

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

QUINTON BROWN, RAMON ROANE,  
ALVIN SIMMONS, SHELDON  
SINGLETARY, GERALD WHITE,  
JASON GUY, and JACOB RAVENELL,  
individually and on behalf of  
the class they seek to represent,

**Plaintiffs,**

v.

NUCOR CORPORATION and NUCOR  
STEEL-BERKELEY

**Defendants.**

**CASE No. 2:04-22005-12BG  
CLASS ACTION**

**THIRD AMENDED COMPLAINT - CLASS ACTION**

**I. NATURE OF COMPLAINT**

1. This action is brought by seven African-Americans, who are current and former employees of Nucor Corporation ("Nucor") and/or Nucor Steel-Berkeley ("Nucor-Berkeley"). Ramon Roane, Quinton Brown, Sheldon Singletary, Gerald White, Alvin Simmons, Jason Guy, and Jacob Ravenell bring claims against Nucor-Berkeley and/or Nucor arising from Nucor-Berkeley's Huger, South Carolina plant.
2. Ramon Roane, Quinton Brown, Sheldon Singletary, Gerald White, Alvin Simmons, Jason Guy, and Jacob Ravenell (hereinafter "named plaintiffs") seek a declaratory judgment that Nucor Corporation and Nucor-Berkeley have engaged in systemic

pattern and practices of racial discrimination in employment opportunities at the Berkeley facility in Huger, Carolina and that such conduct is unlawful under two statutes: (a) Title VII of the Civil Rights Act of 1964, as amended in 1972 and 1991, 42 U.S.C. §§2000e, et seq., and (b) Section One of the Civil Rights Act of 1866, as amended in 1991, 42 U.S.C. 1981a. They seek a permanent injunction and other equitable relief necessary to eliminate the effects of the Nucor's and/or Nucor-Berkley's past and present racial discrimination and prevent such discrimination from continuing to adversely affect their lives and careers, including, but not limited to, affirmative restructuring of the selection procedures, training and other terms and conditions of employment, reimbursement of expenses incurred in prosecuting this action, and attorneys' fees. Each plaintiff further seeks damages, back-pay and other equitable remedies necessary to make themselves and the members of the class which they seek to represent whole.

## **II. JURISDICTION AND VENUE**

3. This Court has jurisdiction pursuant to 28 U.S.C. §§1331, 1343(4), and Title VII of the 1964 Civil Rights Act, 42 U.S.C. §§2000e, et seq., as amended.

## **III. CONDITIONS PRECEDENT TO SUIT UNDER TITLE VII**

4. The named plaintiffs have fulfilled all precedent conditions necessary to the institution of this action under Title VII. Plaintiffs' claims arising under 42 U.S.C. §1981 do not require administrative exhaustion.

## **IV. PARTIES**

### **A. Defendants**

5. **Defendant Nucor Corporation** is a corporation doing business in various States, with its corporate headquarters in Charlotte, North Carolina. Nucor is an employer as defined by 42 U.S.C. §2000e(b). It is also an individual subject to suit under 42 U.S.C. §1981, as amended. Nucor maintains either actual or constructive control, oversight, or direction over the operation, including the employment practices of the other defendants.

6. **Defendant Nucor Steel-Berkeley**, is a corporation doing business in the State of South Carolina and an employer as defined by 42 U.S.C. §2000e(b). It is also an individual subject to suit under 42 U.S.C. §1981, as amended.

**B. NAMED PLAINTIFFS**

7. **Named Plaintiff Quinton Brown** is an African-American resident of the State of South Carolina and a citizen of the United States. At all times material to this action, he has been employed at Nucor-Berkeley's plant in Huger, South Carolina.

8. **Named Plaintiff Ramon Roane** is an African-American resident of the State of South Carolina and a citizen of the United States. At all times material to this action, he has been employed at Nucor-Berkeley's plant located in Huger, South Carolina.

9. **Named Plaintiff Alvin Simmons** is an African-American resident of the State of South Carolina and a citizen of the United States. At all times material to this action, he has been employed at Nucor-Berkeley's plant located in Huger, South Carolina.

10. **Named Plaintiff Sheldon Singletary** is an African-American resident of the State of South Carolina and a citizen of the United States. He was employed at Nucor-Berkeley's plant located in Huger, South Carolina, from September 1995 until

September 2001.

