

**PLAINTIFFS' EXHIBIT A**

**PLAINTIFFS' RESPONSES TO WHAT PLAINTIFFS BELIEVE ARE AMTRAK'S POINTS REGARDING THE CLAIMS IN THE TAC**

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<p align="center"><b>Plaintiffs' Response to Defendant's Exhibit B re: Adverse Employment action Alleged; Sufficient Facts Pled to Support Plausible Inference</b></p>	<p align="center"><b>Plaintiffs' Response to Defendant's Exhibit C re: Sufficient "Work-Related" Actions; Satisfaction of Prima Facie Case (and not "Conclusory")</b></p>
<p><u>Ransford Acquaye</u></p> <ul style="list-style-type: none"> <li>• He experienced intentional racial discrimination in discipline, discharge, and other terms and conditions of employment.</li> <li>• A false accusation led to him being put out of service (on his wedding day).</li> <li>• Amtrak management told him if he came to the station for any reason, or even took the train for personal reasons, he would be arrested.</li> <li>• Management denied the existence of an audio tape, known by Plaintiff to have existed, containing an admission by an Amtrak manager that the accusation was false.</li> <li>• Argument: Denial of exculpatory testimony is a manipulation of the discipline process, which is a feature of the collectively-bargained agreement and therefore a term and condition of employment.</li> <li>• On their face, the facts support an inference of racial motive, as false accusations for no other reason, and a threat of arrest for perfectly lawful actions, again for no other reason, are classic examples of racial animus. The motion is without merit.</li> </ul>	<p>False accusation led to being put out of service (on his wedding day). Amtrak management told him if he came to the station for any reason, or even took the train for personal reasons, he would be arrested. "White employees in Ransford Acquaye's position were not subjected to such humiliation." Argument: These are not conclusory, but rather affirmative statements of what happened and that such treatment does not happen to white employees.</p> <p>It is neither possible nor necessary to name all the white employees who were not treated in such fashion. One cannot produce a specific comparator on these facts without targeted discovery. Without discovery into Amtrak's discipline files, harassment complaint logs, or logs of summarized precedents, one cannot make a specific comparison.</p> <p>On the face of the fact allegations, it is entirely plausible to infer that such drastic adverse actions as a false accusation against a black employee, and a threat to have him arrested if he so much as boards a train as a member of the public, is race-related harassment, and discovery will shed further light on the issue.</p>
<p><u>Christopher Adams</u></p> <ul style="list-style-type: none"> <li>• After layoff in 2001, he reapplied for employment with Amtrak twice.</li> </ul>	<p>This Plaintiff's racial harassment claim is to be dropped.</p>

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<ul style="list-style-type: none"><li>• He never received any call back or interview, despite his attempts to follow up in 2007 and 2009.</li><li>• Amtrak fails to explain how this is supposedly “Failure to Allege Adverse Employment Action” and, clearly, Amtrak is wrong. Failure to rehire after furlough and reapplication is clearly an adverse employment action.</li><li>• “ ... there were other black men who were laid off in around 2001 or 2002 that were not called back for rehire either.” ¶ 30.</li><li>• There is nothing conclusory about that statement; it is a factual allegation which indicates there was a pattern of Amtrak not rehiring blacks who were laid off.</li><li>• Amtrak argues that the Adams “cannot reasonably show Amtrak’s inability to rehire him for the <i>unnamed</i> positions he sought is tantamount to race discrimination simply because it also did not rehire other unidentified black men. There are, for example, no specifics as to the scope of the layoffs that occurred during that timeframe, the number of open positions, the rehire rates, or whether Amtrak only rehired white men who had also been laid off in that same period.” The Plaintiff cannot have access that such information, and none of that need be alleged in the TAC because it is plainly the stuff of discovery. Plaintiff may well be able to show that Amtrak’s failure (not “inability”) to rehire him was racial discriminatory (not “tantamount to”) once discovery yields evidence about the scope of the layoffs, the number of open positions, the rehire rates, or the rehire rates of whites and blacks in the same period of time. The motion is without merit.</li></ul>	
<p><u>Roland Anderson</u></p> <ul style="list-style-type: none"><li>• Throughout 1997, Roland Anderson applied for three or four Electrician positions at Amtrak.</li><li>• He was qualified. Roland Anderson had worked as an electrician in commercial and residential areas for eleven years. Roland Anderson is educated and had all of the appropriate certifications for these occupations.</li><li>• When Roland Anderson applied for the position of Electrician, he was told that they were not accepting applications or hiring electricians at that time.</li><li>• He later found out white electricians were hired during the same time period in which he applied for at least three of the four Electrician positions.</li><li>• In June 1997, after Roland Anderson applied [f]or another Electrician position, he was informed that white applicants had been hired for this position.</li></ul>	<p>This Plaintiff’s racial harassment claim is to be dropped.</p>

