

EXHIBIT NO. 7

DECLARATION EXCERPTS ILLUSTRATING COMMONALITY AND TYPICALITY

ANECDOTAL EVIDENCE OF RACE DISCRIMINATION IN PROMOTIONS, DISCIPLINE, HIRING, AND THE RACIALLY HOSTILE WORK ENVIRONMENT AT AMTRAK

Hostile Work Environment:

- Class Member Raymond Coleman, a Carman Railroad Mechanic in Miami (SHOP), was called a "fucking nigger," a "Boy," and a "mother fucker" by his co-workers. Coleman's complaints about this treatment to his supervisors, and even to the Amtrak Corporate Office in Washington, DC, went unanswered and the perpetrators were never disciplined. Ex. 8 at 436, Decl. of CM R. Coleman. Coleman was also harassed on the job by his White foreman, who required him to do jobs for which he was not trained and used foul language when addressing Coleman and other African-American employees. White employees were not treated this way. *Id.* Coleman was diagnosed with acute stress resulting from the harassment he was forced to endure at work, requiring him to take a six-month medical leave. He later found a noose hanging in his work area, but the incident was not investigated, despite the existence of surveillance tapes that might have uncovered who was responsible. Coleman also was not provided proper tools to do his job, such as drills and carts, which were provided to White employees. *Id.*
- Plaintiff Charmin Edwards, a Train Attendant in New Orleans (COB), was repeatedly subjected to racial slurs. Ex. 8 at 42, Decl. of PL C. Edwards. One co-worker called her "Mrs. Farrakhan" (a reference to the African-American activist, Luis Farrakhan) because she said Edwards complained a lot. *Id.* Another co-worker told Edwards that she was "tired of being around niggers and listening to nigger music;" (this co-worker was merely suspended for three days). *Id.* This same co-worker told other employees that Edwards was having an affair with a White supervisor and that she was "one of [his] Black women." *Id.* Edwards also was told that White employees had threatened to "hang niggers." *Id.* Her complaints about these incidents to her White supervisors went largely unanswered, and the perpetrators were either not disciplined at all, or given a mere slap on the wrist. *Id.*
- Class Member Windell Greene, a Ticket Clerk in Jackson, Mississippi (COB), was regularly called "boy" and "nigger" by his co-workers. He also found a noose hanging in his work area. Ex. 8 at 67, Decl. of CM W. Greene. Despite Greene's repeated complaints, no one was disciplined for these incidents. *Id.* On one occasion, the same White co-worker who called Greene these names also pulled a handgun on him. *Id.* This White co-worker was not disciplined. After customers heard Greene being called a "nigger" by his co-worker, the White co-worker was finally forced to attend diversity training. *Id.* Inexplicably, Greene was forced to attend this training as well. *Id.*
- Plaintiff Darrell Lathan, an Administrative Chief, Acting Service Manager, Debriefing Supervisor, and Train Attendant in Chicago (COB), was subjected to racially derogatory terms such as "jigaboo" by White Amtrak managers once or twice each week. Ex. 8 at 138,

Decl. of PL D. Lathan. Also, in his presence during a group meeting, White Amtrak managers made fun of an African-American worker, calling him "monkey" and making monkey gestures, while the other White managers laughed in response. *Id.* These White managers also laughed when one of their cohorts referred to another African-American as a "Nigger" then publicly urinated outside a restaurant when a confrontation ensued. *Id.* For several months in 2002 and 2003, a White manager sent weekly emails to the entire department containing racist jokes, such as "How many black people does it take to screw in a lightbulb?" *Id.* Lathan's complaint to Amtrak's Diversity Department about these emails was ignored. *Id.* The same White supervisor later removed Lathan from his position and replaced him with a less-senior, White employee, despite Lathan's seniority rights. *Id.* Lathan's complaints to Amtrak's Diversity Office again failed to result in any fair remedy. *Id.*