11. **Named Plaintiff Gerald White** is an African-American resident of the State of South Carolina and a citizen of the United States. At all times material to this action, he has been employed at Nucor-Berkeley's plant located in Huger, South Carolina.
12. **Named Plaintiff Jason Guy** is an African-American resident of the State of Georgia and a citizen of the United States. At all times material to this action, he has been employed at Nucor-Berkeley's plant located in Huger, South Carolina.
13. **Named Plaintiff Jacob Ravenell** is an African-American resident of the State of South Carolina and a citizen of the United States. At all times material to this action, he has been employed at Nucor-Berkeley's plant located in Huger, South Carolina.

**V. CLASS CERTIFICATION**

14. Racially discriminatory treatment is manifested by such policies and/or patterns or practices as denying African-American applicants positions with the companies and employees desirable job assignments, promotional opportunities, training, and other benefits and conditions of employment on the same terms applied to white employees. In particular, each defendant deters deter African-American employees and/or applicants from seeking promotions and desirable job assignments; fail to select and/or train African-Americans for desirable job assignments; ignore, and in some cases actively supports, racist comments, racist jokes, and racist behavior among its staff; and fails to enforce policies prohibiting racial discrimination.
15. This action in part seeks to enjoin each defendant from pursuing specific illegal policies and/or practices that have injured and continue to injure plaintiffs and other

African-American employees and/or applicants for employment opportunities in all aspects of Defendants' employment operations. Each defendant has created and maintained a system-wide employment policy of race-based disparate treatment, which limits the employment opportunities for African-Americans in various aspects of defendants' employment operation including, but not limited to job selections, training and adverse terms and conditions of employment.

16. Such illegal policies and practices are premised on an invidious and racially discriminatory animus directed against African-American people and are specifically calculated to deny members of the African-American race equal treatment and opportunities guaranteed by 42 U.S.C. §1981 and Title VII.
17. The plaintiffs seek certification of a class of African-Americans adversely affected by the employment practices at Nucor-Berkeley's plant in Huger, South Carolina.

**VI. COUNT ONE - CLAIMS AGAINST NUCOR AND NUCOR-BERKELEY ARISING FROM THE HUGER, IN SOUTH CAROLINA PLANT**

**A. *CLASS DEFINITION AND COMMON QUESTIONS OF LAW AND FACT***

18. The African-American named plaintiffs, Quinton Brown, Ramone Roane, Alvin Simmons, Sheldon Singletary, Gerald White, Jason Guy and Jacob Ravenell are members of the class they seek to represent and bring this suit against Nucor-Berkeley and/or Nucor for claims arising at the Huger, South Carolina plant. That class consists of African-Americans who have been subject to one or more aspects of the systemic racial discrimination described in the class claims of this Amended Complaint which include 1) Nucor's and/or Nucor-Berkeley's selection procedures, 2) racially hostile reputation and working conditions, and 3) unequal terms and

conditions of employment. The prosecution of the claims of the named plaintiffs requires adjudication of the question common to the putative class: whether Defendants Nucor and/or Nucor-Berkeley have engaged in systemic racial discrimination in its selection and compensation practices and the terms and conditions of work and employment in a manner made unlawful by the statutes under which this action is brought.

19. The claims of the named plaintiffs are embedded in common questions of law and fact because defendants Nucor and/or Nucor-Berkeley have: 1) prevented African-Americans from learning about or competing for opportunities in jobs traditionally held by white employees; 2) precluded or delayed their hiring and promotion into such jobs; and 3) subjected African-American employees to adverse terms and conditions of employment.

***B. TYPICALITY OF RELIEF SOUGHT***

20. The relief necessary to remedy the claims of the named plaintiffs is the same as that necessary for the class. The named plaintiffs seek the following relief for their individual claims and those of the class: 1) a declaratory judgment that the defendants Nucor and/or Nucor-Berkeley have engaged in systemic racial discrimination in limiting the employment opportunities of African-Americans to lower classifications; 2) a permanent injunction against such continuing discrimination; 3) restructuring of said defendants' selection procedures so that African-Americans are able to learn about and fairly compete in the future for better classifications, compensation levels, and terms and conditions of employment traditionally enjoyed by white employees;

4) restructuring of said defendants' workforce so that African-Americans are assigned to the classifications, locations and compensation levels they would have now hold in the absence of defendant Nucor's and/or Nucor-Berkeley's past racial discrimination; and 5) damages, back pay and other equitable remedies necessary to make the named plaintiffs and the class they seek to represent whole from defendant Nucor's and Nucor Berkeley's past discrimination.

