

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

FILED

JUN 2 1992

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.  
MONTGOMERY, ALA. BA

JOHNNY REYNOLDS, et al., )  
 )  
 Plaintiffs, )  
 )  
 FRANK REED, )  
 )  
 Plaintiff-Intervenor, )  
 )  
 v. )  
 )  
 RAY BASS, KING, et al. )  
 )  
 Defendants. )

CIVIL ACTION NUMBER:  
CV-85-T-665-N

COMPLAINT IN INTERVENTION

COMES NOW Frank Reed, Plaintiff-Intervenor, by and through his counsel, and respectfully alleges as follows:

I. JURISDICTION

1. The jurisdiction of this Court is invoked pursuant to the 28 U.S.C. Section 1331, 1343(4) and 28 U.S.C. Sections 2201 and 2202, 42 U.S.C. Section 2000e et seq. This is a suit authorized and instituted pursuant to Title VII of the Act of Congress known as the "Civil Rights Act of 1964," as amended, by the "Civil Rights Act of 1991" (hereinafter collectively referred to as "Title VII") 42 U.S.C. Section 2000e et seq., and 42 U.S.C. Section 1981 and 42 U.S.C. Section 1983. The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by 42 U.S.C. Section 2000e et seq., 42 U.S.C. Section 1983, the

INTERVENTION

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Fourteenth Amendment of the United States Constitution and the "Civil Rights Act of 1991" providing for injunctive and other relief against race discrimination.

2. The plaintiff-intervenor has fulfilled all conditions precedent to the institution of this action under Title VII. Plaintiff-intervenor timely filed his charge of race discrimination. Plaintiff-intervenor's charge was within 180 days of occurrence of the last discriminatory act. Plaintiff-intervenor timely filed his race claim within 90 days of the receipt of his right to sue letter from the E.E.O.C.

## **II. PARTIES**

3. Plaintiff-intervenor, Frank Reed, is a black citizen of the United States, and a resident of the State of Alabama. The plaintiff-intervenor is employed by the defendant in Birmingham, Alabama.

4. Defendants, are the State of Alabama, State of Alabama Personnel Board and Department, Halycon Vance Ballard, State of Alabama Highway Department, and Perry Hand (Director of State of Alabama Highway Department). Defendants are subject to suit under Title VII of the Act of Congress known as the "Civil Rights Act of 1964," as amended, 42 U.S.C. Section 2000e et seq. The defendants employ at least fifteen (15) persons and is an employer within the meaning of 42 U.S.C. Sections 2000e(b),(g), and (h). The defendants are also an employer subject to suit pursuant to the provisions of the Act of Congress known as "The Civil Rights Act of 1886," 42 U.S.C. Section 1981.

**III. CAUSES OF ACTION**

5. The plaintiff-intervenor re-alleges and incorporates by reference paragraphs 1-4 above with the same force and effect as if fully set out in specific detail hereinbelow.

6. The plaintiff-intervenor incorporates by reference the plaintiffs' contentions in the pre-trial order entered October 7, 1991. The plaintiff-intervenor alleges that he has been directly affected by the discriminatory practices of the defendants and has also been affected by witnessing the impact of these practices on other black employees and applicants.

7. The plaintiff-intervenor contends that the defendants racially discriminate individually and on a classwide basis in the selection and training process for job opportunities (including reassignments, layoffs, reductions-in-force and other means by which persons obtain assignment to jobs or training.). The plaintiff-intervenor also contends that the defendants racially discriminate in evaluating, compensating, disciplining and discharging employees. The plaintiff-intervenor further contends that the defendants discriminate in the terms, conditions and privileges of work, including, but not limited to, a racially hostile work environment and selection process, and discriminatory work assignments, privileges and prerequisites. The plaintiff-intervenor contends that this discrimination is accomplished by a variety of means which involve disparate impact, disparate treatment, or both, and which involve violations of prior court orders or rulings in cases involving one or more of these defendants and/or their predecessors, officials, agents or

employees. The plaintiff-intervenor contends that the pattern and practice of discrimination found to exist in the Personnel Department, the Highway Department and the State of Alabama employment system as a whole has been continued during the limitations period applicable to this lawsuit and that both the letter and spirit of prior rulings and injunctions have been violated by the current defendants.

8. The plaintiff-intervenor has been the victim of racial discrimination with respect to appointments, selection decisions, job assignments, promotions, training, compensation, supervision, evaluations, and other terms and conditions of employment. The plaintiff-intervenor was discouraged and deterred from seeking further positions because of the discriminatory practices, history, reputation and perception of the respondents and because of the rejection of certain of his applications.

