White employee, and then demoted Ms. Clark in reprisal for her complaints.

169. On September 11, 2008, Ms. Clark was transferred from a cashier on the 43rd floor to the 6th floor of the Comcast Center, where she was required to perform housekeeping tasks, such as mopping and cleaning. The Company's actions against Ms. Clark were clearly retaliatory, as no one offered any legitimate reason to her for this demotion and reassignment to menial tasks.

170. In another instance, after Ms. Clark complained about the horrible work environment and asked to meet with Brian Donahue, Defendant Jakacki concocted a disciplinary notice that had never previously been presented to her, to discredit her legitimate complaints and brought it to the meeting with Mr. Donahue. Looking for any reason to summarily reject Ms. Clark's complaints, Mr. Donahue used the concocted disciplinary notice as Defendant Jakacki intended, and he took no action to address the unlawful conduct at the Company, allowing Defendant Jakacki to continue to retaliate against the Plaintiffs.

171. Similarly, after her complaints to Defendant Jakacki about the Company's unfair treatment of her and the other African-American/Black employees, Mrs. Miles' hours were reduced, a White employee named "Skyler" was hired, and Defendant Jakacki and Ms. Lynn gave this new employee some of Mrs. Miles' hours and work assignments, which was retaliatory in nature. Again, there were no complaints or issues with Mrs. Miles' work performance and the only incident Mrs. Miles had with management prior to this reduction of her hours and job duties was when she complained about the discrimination and hostile work environment that African American/Black employees were forced to endure.

172. In yet another act of unlawful retaliation, after the Company was put on notice that the Plaintiffs retained legal counsel for this matter, Defendant Vogelman cornered Mr. Everett in a freezer in the kitchen and threateningly asked him, “who would be first leaving the Company (pointing to himself or Mr. Everett)?” Mr. Everett began to have a panic attack and Defendant Vogelman laughed at the fact that he made him so uncomfortable, commenting, that he looked pale and nervous. After Mr. Everett said he did not know how to answer this question, Defendant Vogelman proclaimed that he himself would not be asked to leave the Company, and finally let him leave the freezer to return to work.

Discriminatory and Retaliatory Terminations at The Comcast Center

173. The Company’s discriminatory and retaliatory acts are substantiated by the makeup of its workforce at the Comcast Center. Indeed, the Company has engaged in the systematic removal of its African-American/Black employees who were initially hired to staff its new operations at the Comcast Center. Now, the Company is seeking to purge its African-American/Black workforce, by using pretextual reasons to terminate their employment, to create a nearly all-white work environment.

174. For example, Mr. Jones was terminated by Defendant Vogelman after he took a break as he (and all other employees) had done every shift prior to that day and as permitted by the Company’s Employee Handbook. However, on this particular date, Defendant Vogelman advised him that the employees were no longer allowed to take breaks and summarily terminated his employment.

175. Another Plaintiff, Mr. Miles, who was employed by the Company as a baker, was discharged because he did not clean up a mess left by White employees.

176. Meanwhile, Mr. Harrison was not even given a reason for his termination, as Defendant Vogelman, said, while laughing, “This is how it is man.”

177. Similarly, Defendant Vogelman also discharged Mr. Woodard purportedly because the deli station was being closed. However, eight months later that station is still open and being staffed by the Company.

178. Moreover, on the same date Defendant Vogelman tapped Mr. Robinson’s shoulder and said, “Don’t you hear me calling your name, ‘Chim Chim,’” and Mr. Robinson again objected to these discriminatory remarks, Defendant Vogelman instructed him for the first time to clean the ducts above the ovens. Mr. Robinson told Defendant Vogelman that it was not safe because of the extreme heat but he demanded that Mr. Robinson clean the ducts immediately. Because he cleaned the ducts as instructed, Mr. Robinson suffered second degree burns on his body. This injury was so serious that Mr. Robinson received Workers’ Compensation Benefits.