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<ul style="list-style-type: none"><li>• Plaintiff Anderson's allegations include that he applied and was qualified for each job, and that whites were hired for each. He clearly alleges a prima facie case. Amtrak's records should indicate the exact jobs in question, which would be a subject of discovery. The motion is without merit.</li></ul>	
<p><u>Lachaun Armstead</u></p> <ul style="list-style-type: none"><li>• Plaintiff Armstead experienced intentional racial discrimination by Amtrak in regard to work hours, discipline, discharge, and other terms and conditions of employment.</li><li>• Plaintiff Lachaun Armstead's white supervisor ordered her to work back-to-back shifts. She would begin her first shift at 5:00 a.m. and finish by 5:00 or 6:00 p.m., and then try to rest before the next shift. However, sometimes the train was late, and so she received little or no break at all. When Plaintiff Lachaun Armstead complained to her supervisor, he told her to shut up and told her "you're going to listen to me." This is an adverse employment action because it affected the terms and conditions of her employment in regard to scheduling and rest time.</li><li>• Plaintiff Lachaun Armstead reported this behavior to management, but nothing was done. In this and other ways, the white manager subjected black employees like Plaintiff Lachaun Armstead to harsher treatment than the white employees he supervised.</li><li>• She was wrongfully terminated in 2000 after acting in self-defense in an altercation with another employee. The employee who instigated the altercation was high on drugs and threatened Armstead and brandished a knife, waving it in the air.</li><li>• The instigating employee tested positive for drugs; Plaintiff Lachaun Armstead tested negative.</li><li>• Regardless, Armstead's white supervisors decided Armstead could not return to work, thereby punishing the victim, and she was terminated.</li><li>• An arbitration decision on her subsequent grievance was made in April 2000 by William Ullmark, who upheld the termination; Ullmark is, or was a close friend of the terminating managers.</li><li>• White employees were not subjected to such disparate discipline.</li><li>• Plaintiff Lachaun Armstead was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak, including, but not limited to, the cotton bale incident described above.</li><li>• It is puzzling how Amtrak could possibly assert that the above facts do not constitute an adverse employment action or facts giving rise to a plausible belief that the actions were racially motivated. Unfavorable scheduling is a term and condition of employment. Obviously, termination is an adverse employment action. The supervisor's reaction to her complaint is evidence of racial animus. A termination</li></ul>	<p>When Plaintiff Lachaun Armstead complained to her supervisor, he told her to shut up and told her "you're going to listen to me."</p> <p>Armstead and other employees complained about this supervisor's racist behavior, then a bale of cotton inexplicably appeared in the office. Nothing was done to investigate this incident or remediate the obviously racially hostile atmosphere in the workplace.</p> <p>Both of the above comprise reasonable evidence of racial animus and racial harassment. The motion is without merit.</p>