- Plaintiff Sean Mitchell, a Coach Cleaner in New Orleans (SHOP), describes an incident in 2000 in which White Carman, Joe Stull, hung a black stuffed monkey from the front of the Amtrak van used to transport employees from the coach yard to the station. Ex. 8 at 466, Decl. of Plaintiff S. Mitchell. Several African-American employees complained to the White Foremen and other White supervisors that they believed the monkey was racially hostile, but Amtrak never investigated or punished Mr. Stull for the incident. In a similar incident, Class Member Larry Prince, an Assistant Yard Conductor in New Orleans (OP), reports that in 1998, a White employee hung a black stuffed monkey from a rope in the employee break room. Ex. 8 at 375, Decl. of Class Member L. Prince. Amtrak purportedly investigated these complaints, but no one was ever disciplined. *Id.*
- Another employee in New Orleans, Class Member Alfred Felton, a Coach Cleaner (SHOP), testified that the Coach Cleaners, all of whom were African American except for one, were regularly assigned menial tasks that were outside of their formal job duties, such as picking up the trash around the station buildings and cleaning up work areas that were shared by all employees. Ex. 8 at 442, Decl. of CM A. Felton. In New Orleans, from 1977 until sometime in the early 1980's, segregated dressing rooms were a common practice. *Id.* Around 1996, signs for David Duke, a member of the Ku Klux Klan who was running for Governor, were posted in the washrooms. This was the only time that Felton ever saw signs for a political candidate on Amtrak property. *Id.* In about 1998, White employees hung a black doll from a noose in the locker room. Later, the doll was taken down and attached to the back of a golf cart. Felton also observed a White employee dragging a black doll behind his scooter. *Id.* On several occasions, Felton heard White employees threaten to drag "Niggers" behind the trains when they departed. These incidents were reported to Amtrak management. The only action Amtrak ever took was to post a notice about some of the incidents on a bulletin board. No one was ever disciplined for these incidents. *Id.* Felton also observed White Foremen displaying Confederate flags on their hats and radios in the workplace. *Id.* He also heard a White Foreman tell the only White Coach Cleaner that if he hung out with African-American employees, he would not be promoted. *Id.*
- Class Member Thomas Scott, a Foreman II in Washington, D.C. (SHOP), alleges that a White co-worker regularly referred to Mr. Scott and other African-American employees as

"Nigger," and was never disciplined or reprimanded for doing so. Ex. 8 at 493, Decl. of Class Member T. Scott. White employees also prominently displayed monkey dolls, and on one occasion, a noose, in work areas. *Id.* The noose hung for several days before it was finally removed. *Id.* Despite Mr. Scott's complaints about the incident, Amtrak failed to take remedial action. *Id.*

- Plaintiff Castro Landers, a Conductor in Los Angeles (OP), discovered a black doll hanging from a noose tied to a large switch pole in the public area of the train yard. Ex. 8 at 342, Decl. of PL C. Landers. Landers' complaints about the doll to Amtrak police. However, no investigation resulted. *Id.* Landers took pictures of the doll and showed them to an Amtrak Equal Employment Opportunity representative, but this representative never followed-up with Landers about the incident. *Id.* Landers had to seek mental health counseling to try to reduce the fear and anxiety that this incident and Amtrak's failure to respond caused him. *Id.*
- Class Member Terrence Sharrock, a Conductor in Washington, D.C. (OP), alleges that a White Assistant conductor, and professed member of the Ku Klux Klan, told him that African-Americans were not welcome in his home, and that if it were left up to him, he would kill all African-Americans. Ex. 8 at 380, Decl. of Class Member T. Sharrock. Additionally, White Engineer Barry Meyer repeatedly used the word "Nigger" in Mr. Sharrock's presence and called an African-American co-worker a "Nigger bitch." *Id.* After Mr. Sharrock complained, Meyer received only a 60 day suspension and was ultimately allowed to return to his previous position. White Conductor Frank Scerio also referred to Mr. Sharrock as a "Nigger" and Mr. Sharrock's supervisor told him to "deal with it" when he complained. *Id.* Amtrak never investigated or disciplined Scerio. *Id.* Amtrak also failed to take remedial action when Mr. Sharrock complained that the words "Dumb Black nigger" were written on a wall in the employee break room. *Id.*
- Class Member Aimuel "Buddy" Stewart, a former Coach Cleaner and Carman in Beech Grove, Indiana (SHOP), states that a White co-worker regularly dangled nooses in front of him and other African-American employees. Ex. 8 at 507, Decl. of Class Member A. Stewart.
- Class Member Robert Williams, a former Safety Coordinator in Beech Grove, Indiana (SHOP), complained to his White supervisor when a White co-worker called him a "Nigger." The White supervisor merely responded that the co-worker "didn't mean it." Ex. 8 at 528, Decl. of Class Member R. Williams. Thereafter, Mr. Williams was afraid to report incidents of racial hostility, such as when he heard White supervisors use racial slurs at company holiday parties, or when he saw Ku Klux Klan graffiti throughout the Beech Grove facility. *Id.*
- Plaintiff Darrell Johnson, a Ticket Agent in Charlotte (COB) and his African-American co-workers were regularly called "Slave niggers" by a White supervisor. Ex. 8 at 111, Decl of PL D. Johnson. Despite these complaints, the White supervisor was not disciplined. *Id.* A White employee also regularly referred to Black men as "Boy" and called Johnson a "Stupid old nigger." *Id.* Employee complaints about these comments similarly did not result in any discipline. *Id.*