**C. NUMEROSITY AND IMPRACTICABILITY OF JOINDER**

21. The persons whom the named plaintiffs seek to represent are too numerous to make joinder practicable. The proposed class consists of more than one hundred former, current, and future African-American applicants and employees who have been, are, or will be employed at the Nucor-Berkeley's and/or Nucor's facilities in the State of South Carolina. Defendant Nucor's and/or Nucor-Berkeley's pattern and practice of racial discrimination also makes joinder impracticable by discouraging African-Americans from applying or pursuing employment opportunities, thereby making it impractical and inefficient to identify many members of the class prior to determination of the merits of such defendants' class-wide liability.

**D. ADEQUACY OF REPRESENTATION**

22. The named plaintiffs interests are coextensive with those of the class in that each seeks to remedy Nucor-Berkeley and/or Nucor's discriminatory employment practices so that racially hostile conditions of work will be eradicated and African-Americans will no longer be segregated in unequal positions and prevented from obtaining management and other more desirable positions. Such named plaintiffs are

able and willing to represent the class fairly and vigorously, as they pursue their common goals through this action. Plaintiffs' counsel are also qualified, experienced, and able to conduct the litigation and to meet the time and fiscal demands required to litigate an employment discrimination class action of this size and complexity. The combined interest, experience and resources of the named plaintiffs and their counsel to litigate competently the individual and class claims of race-based employment discrimination at issue, satisfy the adequacy of representation requirement of Federal Rule of Civil Procedure 23(a)(4).

***E. EFFICIENCY OF CLASS PROSECUTION OF COMMON CLAIMS***

23. Certification of a class of similarly situated African-Americans is the most efficient and economical means of resolving the questions of law and fact that are common to the individual claims of the named plaintiffs and the putative class. The claims of the named plaintiffs require resolution of the common question of whether Nucor-Berkeley and/or Nucor have engaged in a systemic pattern of racial discrimination against African-Americans. Such named plaintiffs seek remedies to undo the adverse effects of such discrimination in their own lives, careers and working conditions and to prevent continued racial discrimination in the future. The named plaintiffs have standing to seek such relief in part because of the adverse effect that racial discrimination against African-Americans has had on their own interest in working and living in conditions free from the pernicious effects of racial bias and hostility. In order to gain such relief for themselves, as well as for the putative class members, the named plaintiffs must first establish the existence of systemic racial



discrimination as the premise of the relief they seek. Without class certification, the same evidence and issues would be subject to repeated re-litigation in a multitude of individual lawsuits with an attendant risk of inconsistent adjudications and conflicting obligations. Certification of the class of African-Americans affected by the common question of law and fact is the most efficient and judicious means of presenting the evidence and argument necessary to resolve such questions for the named plaintiffs, the putative class and the defendants. The named plaintiffs' individual and class claims are premised upon the traditional bifurcated method of proof and trial for disparate impact and systemic disparate treatment claims of the type at issue in this Third Amended Complaint. Such a bifurcated method of proof and trial is the most efficient method of resolving such common issues.

***F. CERTIFICATION IS SOUGHT PURSUANT TO FED.R.CIV.P. 23(b)***

24. Nucor-Berkeley and/or Nucor have acted on grounds generally applicable to the class by adopting and following systemic practices and procedures which are racially discriminatory.
25. Nucor-Berkeley's and/or Nucor's racial discrimination is their standard operating procedure rather than a sporadic occurrence. Such defendants have refused to act on grounds generally applicable to the class by refusing to adopt or follow selection procedures which do not have disparate impact or otherwise do not systemically discriminate against African-Americans and by refusing to establish conditions of work that are not hostile to African-Americans. Nucor-Berkeley's and/or Nucor's systemic discrimination and refusal to act on grounds that are not racially

discriminatory have made appropriate final injunctive relief and corresponding declaratory relief with respect to the putative class as a whole.

26. Injunctive and declaratory relief are the predominant relief sought because they are both the culmination of the proof of Nucor-Berkeley's and/or Nucor's individual and class-wide liability at the end of Stage I of a bifurcated trial and the essential predicate for the named plaintiffs' and putative class members' entitlement to equitable remedies and legal relief at Stage II of such trial. Declaratory and injunctive relief flow directly and automatically from proof of the common question of law and fact regarding the existence of systemic racial discrimination against African-Americans. Such relief is the factual and legal predicate for the named plaintiffs' and putative class members' entitlement to equitable remedies for individual losses caused by such systemic discrimination.