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<p>where the established facts should have indicated termination was unwarranted indicates a plausible inference of racial animus. The motion is without merit.</p>	
<p><u>Jon A'Lida Aubry</u></p> <ul style="list-style-type: none"><li>• Plaintiff Jon A'Lida Aubry experienced intentional racial discrimination by Amtrak in regard to some or all of the following: testing, training, discipline, discharge, and other terms and conditions of employment.</li><li>• Plaintiff Jon A'Lida Aubry worked for Amtrak from June 25, 1998 until August 19, 1998 as a Train Attendant. During her training program, she was reprimanded and written up by her white Conductor for doing certain tasks that her white coworkers in training were not written up for. These disciplinary actions affected her employment and eventually led to her wrongful termination.</li><li>• Russ Settelle, Amtrak Chief of On-Board Service, stated that he did not like black women. When she was training and boarding passengers, Settelle started yelling at her about a small and insignificant matter, belittling her in front of a group of passengers and co-workers.</li><li>• Settelle instigated Plaintiff Jon A'Lida Aubry's termination, which occurred without cause or warning despite her never having received any warning or critique of her work performance.</li><li>• Amtrak's assertion that there is no adverse employment action or facts making a plausible connection between the actions and race is hard to understand. Disciplinary actions and termination (even during training) are clearly adverse employment actions. Her manager's own statement of racial animus is specifically alleged. The motion is without merit.</li></ul>	<p>This Plaintiff's racial harassment claim is to be dropped.</p>
<p><u>Thomas Ayers</u></p> <ul style="list-style-type: none"><li>• Plaintiff Thomas Ayers experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline and discharge.</li><li>• Ayers was hired by Amtrak in October 1998 as a Double A Pipefitter, for which he was well qualified, for the Engineering Department. Ayers was the only African-American in the Double A Pipefitter position in the Northeast Corridor.</li><li>• Ayers' white supervisor Mr. Leonard removed Ayers from his training class after a month or two, or shortly after the training period concluded.</li><li>• Leonard informed Ayers there was something wrong with his lab work, that something was detected in his urine.</li><li>• Leonard told Mr. Ayers to leave work and that he would get back to him in a few days.</li><li>• Leonard did not call Plaintiff Ayers back, and Plaintiff Ayers was never called back to work.</li></ul>	<p>No motion on Amtrak's Exhibit C.</p>

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<ul style="list-style-type: none"><li>• Plaintiff Ayers went to Sarah Ray in Personnel, who said she did not know he was out of service. She gave him a telephone number, but he called yet was not able to talk to anyone at that number.</li><li>• Ayers had not been on any drugs, and he had not taken any drugs with the possible exception of a prescription for a toothache.</li><li>• Nevertheless, Plaintiff Ayers lost his job.</li><li>• Amtrak's assertion that there is no adverse employment action or facts making a plausible connection between the actions and race is incomprehensible. Removal from a training class, and termination are clearly adverse employment actions. The Plaintiff clearly pleads intentional discrimination.</li><li>• If Amtrak is arguing that some specific racially derogatory thing must be said out loud in order to comprise a plausible connection, that is plainly not the case. Plaintiff cannot know all the possible disciplinary actions taken against employees, but Amtrak does, and discovery should be permitted to draw the comparison.</li><li>• The allegation is present: "Plaintiff Thomas Ayers experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline and discharge." The circumstances of the drug test, and the fact that Human Resources did not know Leonard had taken the action also contribute to the circumstances indicative of racial animus. The motion is without merit.</li></ul>	
<p><u>Elnorah Barbour</u></p> <ul style="list-style-type: none"><li>• Plaintiff Elnorah Barbour had worked for Amtrak for 24 years until 1998. In 1995, Barbour applied for a job of Analyst of Commuter Services.</li><li>• The job went to Linda Davenport, a white woman who was less qualified than Plaintiff. Linda Davenport had a high school education, while Plaintiff Elnorah Barbour is a college graduate.</li><li>• In May 1998, Plaintiff Barbour was informed that her position was being abolished due to a "temporary restructuring" of the Operations Department. Marie Koerner, a white woman with less experience than Plaintiff Elnorah Barbour, eventually took over the role.</li><li>• It is unclear what Amtrak's argument here is. The Plaintiff, a longstanding employee, applied for a job, was well qualified, was better qualified than the white person who received the position. Later, she was terminated in a supposed "temporary restructuring" and a white woman took over her position. Denial of promotion and termination are</li></ul>	<p>This Plaintiff's racial harassment claim is to be dropped.</p>