- Class Member Garner Willis, a former Signalman in Boston (ENG), testifies that White Manager Mattie McCabe used racial epithets, such as “Black ass,” on a daily basis in the presence of other White managers, and that a White Signalman told racist jokes, such as “How many monkeys does it take to turn a light bulb?” in the presence of White managers. Ex. 8 at 290, Decl. of Class Member G. Willis. Neither employee was disciplined, even after Mr. Willis complained; notably, Mr. Willis’ supervisor, to whom he had to complain, was his White manager’s brother. *Id.*
- Plaintiff Kirk Marshall, a Ticket Clerk in Chicago (COB), alleges that White Supervisor D.C. Thomas referred to Mr. Marshall and another African-American employee as “a bunch of monkeys.” Ex. 8 at 142, Decl. of Plaintiff K. Marshall.
- Plaintiff Wayne Bailey, a Communications and Signalman Helper in Philadelphia (ENG), was repeatedly threatened with termination and demotion by his White supervisor Joe Derillo after he was falsely accused of a minor infraction. Ex. 8 at 269, Decl. of PL W. Bailey. Thereafter, Derillo constantly accused Bailey of not doing his job and yelled at him. *Id.* Bailey transferred to the night shift to avoid Derillo’s constant harassment. *Id.* In addition, Steve Baggica, a White Assistant Foreman, constantly yelled and screamed at Bailey and other African-American employees and assigned them the menial, less desirable, more dangerous, and physically harder jobs, such as heavy equipment lifting jobs. Derillo also harassed Bailey about his use of the restroom, required Black employees, but not White employees, to walk several miles to use the restroom, and was known to make racial comments. *Id.* Bailey’s complaints to his White foreman about this treatment, to which White employees were not subjected, were ignored. *Id.*

Additionally, white supervisors Robert Schlembach and Craig St. John ordered Bailey to do a job outside in the pitch black and heavy rain without giving him the proper equipment to do so and without notifying him of the safety rules. *Id.* Whites are not required to perform such dangerous work without proper equipment or guidance. *Id.* As a result of working in the dark and poor weather, Bailey fell off a bridge and injured his back severely. *Id.* Eventually his doctors cleared him for light duty work, which Derillo refused to assign him, even though three White employees had been assigned light duty work and his union representative confirmed that light duty positions were available, but were being saved for white employees. *Id.* Bailey was never assigned light duty work and eventually resigned from Amtrak. *Id.*

- Plaintiff Raymond Burditt, a Coach Cleaner in Seattle (SHOP), and his African American co-workers were routinely subjected to racial epithets, racial jokes, and racial hostility from White managers and co-workers. Ex. 8 at 420, Decl. of PL R. Burditt. One White co-worker, in particular, made comments such as: “All Amtrak hires are niggers, spics and faggots,” criticized the fact that a White woman dated Black men, and asked an African-American woman, in front of a White Assistant Conductor, “When are you going to drop that porch monkey out of your belly?” *Id.* Burditt reported all of these incidents in writing to a White District Manager, but the employee received only a slap on the wrist.