## **VII. *FACTS SUPPORTING ALLEGATIONS OF SYSTEMIC RACIAL DISCRIMINATION***

### **A. *THE NAMED PLAINTIFFS***

27. **Named Plaintiff Quinton Brown** has been employed at Nucor-Berkeley's and/or Nucor's Huger, South Carolina facility from approximately July 1998 until the present. He has been employed in the capacity of furnace operator. During his employment, Brown has performed his duties and fulfilled his responsibilities in a satisfactory manner. Brown has been adversely affected by the challenged systemic practices and pattern of racial discrimination by not being able to learn about or compete for employment opportunities in traditionally white job classifications; by being required to work in conditions in which he and other members of his race were

demeaned: by being required to work under discriminatory terms and conditions of employment, including being required to endure racial hostilities directed at himself and members of his race. The challenged practices have directly effected Brown. Nucor-Berkeley and/or Nucor has routinely promoted white employees to vacant positions over African-American employees of comparable or more extensive experience. For example, in approximately May 2002, Brown applied for a control pulpit operator position. Brown was qualified for the position. The position was awarded to Blake Murray, a white male employee, with less experience than Brown. Brown has personally observed and been subjected to the Defendants' tolerance of a racially hostile work environment. For example, in 2001, Brown was called "Dan" by a white co-employee. When Brown asked the co-employee why he had called him "Dan," the co-employee told Brown that it referred to "dumb ass nigger." Brown reported the slur to a white supervisor, Paul Ferguson. Ferguson told Brown that he (Ferguson) could do nothing about the slur because he (Ferguson) had not heard the white employee make the comment. Nucor-Berkeley and/or Nucor have tolerated other racially offensive comments and paraphernalia. Nucor-Berkeley and/or Nucor allow white employees to prominently display the confederate flag on clothing and toolboxes. A white supervisor has referred to Brown as a "boy."

28. On or about December 2002, Brown filed a Charge of Discrimination with the Equal Employment Opportunity Commission alleging that he had been denied promotions as a result of racial discrimination. Since the filing of his Charge of Discrimination, Brown has suffered retaliation. On March 28, 2003, Brown notified Nucor-Berkeley

and/or Nucor that he was sick and was unable to report to work. Brown followed all the proper procedures in reporting his absence. Nevertheless, he was given disciplinary write-ups and a suspension by such defendants in retaliation for filing a Charge of Discrimination.

29. As a result of Nucor-Berkeley's and/or Nucor's discriminatory actions, Brown has suffered extreme harm.
30. **Named Plaintiff Ramon Roane** has been employed at Nucor-Berkeley's and/or Nucor's Huger, South Carolina from approximately April 1996 until the present. He has been employed in the capacity of coiler operator and control pulpit operator. During his employment, Roane has performed his duties and fulfilled his responsibilities in a satisfactory manner. Roane has been adversely affected by the challenged systemic practices and pattern of racial discrimination by not being able to learn about or compete for employment opportunities in traditionally white job classifications; by being required to work in conditions in which he and other members of his race were demeaned; by being required to work under discriminatory the terms and conditions of employment, including being required to endure racial hostilities directed at himself and members of his race; and by not being provided training available to similarly situated white employees.
31. Nucor-Berkeley's and/or Nucor's discriminatory selection procedures and adverse terms and conditions of employment have adversely affected Roane. During his employment Roane, informed his supervisors that he was interested in being promoted to positions with better opportunities for advancement. Moreover, Nucor-

Berkeley and/or Nucor routinely promote white employees to vacant positions over African-American employees of comparable or more extensive experience. For example, Roane applied for two positions, rolling mill supervisor and mill adjuster. Roane was qualified for both positions. The positions were given to white employees with less seniority and experience than Roane. Roane has personally observed and been subjected to the such defendants' tolerance of a racially hostile work environment. For example, Roane is aware of Nucor-Berkeley and/or Nucor condoning the use of its email system to send racially demeaning comments and photographs. Nucor-Berkeley and/or Nucor have tolerated other racially offensive comments and paraphernalia.

32. On or about March 2002, Roane filed a Charge of Discrimination with the Equal Employment Opportunity Commission alleging that he had been denied promotions as a result of racial discrimination. Since that time, Roane has suffered retaliation. On September 23, 2002, Roane committed a minor error at work which resulted in no damage. However, Paul Nowlin, a white male supervisor, gave Roane a written disciplinary action even though white operators have made similar mistakes for which they have not been disciplined.
33. As a result of Nucor-Berkeley's and/or Nucor's discriminatory actions, Roane has suffered extreme harm.
34. **Named Plaintiff Alvin Simmons** has been employed at Nucor Berkeley's and/or Nucor's facility in Huger, South Carolina from 1998 until the present. He has been employed in the capacity of shipping table operator and stacker inspector. During his

employment, Simmons has performed his duties and fulfilled his responsibilities in a satisfactory manner. Simmons has been adversely affected by the challenged systemic practices and pattern of racial discrimination by not being considered for traditionally white job classifications at the time he applied for employment; by not being able to learn about or compete for employment opportunities in traditionally white job classifications; by being required to work in conditions in which he and other members of his race were demeaned; by being required to work under discriminatory terms and conditions of employment, including being required to endure racial hostilities directed at himself and members of his race; and by not being provided training available to similarly situated white employees.