179. When Mr. Robinson returned to work, Defendant Vogelman instructed him to again clean the oven ducts. Mr. Robinson objected because it was not safe and he was previously injured performing this task, but said he would clean the ducts if Defendant Vogelman turned off the ovens so the ducts were not dangerously hot. Unbelievably, Defendant Vogelman refused to even discuss turning the ovens off despite the obvious danger to Mr. Robinson’s health and his prior injury. Instead, Defendant Vogelman summarily terminated Mr. Robinson for insubordination.

180. Defendant Vogelman’s reason for terminating Mr. Robinson is not only outrageous but clearly a pretext. Specifically, Mr. Robinson was terminated because of

his race and/or color and in retaliation of his complaints about the widespread discrimination and hostile work environment at the Company.

181. Similarly, Ms. Morton was purportedly terminated because she left the lid off of the ice cream machine. However, similarly-situated White employees who made comparable mistakes were not disciplined as severely. Indeed, when the Company contested Ms. Morton's entitlement to unemployment compensation, the unemployment board ruled against the Company because they again provided inconsistent reasons for her termination.

182. In fact, on many Fridays, at least one African-American/Black employee was terminated such that they began to refer to Fridays as "Fire-days." Almost all of the African-American/Black employees who were fired were replaced by White workers, and the rare African-American/Black new hires were again still relegated to the lower level positions.

183. During the week of September 15, 2008, the Company hired five employees to work at the Comcast Center. The four new hires that were White were hired to work with the guests in the Building's cafeteria while the one African-American/Black new hire works in the back kitchen and has no contact with guests.

184. Moreover, in October 2008, after the Company discharged most of the African-American/Black workforce and replaced them with White workers, Mr. Donahue held a meeting with the entire staff, during which, he looked at the group and said, "Now looking at this team, this is the team we should have had when we started here." Mr. Donahue's remarks are racially discriminatory on their face and deeply offended the African-American/Black employees, who immediately realized that Mr. Donahue was

looking at the new group of nearly all-White employees and was not judging this group by their work performance or any legitimate criteria.

Other Unlawful Conduct

185. Even after the Company's removal of most of the African-American/Black employees at the Comcast Center, the Company continues to discriminate and retaliate against the remaining African-American/black workers.

186. Specifically, on September 17, 2008, at the weekly "line meeting," Defendant Jakacki handed out questionnaires to Mrs. Miles, Ms. Clark and the other employees titled, "A little bit more about me." According to Defendant Jakacki, the winning questionnaires would receive rewards, such as paid-time off. The questionnaire was just another discriminatory tool used by the Company, which was clearly designed to compensate employees for non-work performance reasons, asking questions such as:

What color are your eyes?
What color is your hair?
What is your favorite food?
How many children do you have?

187. Apart from the impermissible inquiries into employees' physical characteristics, the choices on the questionnaire for favorite food were "Italian or French or Southern." Mrs. Miles, Ms. Clark and other African-American/Black employees of Compass were very upset and humiliated by this questionnaire, which was another way for the Company and Defendant Jakacki to provide preferential terms and conditions of employment for White employees, to the detriment of the African-American/Black workers.

The Company's Purported Investigation at The Comcast Center

188. Moreover, despite all the complaints from Plaintiffs, other employees, and customers of the Company, only after the Company learned that the Plaintiffs were represented by counsel, did it purport to commence an investigation into these racially discriminatory practices. However, this investigation was a sham and entirely ineffective in curtailing the rampant unlawful conduct at the Comcast Center.

189. During this investigation, Defendant Vogelmann admitted that he called African-American/Black employees "Chim Chim," but claimed that his grandmother called him by that name affectionately when he was a little boy and thus absolved any wrongdoing on this basis. Eric Buckles, who apparently was the Human Resources representative who conducted the Company's investigation of Plaintiffs' complaints of race discrimination, relayed Defendant Vogelmann's claim to the African-American/Black employees but refused to consider any of the additional facts demonstrating Defendant Vogelmann's discriminatory intent.

190. For example, Defendant Vogelmann referred only to the African-American/Black employees as "Chim Chim," whom he also called other racist terms, such as "black ass mother fuckers," "Gorilla" and "Chimp." Defendant Vogelmann also received repeated complaints from the African-American/Black employees that his discriminatory statements and conduct were deeply offensive and humiliating, but he refused to stop making these racist comments.