9. The plaintiff-intervenor filed a charge of discrimination with the EEOC on December 9, 1991. The plaintiff-intervenor has been affected by the discriminatory practices of the defendants both prior to and after the passage of the Civil Rights Act of 1991. The plaintiff-intervenor has witnessed the effect that the discriminatory practices alleged herein have had on black employees and applicants both prior to and after the passage of the Civil Rights Act of 1991. The plaintiff-intervenor's employment has been affected by witnessing the discriminatory treatment of other black employees and applicants.

10. Since the filing of the plaintiff-intervenor's EEOC charge, the defendants have retaliated against him in job assignment and other terms and conditions of employment.

11. The plaintiff-intervenor has no plain, adequate, or complete remedy at law to redress the wrongs alleged herein and this suit for back-pay, an injunctive and a declaratory judgment is his only means of securing adequate relief. The plaintiff-intervenor is now suffering and will continue to suffer irreparable injury from the defendant's unlawful policies and practices as set forth herein unless enjoined by this Court.

**IV. PRAYER FOR RELIEF**

**WHEREFORE**, the plaintiff-intervenor respectfully prays that this Court assume jurisdiction of this action and after trial:

1. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of the defendants are violative of the rights of the plaintiff-intervenor, as secured by Title VII, as amended by the Civil Rights Act of 1991, 42 U.S.C. Section 2000e et seq. and 42 U.S.C. Sections 1981 and 1983.

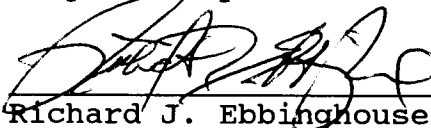
2. Grant plaintiff-intervenor a permanent injunction enjoining the defendants, their agents, successors, employees, attorneys and those acting in concert with the defendants and at the defendants' request from continuing to violate Title VII, as amended by the Civil Rights Act of 1991, 42 U.S.C. Section 2000e et seq. and 42 U.S.C. Sections 1981 and 1983.

3. Enter an Order requiring the defendants to make the plaintiff-intervenor whole by awarding him the position(s) he would

have had occupied in the absence of race discrimination, back-pay (plus interest), lost seniority, benefits, and lost pension.

4. The plaintiff-intervenor further prays for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorney's fees and expenses.

Respectfully submitted,



Richard J. Ebbinghouse  
Ann K. Norton

Counsel for Plaintiff-Intervenor

OF COUNSEL:

GORDON, SILBERMAN, WIGGINS & CHILDS, P.C.  
1400 SouthTrust Tower  
Birmingham, Alabama 35203  
(205) 328-0640

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the above and foregoing has been served by United States mail, postage prepaid and properly addressed on the following:

Mr. William F. Gardner, Esq.  
Cabaniss, Johnston, Gardner,  
Dumas & O'Neal  
1700 AmSouth-Sonat Tower  
Birmingham, AL 35203

Mr. William K. Thomas  
Cabaniss, Johnston, Gardner,  
Dumas & O'Neal  
1700 AmSouth-Sonat Tower  
Birmingham, AL 35203

Ms. Florence Belser  
P. O. Box 1863  
Montgomery, Alabama 36102

Mr. Gil Kendrick, Esq.

KENDRICK & GLASSROTH  
505 South Perry Street  
P.O. Box 910  
Montgomery, Alabama 36101-0910

Ms. Claudia H. Pearson, Esq.  
LONGSHORE, NAKAMURA & QUINN  
Suite 300 - New South Federal Building  
2100 1st Avenue North  
Birmingham, Alabama 35203

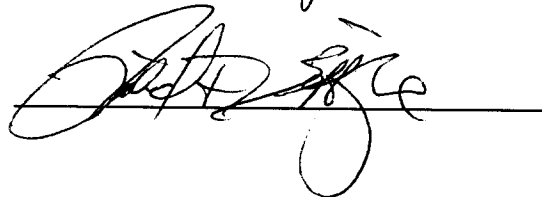
Mr. Julian McPhillips  
Attorney at Law  
MCPHILLIPS, HAWTHORNE AND SHINBAUM  
516 South Perry Street  
P. O. Box 64  
Montgomery, Alabama 36101-0064

Mr. Robert M. Weinberg  
Assistant Attorney General  
Office of Attorney General  
Alabama State House  
11 South Union Street  
Montgomery, Alabama 36130

Mr. Patrick H. Sims  
Attorney at Law  
P. O. Box 2906  
Mobile, Alabama 36652

Mr. Frank Ussery  
State of Alabama Personnel Department  
402 James E. Folsom Administrative  
Building  
Montgomery, Alabama 36130-2301

This the 5<sup>th</sup> day of May, 1992.



A large, stylized handwritten signature, likely of Frank Ussery, is written over a horizontal line. The signature is cursive and somewhat illegible due to its style.