35. Nucor-Berkeley's and/or Nucor's discriminatory selection procedures have adversely affected Simmons. During his employment, Simmons has informed his supervisors that he was interested in being trained and promoted to positions with better opportunities for advancement. Moreover, Nucor-Berkeley and/or Nucor have routinely promoted white employees to vacant positions over African-American employees of comparable or more extensive experience. For example, on or about March 2002, Simmons applied for three positions: stacker operator, mill inspector and control pulpit operator. Simmons was qualified for all three positions. Nevertheless, these positions were given to three white employees, who were equally or less qualified than Simmons. Simmons was also never given the opportunity to train during his shift. White employees, in contrast, are allowed to train during their regular shifts.

36. As a result of Nucor-Berkeley's and/or Nucor's discriminatory actions, Simmons has suffered extreme harm.
37. **Named Plaintiff Sheldon Singletary** was employed at Nucor-Berkeley's and/or Nucor's Huger, South Carolina facility from September 1995 until September 2001. He was employed as a collier operator. During his employment, Singletary performed his duties and fulfilled his responsibilities in a satisfactory manner. Singletary has been adversely affected by the challenged systemic practices and pattern of racial discrimination by being able to learn about or compete for employment opportunities in traditionally white job classifications; by being required to work in conditions in which he and other members of his race were demeaned; by not being provided training available to similarly situated white employees; and by being required to work under discriminatory terms and conditions of employment, including being required to endure racial hostilities directed at himself and members of his race.
38. Nucor-Berkeley's and/or Nucor's discriminatory practices and procedures have adversely affected Singletary. During his employment, Singletary informed his supervisors that he was interested in being promoted to positions with better opportunities for advancement. Moreover, Nucor-Berkeley and/or Nucor routinely promoted white employees to vacant positions over African-American employees of comparable or more extensive experience. For example, Singletary applied for several promotions. He was qualified for those positions. Nevertheless, those positions were always given to white employees with less seniority and experience than Singletary. Singletary trained some of the white employees, who were given

the positions for which Singletary applied. Furthermore, white employees were allowed to train "on the job" during their normal working hours whereas African-American employees were only allowed to train on their days off. Singletary has personally observed that the plant in which he works is disproportionately white. Singletary has been subjected to a work environment that tolerates the use of racial slurs and prominent displays of the confederate flag.

39. Nucor-Berkeley and/or Nucor retaliated against Singletary for opposing racial discrimination. On July 8, 2001, Singletary requested a leave of absence under the Family Medical Leave Act ("FMLA") because of a family emergency. During a meeting with his supervisor, Singletary stated that there was racism at the plant and that African-American employees were treated as "second class citizens." Shortly thereafter, Singletary was told that he did not qualify for the FMLA and that he would be discharged if he did not return to work. Singletary was unable to return to work and was discharged by such defendants.

40. As a result of Nucor-Berkeley's and/or Nucor's discriminatory actions, Singletary has suffered extreme harm.

41. **Named Plaintiff Gerald White** has been employed at Nucor-Berkeley's and/or Nucor's Huger, South Carolina facility since July 1998 until the present. He has been employed in the capacity of guide builder/welder. During his employment, White has performed his duties and fulfilled his responsibilities in a satisfactory manner. White has been adversely affected by the challenged systemic practices and pattern of racial discrimination by not being able to learn about or compete for employment



opportunities in traditionally white job classifications; by being required to work in conditions in which he and other members of his race were demeaned; by being required to work under discriminatory terms and conditions of employment, including being required to endure racial hostilities members of his race.

42. Nucor-Berkeley's and/or Nucor's discriminatory practices and procedures have adversely affected White. During his employment, White has informed his supervisors that he was interested in being promoted to positions with better opportunities for advancement. Moreover, Nucor-Berkeley and/or Nucor have routinely promoted white employees to vacant positions over African-American employees of comparable or more extensive experience. For example, White applied for a roll shop supervisor position in 2001. Said defendants selected Jerry Herman, a less qualified white employee for the position. Herman had been previously demoted and had never worked in the roll shop department. White was required to train Herman in the roll shop operation. White has personally observed that the plant in which he works is disproportionately white despite the fact that it is located in a predominately black neighborhood. White has been subjected to discriminatory working conditions. Throughout much of 2000, White's crew worked the day shift, which was helpful for White. White's wife was hospitalized for three months and working the day shift enabled White to be with his wife in the evenings. In September 2002, White's crew was re-organized, and White was assigned to work a swing shift that included working during evening hours. White asked Chris Anderson, a white supervisor, to return to his day shift because his wife was

hospitalized. Anderson refused to accommodate his schedule. Upon information and belief, white employees are provided special treatment and their schedules are accommodated by Nucor-Berkeley and/or Nucor. White has told the plant manager that he believed racism existed at the plant.

