

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

JOHNNY REYNOLDS, etc.,
et al.,

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JEFFERY W. BROWN,

MAR 18 1986

THOMAS C. CAVER, CLERK
BY *[Signature]*
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Intervenor-Plaintiff,
individually and as a re-
presentative on behalf
of a class of black
employees of the Highway
Department, State of
Alabama, similarly
situated,

*
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA.
*

Plaintiffs,

* Civil Action No.

vs.

* 85-T-665-N

RAY BASS, etc., et al.,

Defendants

COMPLAINT IN INTERVENTION

I

1. The plaintiff-intervenor Jeffery W. Brown is a black citizen of the United States who currently resides in Mobile County, Alabama.

2. The defendants are the same as those named in the original action filed in this action.

3. The jurisdiction of this Court is invoked pursuant to 28 USC Section 1331 and Section 1343. This action is authorized by Title 42 U.S.C. Section 1981 and 1983, seeking a permanent injunction to restrain the defendants, their servants, agents, employees, successors and anyone acting in

concert and participation with them from depriving plaintiffs, under color of state law, statute, ordinance, regulation, custom or usage of rights, privileges, and immunities secured by the constitution and statutes of the United States, including in particular, the 14th Amendment to the U.S. Constitution. The amount in controversy exceeds Ten Thousand (\$10,000.00) dollars, exclusive of interest and costs.

4. The plaintiff-intervenor incorporates by reference the allegations contained in paragraphs 11 through 26 of the original complaint filed herein by plaintiff Johnny Reynolds, which allegations have subsequently also been incorporated by plaintiffs-intervenors, Ouida Maxwell, Martha Ann Boleware, and Florence Belser in their petitions to intervene.

II

Nature of Action:

5. This action is brought by plaintiff-intervenor as a class action, on his own behalf and on the behalf of all others similarly situated, under the provisions of Rules 23(a) and 23(b)(1) of the Federal Rules of Civil Procedure, for injunctive and declaratory relief and other relief incident and subordinate thereto, as well as for back pay, including costs and attorneys fees.

6. The classes so represented by plaintiff-intervenor in this action, and of which plaintiffs are of themselves

members, consist of (1) all black employees of the Highway Department, the State of Alabama and (2) all black applicants and prospective applicants for employment with the Highway Department, the State of Alabama.

7. The exact numbers of the individuals classes, as hereinabove identified and described, are not known, but the classes are so numerous that joinder of individual members herein is impracticable.

8. There are common questions of law and fact in the action that relate to and affect the rights of each member of the class and the relief sought is common to the entire class,

{a} namely all black applicants for the position of Graduate Civil Engineer.

III

9. The plaintiff-intervenor graduated from the University of Alabama in May of 1982 with a bachelor of science in Civil Engineering Technology. Before he graduated he applied for the position of public health engineer I at the Highway Department, State of Alabama but was turned down. Subsequent to graduation, plaintiff-intervenor again applied for the position of Graduate Civil Engineer.

10. Even though plaintiff received a relatively high earned rating and final grade on the examination given, plaintiff was never offered a job with the defendant Highway

Department, State of Alabama. As recently as 1985, plaintiff received an earned rating of 88.00 and a final grade of 88.00 on the competitive examination of the State of Alabama Personnel Department, which ranked him number 6 the entire list of Graduate Civil Engineer applicants. Yet, as of this date (March, 1986) plaintiff has yet to hear back from the Highway Department, State of Alabama as far his employment request is concerned.

11. Plaintiff-intervenor avers that he is as qualified, if not better qualified, than other graduate civil engineer prospects, who happen to be white and/or caucasian and who have been selected by the Highway Department, State of Alabama. Plaintiff is now in fact serving as president of Coastal Asphalt and Construction, Inc. located in Theodore, Alabama. Plaintiff avers that but for his black race or African heritage he would have or should have been hired by the Highway Department, State of Alabama as a graduate civil engineer.

12. Plaintiff-intervenor avers that he has been economically damaged and injured by the racial discrimination practices of the defendant Highway Department, State of Alabama, acting by and through the other defendants in carrying out said defendants' racially-discriminatory policies. Plaintiff also avers that he has suffered mental and emotional anguish on account of defendants' violation of his constitutional rights.

PRAYER FOR RELIEF


WHEREFORE, premises considered, plaintiff-intervenor prays for the same relief requested by plaintiff Johnny Reynolds in paragraphs 1 through 6 of his Prayer for Relief in the above-captioned action.

Respectfully,

JEFFERY BROWN,
Plaintiff-intervenor,

OF COUNSEL:

McPHILLIPS, DeBARDELABEN
& HAWTHORNE,
P.O. Box 64
Montgomery, Alabama 36101

By 
Julian McPhillips

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Complaint-In-Intervention, upon all counsel of record, on this the 17th day of March, 1986.


Julian McPhillips