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<p>both adverse employment actions. The presentation of a <i>prima facie</i> case on both claims defeats the motion to dismiss. Discovery should follow. The motion is without merit.</p>	
<p><u>Elaine Barnett</u></p> <ul style="list-style-type: none"> <li>• Plaintiff Elaine Barnett applied for a union-represented administrative job in Washington, D.C., but was not even interviewed, despite her strong qualifications for that position.</li> <li>• Barnett transferred to the Meridien, Mississippi station in 2002 and worked there until 2004 or 2005 in a divided job: partly an administrative job in the office for the crew base and partly in the ticket office, both in the Meridien station. The ticket office duties were on the weekends. But the ticket office clerk job was taken away from Barnett abruptly and without any warning.</li> <li>• Barnett moved away from Meridien because there was no reason to stay without being able to do the extra ticket office work on weekends.</li> <li>• Amtrak then posted the ticket office job. Barnett was effectively excluded consideration for the post because she had already moved away from Meridien. The job was then awarded to a white male.</li> <li>• Back in New Orleans, Plaintiff bid on a Statistical Clerk in the Mechanical Department for which she was qualified, and she was awarded the job, but when she attempted to report for the job, the manager would not allow her to assume the job, without giving any reason.</li> <li>• Later, she found out that Amtrak had placed a white male from Jacksonville, Florida, in the job.</li> <li>• Plaintiff is left to speculate about Amtrak's argument about this Plaintiff's claims. For the first claim, she applied, was qualified, but was not even interviewed. Discovery would establish who actually received the position; Amtrak certainly did not indicate who did, but the failure to interview Plaintiff in itself is a circumstance tending to indicate racial animus.</li> <li>• Plaintiff moved away to take another job, but in that location, part of the job was taken away from her and awarded to a white male, for no apparent reason other than discrimination. These circumstances also support an allegation of racial animus.</li> <li>• For the third claim, she received the position, but the manager would not allow her to take it and a white male was placed in the job instead. These circumstances strongly support an allegation of racial animus. The motion is without merit.</li> </ul>	<p>This Plaintiff's racial harassment claim will be dropped.</p>
<p><u>Ulysses Barton</u></p> <p>Plaintiff specifically alleged:</p>	<p>On its face, the allegation is of multiple racially derogatory and demeaning statements, made by</p>

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<ul style="list-style-type: none"><li>• He is Black</li><li>• He applied for 20 jobs</li><li>• He was qualified</li><li>• He was denied each job opening</li><li>• Whites received the jobs</li><li>• He was injured by the denials.</li></ul> <p>There is nothing conclusory about these fact allegations. After so many years of the Campbell litigation, it is feasible that the Plaintiff no longer has all the specific position names or the names of the whites who received the jobs. All of these matters are the stuff of discovery, as the information for all these questions are in the possession of Amtrak.</p> <p>Barton's allegation is of multiple racially derogatory and demeaning statements, made by "many managers" at Amtrak and directed toward him personal and toward other African Americans, provides support for a reasonable inference of racially discriminatory motive for the denials because the operational managers are indisputably involved in hiring decisions (clearly demonstrated in <i>Campbell</i>; Amtrak cannot dispute this fact.) The motion is without merit.</p>	<p>"many managers" at Amtrak and directed toward him personal and toward other African Americans. That is sufficient to defeat a motion to dismiss.</p> <p>Discovery should be permitted to bring out all the facts surrounding these utterances.</p> <p>After so many years, Barton cannot be expected to remember the time and place of each utterance. Discovery will allow him to be more specific.</p> <p>For example, discovery would yield crew lists, supervisor assignments in Barton's area, and the names of managers with responsibilities in Barton's immediate workplace area, all of which would help Barton to be specific. Discovery always is helpful to such questions as who said what, and to whom, when, and where.</p> <p>If not, Amtrak is free to move for summary judgment.</p> <p>Combined with many similar allegations by other Plaintiffs, the frequency, severity, and pervasiveness may well result in a finding of a racially hostile work environment. The motion is without merit.</p>
<p>Talfourd Berry</p> <ul style="list-style-type: none"><li>• Plaintiff Talfourd Berry was denied promotions to "Specialized Service" Dog Handler positions, while his white counterparts with less experience were promoted.</li><li>• One of Plaintiff Talfourd Berry's white coworkers was assigned a dog and had an incident, and the dog was taken from him. Nevertheless, the dog was later reassigned</li></ul>	<p>This Plaintiff's racial harassment claim is to be dropped.</p>