43. As a result of Nucor-Berkeley's and/or Nucor's discriminatory actions, White has suffered extreme harm.
44. **Named Plaintiff Jason Guy** has been employed at Nucor-Berkeley's and/or Nucor's Huger, South Carolina facility since 1996 until the present. He has been employed in the capacity of saw operator and stacker. During his employment, Guy has performed his duties and fulfilled his responsibilities in a satisfactory manner. Guy has been adversely affected by the challenged systemic practices and pattern of racial discrimination by not being considered for traditionally white job classifications at the time he applied for employment; by not being able to learn about or compete for employment opportunities in traditionally white job classifications; by being required to work in conditions in which he and other members of his race were demeaned; by being required to work under discriminatory terms and conditions of employment, including being required to endure racial hostilities directed at himself and members of his race; and by not being provided training available to similarly situated white employees.
45. Nucor-Berkeley's and/or Nucor's discriminatory procedures have adversely affected Guy. During his employment, Guy has informed his supervisors that he was interested in being promoted to positions with better opportunities for advancement.

Moreover, Nucor-Berkeley's and/or Nucor have routinely promoted white employees to vacant positions over African-American employees of comparable or more extensive experience. In approximately May, 2003, Guy applied for a promotion that was awarded to a white employee.

46. In June 2003, Guy was wrongfully disciplined and terminated because of his race and in retaliation for his opposition to racial discrimination. Guy filed a charge of discrimination in December 2002 alleging race discrimination against Nucor-Berkeley and/or Nucor. In March 2003, Guy was subjected to disparate disciplinary treatment. Guy's team of fellow employees was accidentally involved in an incident at work. Five of the employees, all of whom are white, were disciplined by receiving only a write-up. However, Guy received the more severe disciplinary action of a suspension.

47. As a result of Nucor-Berkeley's and/or Nucor's discriminatory actions, Guy has suffered extreme harm.

48. **Named Plaintiff Jacob Ravenell** has been employed at Nucor-Berkeley's and or Nucor's Huger South Carolina facility from approximately July 1998 through the present. During his employment, Ravenell has performed his duties and fulfilled his responsibilities in a satisfactory manner. Ravenell has been adversely affected by the challenged systemic practices and pattern of racial discrimination by not being able to learn about or compete for employment opportunities in traditionally white job classifications; by being required to work in conditions in which he and other members of his race were demeaned; by being required to work under discriminatory

terms and conditions of employment, including being required to endure racial hostilities directed at himself and members of his race and by not being provided training available to similarly situated white employees.

49. Nucor-Berkeley's and/or Nucor's discriminatory selection procedures and adverse terms and conditions of employment have adversely affected Ravenell. During his employment Ravenell has informed his supervisors that he was interested in being promoted to positions with better opportunities for advancement. The challenged practices have directly effected Ravenell. Nucor-Berkeley and/or Nucor has routinely promoted white employees to vacant positions over African-American employees of comparable or more extensive experience. For example, in approximately August of 2003, Ravenell applied for a #1 Exit Operator Position in the Reversing Mill Department. Ravenell was qualified for the position. Additionally, in October of 2003, Ravenell applied for a #1 Entry Operator position in the Reversing Mill Department. Ravenell was qualified for this position. On both occasions Ravenell was denied the position. Ravenell has been denied the opportunity to train for these and other positions.
50. Ravenell has personally observed and been subjected to the Defendants' tolerance of a racially hostile work environment. For example, Ravenell has been called "Dan" by a white co-employee. A white co-employee later informed Ravenell that the name "Dan" stood for "dumb ass nigger." Ravenell has also observed racially hostile graffiti during his employment. Nucor-Berkeley and/or Nucor have tolerated other racially offensive comments and paraphernalia.