191. Indeed, Mr. Buckles confirmed to Ms. Clark that she was treated unfairly by the Company and Defendants Vogelmann and Jakacki, and claimed that the Company would soon make changes to remedy the discriminatory work environment. However, no

such changes have taken place, now more than five months after the Company received notice that Plaintiffs retained counsel for this matter. In fact, Defendant Vogelman is still employed as the Executive Chef at the Comcast Center and Ms. Clark and Mrs. Miles are still being discriminated against based on their race and/or color and retaliated against because of their complaints about the discrimination.

The AstraZeneca Location in Wilmington, Delaware

192. In or around February 2007, Plaintiff Jasman Dennis was hired by the Company to work as a cashier at the AstraZeneca location.

193. Ms. Dennis, who is 22 years old, was a dedicated, hard working and outstanding employee of Compass until her unlawful and baseless termination in March 2008, as described below.

Discrimination Against The Company's Employees of Color in Delaware

194. In accord with the Company's nationwide discriminatory treatment of its employees of color, Compass' employees of color who work at the AstraZeneca location in Wilmington, Delaware are also subjected to blatant racism, disparate terms and conditions of employment, and discriminatory and retaliatory terminations.

195. Defendant Holzer, who was the most senior manager for Compass at the AstraZeneca location, frequently made discriminatory statements to the Company's employees of color. By way of example only, Defendant Holzer told Ms. Dennis and other employees of color, "You go down Fourth Street and get your weave," a reference to a predominantly Black and poor section of Wilmington. He did not make such statements to White employees.

196. Indeed, Defendant Holzer's discriminatory animus was repeatedly demonstrated towards various employees of color. Specifically, after starting a meeting stating he wanted to discuss the "green cards" used by the Company for identification at the AstraZeneca location, he turned toward a group of Mexican/Hispanic workers and said, "Don't start running," suggesting that they were in the country illegally.

197. Defendant Holzer's prejudices were an example repeatedly followed by the all-White management team at AstraZeneca.

198. For example, another White supervisor openly referred to an African-American/Black female employee as a "Black Bitch." Upon information and belief, that supervisor was never disciplined for his racist statements but rather was transferred to the Comcast Center in Philadelphia.

199. Additionally, even when acknowledging the good performance of the female African-American/Black employees, Defendant Wallace, who was the head supervisor at this location, would say "Good girl," referring to these workers as dogs. However, Defendant Wallace did not refer to White employees in a similar manner.

Complaints About Discrimination and The Company's Failure to Act

200. Ms. Dennis and other female employees of color asked Defendant Wallace to stop calling them, "Good girl," because they found it offensive. However, Defendant Wallace continued his degrading actions towards the female African-American/Black workers.

201. Unable to continue to endure these racist and sexist-based demeaning comments by Defendant Wallace, Ms. Dennis complained to Defendant Holzer. Instead of disciplining, or even talking to Defendant Wallace about his offensive comments,

Defendant Holzer summarily dismissed Ms. Dennis' complaints saying, "He did not mean anything by it," and did not otherwise state that he would do anything about Ms. Dennis' complaints.

202. Moreover, the employees of color who worked at the AstraZeneca location feared that their complaints would not be addressed because Defendant Holzer himself participated in the discriminatory conduct.

203. Most disturbing, on March 20, 2008, Ms. Dennis was working late and was one of the few Company employees still on the premises. When she approached Defendant Wallace's office to tell him she was leaving for the day, Ms. Dennis saw Defendant Wallace, who was her boss, and another White manager, Linda Funk, sitting in front of the computer screen, laughing and playing some sort of fill-in-the-word game with a noose on the screen. Specifically, Ms. Dennis saw the word "Nigger" in large bold font across the computer screen. Upon seeing Ms. Dennis at the door, Defendant Wallace jumped out of his seat and minimized the screen. Ms. Dennis told him that she saw what was on the computer screen and asked him if that was what he thought of her. Defendant Wallace falsely claimed the word on the computer screen was "Nugger," but Ms. Dennis told him that she clearly saw what was typed on the screen and Defendant Wallace did not respond.