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<p>to the same officer. Berry was not afforded such favorable opportunities with regard to the Dog Handler positions.</p> <ul style="list-style-type: none"> <li>• Plaintiff Berry presents promotion claims to Dog Handler positions which were instead awarded to white officers. He offers as supporting circumstances that even an incident that warranted a dog being removed from a white officer did not prevent Amtrak from reassigning the dog back to the same officer. While these allegations are not robust, they do indicate that Berry was denied promotions to the Dog Handler positions, while white officers received even second chances. Discovery should be permitted. The motion is without merit.</li> </ul>	
<p><b>Greg Bowen</b></p> <ul style="list-style-type: none"> <li>• Plaintiff Greg Bowen was employed at Amtrak starting in 1995 as an Electrician. He was supposed to receive AEM7 training on electrical motors, which he sought, but was denied training for a long time. He eventually was able to get the training because of his own persistence.</li> <li>• Bowen took a qualification test, and scored extremely well, but he was denied advancement opportunities, better work assignments, and general recognition of his knowledge, skills, and abilities in the department as if he did not even pass the test. White employees who test well on the qualification tests receive advancement opportunities and better work assignments, as well as general recognition, which aids in their career advancement.</li> <li>• Plaintiff Greg Bowen needed family leave in order to take care of his sick mother, which involved leaving early or changing his hours. When he asked to change his hours, he was told that would not be done, even though white employees were not denied the same request.</li> <li>• Bowen was eventually granted Family Leave from Amtrak, but his Facility manager, Daryl Pesh, never told him so. He had to research the matter for himself, and he found out two months later that he had been granted family leave. During that important time, he was effectively denied leave to take care of his sick mother due to the discrimination.</li> <li>• White employees are not denied leave, or notification of leave being granted, in such a manner.</li> <li>• Amtrak tried to discipline Plaintiff Greg Bowen for misuse of family leave, although the union intervened to stop it.</li> <li>• Plaintiff Greg Bowen received a disciplinary letter from his white supervisor Glen Herrell stating that Bowen refused to perform the duties assigned to him. He did not refuse, but there was nothing he could do, as there were already four electricians present who were all working on one socket.</li> <li>• Bowen presents training, advancement, work assignments, leave, and disciplinary claims. For each, sufficient facts are presented to establish the adverse action – denial of</li> </ul>	<p>Plaintiff Bowen and other black employees wanted to attend the Million Man March, a large gathering of African-American men in D.C., but were told by General Foreman Nokes, who is white, that if they went, they would face disciplinary actions.</p> <p>Bowen heard the n-word regularly during his employment. White foreman Glenn Herrell used the n-word in reference to, and in the presence of, Plaintiff Greg Bowen.</p> <p>Regular and unpunished usage of the “n-word” in the work area is clearly contributory to a hostile work environment and should be considered racial harassment.</p> <p>The usage of the word in particular by Bowen’s white foreman in direct reference to Bowen and other blacks in the workplace should alone forestall a motion to dismiss Bowen’s racial harassment and hostile work environment claim. The motion is without merit.</p>