51. As a result of Nucor-Berkeley's and/or Nucor's discriminatory actions, Ravenell has suffered extreme harm.

**VIII. CLASS CLAIMS AGAINST NUCOR-BERKELEY AND NUCOR ARISING FROM THE HUGER, SOUTH CAROLINA PLANT**

**A. DISCRIMINATION ON THE BASIS OF RACE IN VIOLATION OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §§ 2000(c), *et seq.*, AS AMENDED, AND THE CIVIL RIGHTS ACT OF 1866, 42 U.S.C. § 1981, AS AMENDED CLAIMS FOR DECLARATORY, INJUNCTIVE, AND OTHER EQUITABLE RELIEF**

52. The named plaintiffs restate and incorporate by reference Paragraphs 1 through 51 above as part of this Count of the Third Amended Complaint.
53. The named plaintiffs and the class they seek to represent have been subject to systemic racial discrimination including, but not limited to, a pattern and practice of intentional discrimination and a battery of practices having unlawful disparate impact on their employment opportunities. Such racial discrimination includes a policy and practice of restricting African-Americans' employment opportunities to the lower classification and compensation levels. The systemic means of accomplishing such racial discrimination include, but are not limited to, Nucor-Berkeley's and/or Nucor's selection procedures, racially hostile reputation and conditions of work, and unequal terms and conditions of employment.
54. Nucor-Berkeley's and/or Nucor's selection and compensation procedures incorporate the following racially discriminatory practices: 1) reliance upon subjective procedures and criteria which permit and encourage the incorporation of racial stereotypes and bias of such defendants' predominantly white managerial staff; 2) refusal to establish or follow policies, procedures, or criteria that reduce or eliminate

disparate impact and/or intentional racial bias or stereotypes in such defendants' decision making process; 3) refusal to post or announce vacancies or employment opportunities in a manner that allows African-Americans to learn about such opportunities and compete for them before they are filled by white employees or applicants; 5) pre-selection of whites before vacancies or opportunities become known; and 7) discouragement of applications and expressions of interest by African-Americans through a reputation for racial bias, racially hostile conditions of work, and unequal terms and conditions of employment in such areas as work hours and position assignments.

55. Nucor-Berkeley's and/or Nucor's selection have a disparate impact on the individual named plaintiffs and the class they represent. Such procedures are not valid, job related or justified by business necessity. There are objective and structured selection procedures available to Nucor-Berkeley and/or Nucor which have less disparate impact on African-Americans and equal or greater validity and job relatedness, but such defendants have refused to consider or to use such procedures.
56. Nucor-Berkeley's and/or Nucor's selection procedures are intended to have a disparate impact on the named plaintiffs and the class they seek to represent.
57. Nucor-Berkeley's and/or Nucor's selection procedures have adversely affected the named plaintiffs and the class they seek to represent, including but not limited to, the following: not hiring or promoting African-Americans in the traditionally white classification and compensation levels; assigning African-Americans to inferior work hours and other unequal terms and conditions of employment; and encouraging or

ratifying racially hostile conditions of work and racially demeaning stereotypes regarding the capabilities, motivation and interests of African-Americans.

58. Nucor-Berkeley and/or Nucor have also continuously engaged in, condoned and ratified discrimination which constitutes a continuing violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000e, et seq., as amended, and 42 U.S.C. §1981, as amended.

59. The named plaintiffs have no plain, adequate, or complete remedy of law to redress the wrongs alleged herein, and this suit for back-pay, an injunction other equitable relief, and a declaratory judgment is their only means of securing adequate equitable relief. Plaintiffs are now suffering and will continue to suffer irreparable injury from Nucor-Berkeley's and/or Nucor's unlawful policies and practices as set forth herein unless enjoined by this Court.

60. By reason of Nucor-Berkeley's and/or Nucor's discriminatory employment practices, the named plaintiffs have experienced harm, including loss of compensation, back and front pay, and other employment benefits.

**B. CLAIMS FOR NOMINAL, COMPENSATORY AND PUNITIVE DAMAGES  
PURSUANT TO 23(B)(3)**

61. The common issues of fact and law affecting the claims of the representative named plaintiffs and proposed class members, including, but not limited to, the common issues identified in paragraphs 1-60 above, predominate over any issues affecting only individual claims.

62. A class action is superior to other available means for the fair and efficient adjudication of the claims of the named plaintiffs and members of the proposed class.

63. The cost of proving the Nucor-Berkeley's and/or Nucor's pattern or practice of discrimination makes it impracticable for the named plaintiffs and members of the proposed class to prosecute their claims individually.