204. The next day, Ms. Dennis reported to work because the Company was short-staffed, but she was physically ill due to the racist conduct by Defendant Wallace and Ms. Funk. Nevertheless, Ms. Dennis worked as long as she could that day and then went home early because of the enormous distress she felt working for supervisors who held racist views.

The Company's Unlawful Retaliation Against Ms. Dennis

205. On March 24, 2008, Ms. Dennis was still physically ill because of the discrimination in the workplace. That morning, prior to the start of her shift, at approximately 4:30 a.m. and 6:00 a.m., Ms. Dennis left messages informing the Company that she would not be at work on that day. Additionally, Ms. Dennis' mother also called the Company on that day and spoke with Defendant Wallace, telling him that her daughter would be out sick that day.

206. That same day, Ms. Dennis dually filed her charge of discrimination with the EEOC and the Delaware Department of Labor. The Company was aware of Ms. Dennis' protected activity and complaint to the DOL, as Defendant Holzer commented on that day to another African-American/Black employee that he had to be careful because "he did not want to be sued."

207. When Ms. Dennis returned to work the next day, Defendant Wallace brought her into an office with a Black chef from the Company who otherwise had nothing to do with her employment. Defendant Wallace told Ms. Dennis she was being terminated because she was a "no call, no show," the day before. Ms. Dennis objected to the termination because, amongst other reasons, she left two messages advising the Company of her absence. However, Defendant Wallace refused to discuss the matter further and asked for her badge and identification card.

208. Ms. Dennis' termination was baseless, discriminatory and in retaliation for her complaints.

Widespread Discriminatory Terminations

209. In addition to the wrongful termination of Ms. Dennis, the Company also engaged in the systemic removal of its employees of color.

210. As just one example, the Company is seeking to purge its African-American/Black workforce to create a nearly all-White work environment.

211. Specifically, when Ms. Dennis was hired, there were more than 25 African-American/Black employees at the AstraZeneca location, but when she was unlawfully terminated approximately one year later, there were less than ten African-American/Black workers at that site.

212. Moreover, even when employees of color are hired by the Company to work at AstraZeneca, the Company blatantly discriminates against them on the basis of their race and/or color by relegating them to low-level positions despite their qualifications, while all the managers and nearly all the chefs at this location are White. In fact, there are no Black supervisors at the Company in this location.

213. Furthermore, like at the Comcast Center, the Company replaces the African-American/Black employees who are terminated at the AstraZeneca location with White workers.

Motorola Headquarters in Horsham, Pennsylvania

214. In or around December 2007, Plaintiff Christina Camacho was hired by the Eurest Dining Services as the Food Service Director at the Motorola location in Horsham, Pennsylvania.

215. Ms. Camacho performed her duties satisfactorily at the Company until her constructive discharge in November 2008.

The Company's Discrimination at The Motorola Location

216. At the Motorola Location, the Company's employees of color were similarly discriminated against by management on the basis of their race and/or color and subjected to unfair and unwarranted disciplinary warnings and terminations, as well as retaliated against for complaining about this unlawful conduct.

217. As the Food Service Director, Ms. Camacho was supposed to have authority to hire qualified workers for this location. However, she was repeatedly instructed to get rid of the current staff, which consisted predominantly of qualified employees of color, to create an all-White workforce.

218. Indeed, Ms. Camacho's White supervisor told her that her staff was "ghetto," and that "These black people are ghetto, you need to get some White people in here." On numerous occasions, that same White supervisor disparagingly referred to the Motorola location as "Ghetto-rola."

219. Despite Ms. Camacho's objections to his instruction, the White supervisor demanded that she write up employees of color for the most minor offenses, even if not normally severe enough for formal discipline, to create a paper trail to terminate these employees. Moreover, the Company repeatedly recruited only White employees to be interviewed by Ms. Camacho.