Because of Amtrak's inadequate response to this blatantly racist conduct, approximately twenty-three employees, including Burditt, wrote a letter to the then President of Amtrak, George Warrington, expressing their dissatisfaction with Amtrak's handling of the incidents and their disappointment that Amtrak continued to perpetuate and condone a racially hostile work environment and failed to adequately address instances of discrimination. *Id.* Burditt was informed that the incident was under investigation, but nothing further happened. *Id.*

White employees in Seattle constantly put pressure on employees not to associate with those outside their race, asking White employees with a reputation for dating Black men, "Who was your nigger last night?" *Id.* When, in his capacity as Assistant Union Representative, Burditt wrote a letter to the District Manager about such incidents, two White employees somehow retrieved the letter from the Manager's office and posted it on a public bulletin board and ridiculed Burditt for grammatical and spelling errors that were contained in it. *Id.* Amtrak took the letter down only after Burditt confronted them about it. *Id.* On another occasion, a White employee asked Burditt whether or not he ate brazil nuts, in an effort to get him to use the racially derogatory term for the nuts - "nigger toes" - but Burditt refused to do so. *Id.*

Plaintiff Ted Bailey, an Electrician in Washington, D.C. (SHOP), reports that he and other African-American electricians were, on a daily basis, given more menial, less desirable, and more physically demanding job assignments than were given to white electricians. Ex. 8 at 408, Decl. of PL T. Bailey. For example, only African-American employees were given the task of repairing, maintaining and moving the copper electrical cable that runs under all of Amtrak's passenger trains. *Id.* The cable is not only heavy (it is one to two inches in circumference and is moved in ten to twelve foot sections, several sections at a time), but the work was dirty and exposed employees to dangerous chemicals and electrical components under the train. *Id.* In contrast, White employees were routinely assigned to "troubleshooting" and technical planning tasks, which were performed inside the clean, air conditioned or heated train cars. *Id.* Bailey also heard a White co-worker refer loudly to an African-American Yardmaster as "Nigger," and when Bailey and another co-worker complained about the incident to a White supervisor, they were simply told to "move on."

Class Member Thomas Carter, a Car Inspector (SHOP) who worked in Jacksonville, Florida, was repeatedly singled out from his White counterparts for racially hostile treatment. Ex. 8 at 425, Decl. of CM T. Carter. A White Supervisor, Tony Mongillo, berated Carter in front of co-workers and passengers, stating, "that's the problem with you people wanting to work with the railroad." *Id.* Carter reported this offensive behavior, but it did not change. *Id.* Mongillo later slammed one of Carter's fingers in a drawer and accused Carter of trying to "steal time" when Carter was called in by another supervisor (a well-known member of the KKK) to work overtime, stating, "You people are all the same." *Id.* Carter was understandably disturbed by Mongillo's statements, and complained about them to Amtrak's Diversity Office and to Amtrak's President, George Warrington, but the only action taken was to place Mongillo on "probation" for three months. *Id.* Another Conductor once told Carter that he was going "coon hunting." Carter again complained, but nothing was done. *Id.*

- Class Member Christopher Clipper, a Conductor in Portland (OP), was regularly made to endure racially charged comments from a White co-worker, such as that the 1960's Civil Rights movement "Messed up everything;" and, "That's what you get for having Affirmative Action, people who don't need to be in the railroad." Ex. 8 at 316, Decl. of CM C. Clipper. Clipper's complaints to his supervisors about these comments did not result in any reprimand or discipline for the perpetrator. *Id.*
- Class Member Kevin Grisham, a Train and Service Attendant in New York (COB), was often called "Nigger" or "Boy" by Conductors who were giving instructions. Ex. 8 at 77, Decl. of CM K. Grisham. His complaints to the Chief of On Board Services and Amtrak management went nowhere.
- Plaintiff Robert Guerra, an Amtrak Police Officer in Baltimore and New York (OP), consistently saw racial graffiti on the locker room walls, including Ku Klux Klan pictures, pictures of Black men eating watermelons, and pictures of police officers shooting monkeys. Ex. 8 at 327, Decl. of PL R. Guerra. Once, after proposing that Martin Luther King Day be made a holiday at Amtrak, he discovered a hangman's rope in front of his locker. His complaints to his Lieutenant about these incidents were met with comments that they were "inappropriate." No other action was taken. *Id.* At roll call meetings, White supervisors would consistently refer to African-American criminal suspects as "Black Monkeys," "Yellow Monkeys," and "Black Mutts." *Id.*
- Kim McKay, a Payroll Clerk in Washington, D.C. (COB), reports that her White Amtrak supervisor refused to allow her and other African-American employees to take the Martin Luther King, Jr. holiday off, remarking, "Nobody needs to go to that parade." This supervisor did grant the holiday off to White employees. Ex. 8 at 157, Decl. of Class Member K. McKay. Despite McKay's complaints about the incident, Amtrak failed to take remedial action. *Id.*
- Plaintiff Timothy McKissic, a Locomotive Engineer in Philadelphia (OP), reports that in June 2004, the words "no niggers" and an African-American supervisor's name were found spray painted on the white wall of an employee locker room in Philadelphia. Ex. 8 at 357, Decl. of Plaintiff T. McKissic. Even after Mr. McKissic and others complained, it took Amtrak more than thirty days to respond, and the epithets were still visible under the paint that was used to cover them. *Id.*
- Plaintiff Joseph Pearson, a Heavy Equipment Operator in Philadelphia (SHOP), overheard a White employee call an African-American employee "Boy" and refer to his African-American wife as "Mammy." Ex. 8 at 478, Decl. of Plaintiff J. Pearson. These comments were made in the hallway of the engine house, which houses several management offices; many of these offices' doors were open and Mr. Pearson believes management-level employees must have overheard these comments. *Id.*