**IX. PRAYER FOR RELIEF**

64. Wherefore, the named plaintiffs on behalf of themselves and the class members whom they seek to represent request the following relief:
- a. Acceptance of jurisdiction of this cause;
  - b. Certification of the case as a class action maintainable under Federal Rules of Civil Procedure Rule 23 (a) and (b)(2), on behalf of the proposed plaintiff class, and designation of such Plaintiffs (and appointment of such plaintiff's as designated,) as representatives of the class defined above and their counsel of record as class counsel;
  - c. A declaratory judgment that the Nucor-Berkeley's and/or Nucor's employment practices challenged herein are illegal and in violation of Title VII and 42 U.S.C. §1981;
  - d. A temporary and permanent injunction against Nucor-Berkeley and/or Nucor and their partners, officers, owners, agents, successors, employees, representatives and any and all persons acting in concert with them, from engaging in any further unlawful practices, policies, customs, usages, racial discrimination and retaliation by such defendants set forth herein;
  - e. An Order requiring Nucor-Berkeley and/or Nucor to initiate and implement programs that provide (i) equal employment opportunities for African-



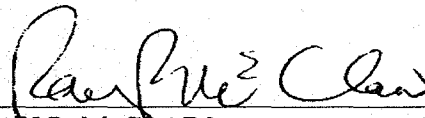
American employees; (ii) remedy the effect of Nucor-Berkeley's and/or Nucor's past and present unlawful employment practices; and (iii) eliminate the continuing effects of the discriminatory and retaliatory practices described above;

- f. An Order requiring Nucor-Berkeley and/or Nucor to initiate and implement systems of assigning, training, transferring, compensating, and promoting African-American employees in a non-discriminatory manner;
- g. An Order establishing a task force on equality and fairness to determine the effectiveness of the programs described in (e) and (f), above, which would provide for (i) the monitoring, reporting, and retaining of jurisdiction to ensure equal employment opportunity, (ii) the assurance that injunctive relief is properly implemented, and (iii) a quarterly report setting forth information relevant to the determination of the effectiveness of the programs described in (e) and (f), above;
- h. An Order restoring the named plaintiffs and the class they seek to represent to those jobs they would now be occupying but for Nucor-Berkeley's and/or Nucor's discriminatory practices;
- i. An Order directing Nucor-Berkeley and/or Nucor to adjust the wage rates and benefits for the named plaintiffs and the class they seek to represent to the level that they would be enjoying but for such defendants' discriminatory practices;
- j. An award of back pay; front pay; lost job benefits; preferential rights to jobs.

and other equitable relief for the named plaintiffs and the class they seek to represent;

- k. An award of nominal, compensatory and punitive damages for all legal relief sought in this complaint
- l. An award of litigation costs and expenses, including reasonable attorney's fees to the named plaintiffs and class members;
- m. Prejudgment interest; and
- n. Such other and further relief as the Court may deem just and proper.

Respectfully submitted this 28<sup>th</sup> day of January, 2005.



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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

QUINTON BROWN, JASON GUY,  
RAMON ROANE, ALVIN SIMMONS,  
SHELDON SINGLETARY, and  
GERALD WHITE, individually and  
on behalf of the class they seek to represent,

Plaintiffs,

v.

NUCOR CORPORATION and NUCOR  
STEEL-BERKELEY

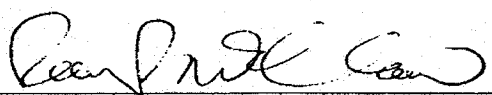
Defendants.

CASE No.: 04-CV-22005  
CLASS ACTION

CERTIFICATE OF CONSULTATION

Undersigned local counsel for Plaintiffs hereby certifies that he has contacted the office of local counsel for the defendants in an effort to consult regarding possible consent to this Motion. Both local counsel for the defendants are out of town, so that consultation cannot be obtained prior to the filing deadline in the Scheduling Order, which is today. Undersigned counsel will continue to seek consultation as to defendants' possible consent to this Motion, and, if consent be forthcoming, will notify the Court promptly that the Motion is not opposed.

Respectfully submitted this 28<sup>th</sup> day of January, 2005.

  
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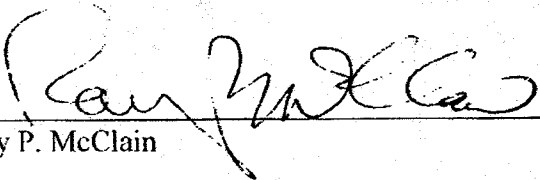
**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion to File Third Amended Complaint with Exhibits attached to the Motion and the Certificate of Consultation was sent, by U.S. Mail, properly addressed and first-class postage prepaid, on the following:

Richard D. Alaniz  
Terry E. Schraeder  
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Melanie Stith  
Gateway Center, Suite 200  
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P.O. Box 22129  
Charleston, SC 29413

Done this 28<sup>th</sup> day of January, 2005

  
\_\_\_\_\_  
Ray P. McClain