220. Ms. Camacho's relationship with her subordinates rapidly deteriorated because she was forced by the Company's management to issue baseless performance write-ups about them. In fact, in March 2008, one of these African-American/Black employees complained to Human Resources that she was unfairly disciplined. In

response, the Company did not conduct an investigation, but rather, Ms. Camacho's White supervisor summarily declared, "She's Black, and you're gay, leave her alone."

221. The Company's discriminatory animus towards employees of color was further demonstrated by the composition of its management. By way of example only, Ms. Camacho was the only manager of color for the Company in the entire region. In fact, during management meetings, Ms. Camacho was the only Hispanic manager and there were no African-American/Black managers.

Ms. Camacho's Complaints and The Company's Failure to Act

222. In late May or early June 2008, Ms. Camacho complained about the Company's discrimination against its employees of color to the Company's Human Resources Department.

223. During a subsequent meeting purportedly to address Ms. Camacho's complaints of race discrimination, Ms. Camacho was told by a Human Resources representative "We are very liberal with the way we speak to employees, this is the food service business." No one in Human Resources or anyone else in management ever conducted an investigation, or even stated that an investigation would be conducted, concerning Ms. Camacho's complaints.

224. In or around October 2008, Ms. Camacho contacted Compass' Human Resources hotline to again complain about the continued discriminatory and retaliatory conduct in the workplace, and was told that her complaint was already closed.

The Company's Unlawful Retaliation Against Ms. Camacho

225. After Ms. Camacho's meeting with Human Resources, her White supervisor retaliated against her by frequently criticizing her work performance without any basis.

226. Indeed, that supervisor wanted to create a record so that he could terminate Ms. Camacho, such as repeatedly reprimanding her for the cleanliness of the work site, which was not an issue before she complained to the Company's Human Resources about the discrimination and unlawful retaliation being committed against her.

227. On November 3, 2008, Ms. Camacho advised Bruce Tierney, Regional Director for her location, that she could no longer perform her job duties because of the discrimination and retaliation at the workplace. In response, Mr. Tierney told her that complaining to Human Resources was a "punk move."

228. On November 13, 2008, Mr. Tierney again met with Ms. Camacho. This time, he offered Ms. Camacho a job at a different account in Philadelphia, Pennsylvania, but told her that she would have to fire some of the employees at that location too.

229. As a result of the ongoing harassment and retaliation that she was subject to at the Motorola location, Ms. Camacho declined this other position with Defendant Compass under Defendant Tierney's supervision. When she declined the offer, Mr. Tierney told her "Off the record, and I'll deny this until I die, but you were a real bitch about this."

230. Ms. Camacho was thereafter constructively discharged from her employment at Compass.

231. In sum, and on a nationwide basis, as a result of the discriminatory, offensive and unlawful conduct committed against all the named-Plaintiffs, as well as all the members of the Class, each Plaintiff has suffered, and continues to suffer, substantial damages.

FIRST CAUSE OF ACTION

**(Class and Individual Claims of Discrimination
and Harassment in Violation of Section 1981)**

232. Plaintiffs hereby repeat and reallege each and every allegation in paragraphs 1 through 231, inclusive, as if fully set forth herein.

233. Defendants have discriminated against Plaintiffs, and other current and former employees of color at the Company on the basis of their race and/or color (not White) in violation of Section 1981 by denying them the same terms and conditions of employment available to employees who are White, including but not limited to, subjecting them to disparate working conditions and unfair discipline, denying them pay and benefits equal to that of employees who are White, and unlawfully terminating the employment of many of the Company's former employees of color.

234. Defendants have discriminated against Plaintiffs, and other current and former employees of color at the Company, on the basis of their race and/or color (not White) in violation of Section 1981 by creating, fostering, accepting, ratifying and/or otherwise failing to prevent or to remedy a hostile work environment that included, among other things, severe and pervasive harassment of Plaintiffs because of their race and/or color.

235. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of Section 1981, Plaintiffs have suffered, and

continue to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which they are entitled to an award of monetary damages and other relief.

236. As a direct and proximate result of Defendants' unlawful and discriminatory conduct in violation of Section 1981, Plaintiffs have suffered and continue to suffer severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering for which they are entitled to an award of monetary damages and other relief.