- Plaintiff Linda Potts, who at the time was working as an Assistant Conductor in Los Angeles (OP), reports that after her White supervisor fired her, he commented to a coworker in reference to Ms. Potts, "I fired the Black bitch." Ex. 8 at 367, Decl. of Plaintiff L. Potts.
- Plaintiff John McCargo, an Administrative Chief in Lorton, Virginia (COB), reports that both a Conductor and an Assistant Conductor called him a "Nigger" while he was working at Amtrak; neither employee was disciplined. Ex. 8 at 147, Decl. of Plaintiff J. McCargo.
- Plaintiff Sabrenna Mumphrey, Relief Lead Agent and Ticket Agent/Baggage Person at Amtrak's Charlotte station (COB), describes an incident in 2007 in which a White male employee hung a picture of African-American tennis star Serena Williams in the employee break room; the picture had an arrow pointing to Ms. Williams' rear end and stated, "That's what I like about Black women." Ex. 8 at 169, Decl. of Plaintiff S. Mumphrey. Ms. Mumphrey and other African-American women complained to White supervisors about the photograph, but they were told to "just try to get along" with the employee who had hung up the photograph. Nothing else was done. *Id.*
- Plaintiff Cheryl Robinson, a Statistical Clerk at the CNOC building in Wilmington, Delaware (COB), reports that in 2001 someone placed and posted dozens of fliers depicting a highly offensive, racist caricature of an African-American person with a line through the picture similar to a "no smoking" sign, just outside the employee cafeteria and in the women's restroom. Ex. 8 at 210, Decl. of Plaintiff C. Robinson. After complaints, Amtrak's Diversity Office stated that it would investigate. Ms. Robinson never heard anything back from that office or her supervisors. *Id.*
- Plaintiff Lysa Ridley-Jones, who at the time was a Ticket Agent in Atlanta, Georgia (COB), reports that a White co-worker hung a white paper gown (issued by Amtrak as a clothing cover for dirty cleaning jobs) with the letters "KKK" written on it in the baggage room, a work area frequented by African-American employees. Ex. 8 at 197, Decl. of Plaintiff L. Ridley-Jones. Despite complaints, no one was disciplined. *Id.*

Promotions:

- Class Member Christopher Clipper, a Conductor in Oakland, California (OP), was twice passed over for a promotion to Locomotive Engineer in favor two lesser-qualified, less-senior White employees. Ex. 8 at 316, Decl. of Class Member C. Clipper. Clipper, in addition to his seniority and greater train yard experience, had a Bachelors of Science Degree in Transportation Management Logistics, while only one of the four White selectees had a college degree, and it was a Degree in Music. *Id.* At the time of this promotion (2003), to Clipper's knowledge, Amtrak had not promoted any African-American employees to the position of Locomotive Engineer in Oakland, California in three years. *Id.*
- Class Member Burnell Alexander, a Conductor in Seattle (OP), reported that when he applied