237. Defendants' unlawful and discriminatory actions constitute malicious, willful and wanton violations of Section 1981 for which Plaintiffs are entitled to an award of punitive damages.

SECOND CAUSE OF ACTION

(Class and Individual Claims of Retaliation in Violation of Section 1981)

238. Plaintiffs hereby repeat and reallege each and every allegation in paragraphs 1 through 237, inclusive, as if fully set forth herein.

239. Defendants have discriminated against Plaintiffs in violation of Section 1981 for opposing and/or complaining of Defendants' discriminatory practices against themselves and other current and former employees of color at the Company by, inter alia, subjecting Plaintiffs to acts of discrimination, harassment and humiliation, unfairly imposing discipline upon them, demoting and/or removing and/or stripping their job title(s) and/or job duties or responsibilities, and/or unlawfully terminating their employment with the Company.

240. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of Section 1981, Plaintiffs have suffered, and continue to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which they are entitled to an award of monetary damages and other relief.

241. As a direct and proximate result of Defendants' unlawful and retaliatory conduct in violation of Section 1981, Plaintiffs have suffered and continue to suffer severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering for which they are entitled to an award of monetary damages and other relief.

242. Defendants' unlawful and retaliatory actions constitute malicious, willful and wanton violations of Section 1981 for which Plaintiffs are entitled to an award of punitive damages.

AS AND FOR A THIRD CAUSE OF ACTION

(Negligent Hiring, Training and Supervision)

243. Plaintiffs hereby repeat and re-allege each and every allegation in paragraphs 1 through 242, inclusive, as if fully set forth herein.

244. In hiring and supervising management and employees, Compass had and continues to have a duty to prevent such personnel from engaging in discriminatory, retaliatory, tortious and/or otherwise unlawful conduct.

245. Compass negligently and/or recklessly failed to satisfy its duty of care in hiring, supervising and retaining personnel that have engaged and continue to engage in a

pattern and practice of discriminatory, retaliatory, tortious and/or otherwise unlawful conduct.

246. The Company knows or should have known that Defendants Vogelman, Jakacki, Wallace, and Holzer, as well as other Company management and employees at the Company's work sites across the United States, engaged in unlawful conduct towards Plaintiffs and other current and former employees of color at the Company based on their race and/or color, as well as committed unlawful retaliation against many of the Plaintiffs because of their complaints about the discrimination, hostile work environment and retaliation at the workplace.

247. As a direct and proximate result of the Company's conduct, Plaintiffs have suffered and continues to suffer injuries, for which they are entitled to an award of damages.

AS AND FOR A FOURTH CAUSE OF ACTION

(Intentional Infliction of Emotional Distress)

248. Plaintiffs hereby repeat and re-allege each and every allegation in paragraphs 1 through 247, inclusive, as if fully set forth herein.

249. Defendants engaged in conduct toward Plaintiffs that is extreme and outrageous so as to exceed the bounds of decency in a civilized society.

250. Amongst other conduct, Defendants' pervasive pattern of harassment and discrimination, and tolerance and encouragement of the hostile and abusive treatment of Plaintiffs and other current and former employees of color at the Company, constitutes extreme and outrageous conduct that exceeds the bounds of decency in a civilized society.

251. By their actions and conduct, Defendants intended to and did intentionally

or recklessly cause Plaintiffs to suffer severe emotional distress.

252. As a direct and proximate result of Defendants' conduct, Plaintiffs have suffered, and continue to suffer, severe emotional distress, for which they are entitled to an award of damages.

253. Defendants' extreme and outrageous conduct was knowing, malicious, willful and wanton, entitling Plaintiff to an award of punitive damages.

AS AND FOR A FIFTH CAUSE OF ACTION

(Common Law Wrongful Termination)

254. Plaintiff Anthony Robinson hereby repeats and realleges each and every allegation in paragraphs 1 through 253, inclusive, as if fully set forth herein.

255. Plaintiff Anthony Robinson was unlawfully discharged by Defendants in violation of public policy and an implied contract of employment in retaliation for seeking and receiving Workers' Compensation Benefits, which constitutes a cause of action for Common Law Wrongful Termination under Pennsylvania Law.

256. As a direct and proximate result of the Company's unlawful conduct, Plaintiff has suffered, and continues to suffer, monetary and/or economic damages, including, but not limited to, loss of past and future income, compensation and benefits for which he is entitled to an award of monetary damages and other relief.

257. As a direct and proximate result of the Company's unlawful conduct, Plaintiff has suffered, and continues to suffer, severe mental anguish and emotional distress, including but not limited to depression, humiliation, embarrassment, stress and anxiety, loss of self-esteem and self-confidence, and emotional pain and suffering for which he is entitled to an award of monetary damages and other relief.

258. The Company's unlawful conduct was malicious, willful and wanton violations of Pennsylvania law for which Plaintiff is entitled to an award of punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs, on behalf of themselves and the members of the proposed class whom they seek to represent, request the following relief:

- A. Certification of the case as a class action maintainable under the Federal Rules of Civil Procedure Rule 23(a), (b)(2) and/or (b)(3), on behalf of the proposed plaintiff class and subclass and designation of Plaintiffs as representatives of this class and their counsel of record as class counsel;
- B. A declaratory judgment that the actions, conduct and practices of Defendants complained of herein violate the laws of the United States;
- C. An injunction and order permanently restraining Defendant Compass and its partners, officers, owners, agents, successors, employees and/or representatives, and any and all persons acting in concert with them, from engaging in any further unlawful practices, policies, customs, usages, and race and/or color discrimination and harassment as set forth herein;
- D. An order directing Defendants to place Plaintiffs and the members of the class in the position they would have occupied but for Defendants' discriminatory and retaliatory treatment and otherwise unlawful and/or tortious conduct, as well as to take such affirmative action as is necessary to ensure that the effects of these unlawful employment practices are eliminated and do not continue to affect Plaintiffs and the members of the class;

- E. An award of damages in an amount to be determined at trial but no less than \$200,000,000, plus prejudgment interest, to compensate Plaintiffs and the members of the class for all monetary and/or economic damages, including but not limited to, the loss of past and future income, wages, compensation, seniority and other benefits of employment;
- F. An award of damages in an amount to be determined at trial but no less than \$400,000,000, plus prejudgment interest, to compensate Plaintiffs for all non-monetary and/or compensatory damages, including but not limited to, compensation for their mental anguish, humiliation, depression, embarrassment, stress and anxiety, loss of self-esteem, self-confidence and personal dignity, emotional pain and suffering, emotional distress and physical injuries;
- G. An award of damages in an amount to be determined at trial but no less than \$200,000,000, plus prejudgment interest, to compensate Plaintiffs and the members of the class for harm to their professional and personal reputation and loss of career fulfillment;
- H. An award of damages for any and all other monetary and/or non-monetary losses suffered by Plaintiffs in an amount to be determined at trial, plus prejudgment interest;
- I. An award of punitive damages, in an amount to be determined at trial but no less than \$200,000.00;
- J. An award of costs that Plaintiffs have incurred in this action, as well as Plaintiffs' reasonable attorneys' fees to the fullest extent permitted by law;

and

K. Such other and further relief as the Court may deem just and proper.

JURY DEMAND

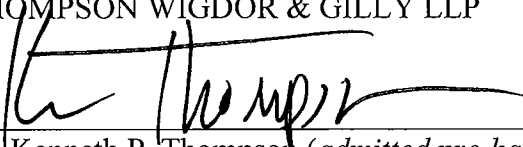
Plaintiffs hereby demand a trial by jury on all issues of fact and damages stated herein.

Dated: Philadelphia, Pennsylvania
March 9, 2009

Respectfully submitted,

THOMPSON WIGDOR & GILLY LLP

By: _____



Kenneth P. Thompson (*admitted pro hac vice*)
Gregory N. Filosa

85 Fifth Avenue
New York, NY 10003
Telephone: (212) 257-6800
Facsimile: (212) 257-6845

COUNSEL FOR PLAINTIFFS
AND PROPOSED CLASS