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<p>training (albeit eventually obtained due to Bowen's persistence, thus, the claim could be characterized as a delay of training); denial of equal work assignment opportunities which is directly connected to opportunities for advancement and recognition; denial of leave and failure to notify of leave granted, the circumstances of which are indicative of racial animus; attempted discipline for alleged misuse of leave (which, if not a claim in itself, is a circumstance adding to the inference of racial animus, particularly in regard to the leave claim); and discriminatory discipline, which is unquestionably an adverse employment action. The circumstances of each of these claims supports an inference of racial animus as to all the claims. The motion is without merit.</p>	
<p><u>Phillip Boykin</u></p> <p>Amtrak challenges only some of Plaintiff Boykin's claims:</p> <ul style="list-style-type: none"><li>• Boykin remained on furlough until July of 2007. At that point, he was re-hired as a Lead Service Attendant. This position requires On Board Service experience and carries a 120- day probationary period.</li><li>• With eleven days left on his probation, Boykin was furloughed again, and he was told that the corporate office had called for his furlough because he did not move the customer lines quickly enough at the service counter. Not only was this untrue, but no one had ever told Boykin there were problems with his performance.</li><li>• In 2008, Plaintiff Boykin was rehired as Coach Cleaner, a job which is usually held by African Americans and is the least desirable position at the station.</li><li>• Furlough and placement as a Coach Cleaner, upon rehire are adverse job actions. The circumstances of this furlough, where there had been no complaints about his job performance, and the furlough was ordered by the corporate office on false pretenses, and occurring shortly before he would pass probation, as well as his rehire in a lowly Coach Cleaner job, generally assigned to black workers, indicate racial animus against Plaintiff Boykin.</li><li>• During the summer of 2001, Plaintiff Boykin's wife became extremely ill. Under the Family Medical Leave Act, he applied for an excused absence from work to care for her. He submitted the required information from her doctor but was told by Amtrak staff in Chicago that his request for leave was denied. White employees are not treated in this manner.</li><li>• Denial of FMLA leave is an adverse job action. Boykin specifically includes an allegation that whites are not so treated. He does not need to know the specific names at this point; Amtrak surely does not take the position that it</li></ul>	<p>This Plaintiff's racial harassment claim is to be dropped.</p>

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<p>routinely denies FMLA leave to all employees where medical documentation has been submitted, regardless of race.</p> <ul style="list-style-type: none"><li>• Boykin still needed time off to assist his wife. His supervisors in New Orleans eventually granted him one week of leave, but not until after he was required to resubmit medical reports that he had already produced. White employees are not treated in this manner.</li><li>• Again, subjecting the Plaintiff to additional burdens of documentation is an adverse employment action to which white employees are not subjected. Discovery will reveal the names and the numbers of instances.</li><li>• After returning to work, Boykin was reprimanded by Amtrak for being excessively absent in part because of the time he was authorized to take off to care for his wife. He was told that he would be brought before a disciplinary review board if he chose to fight the charges. He declined to fight the charges because he needed to stay on the job and was concerned he would receive worse discipline from the disciplinary board. Boykin has never observed a white employee being brought up on charges for taking FMLA leave.</li><li>• Discipline is unquestionably an adverse job action. If white employees are not charged with discipline for being late returning from FLMA leave, as Plaintiff Boykin alleges (and discovery would show), the circumstances are indicative of racial animus.</li><li>• While working as a Utility Worker, a white Foreman suspended Boykin for two weeks for allowing the wheels of an engine to touch the ground. In contrast, a white employee who committed the same infraction was not punished at all.</li><li>• Again, discipline is an adverse job action, and Boykin has specifically alleged that a white employee who committed the same infraction was not punished. Discovery will reveal the name. The motion is without merit.</li></ul>	
<p>Odell Bradley</p> <ul style="list-style-type: none"><li>• Plaintiff Odell Bradley worked for Amtrak for 26 years until 2002. For much of that time, Plaintiff Odell Bradley worked as a Building and Bridges Inspector.</li><li>• One day on his shift, he was ordered by his supervisors to go into a dangerous tunnel. The radio was not working from inside the tunnel, which would have made it impossible for him to call for an oncoming train to stop. White inspectors did not have to go into the tunnel when the radio was not working. When he resisted the order due to the unsafe nature of the tunnel, Plaintiff Odell Bradley he was terminated.</li><li>• Termination is obviously an adverse employment action, and these circumstances are indicative of racial animus. It</li></ul>	<p>This Plaintiff's racial harassment claim is to be dropped.</p>

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<p>was the black employee who was ordered to undertake the dangerous task, and, when he resisted, he was fired.</p> <ul style="list-style-type: none"><li>• It is illogical to require an instance of a comparable white employee who resisted a dangerous order but was not fired; the Plaintiff could hardly know of such an incident if in fact it ever occurred. However, discovery may turn up such information, but, in any event, the circumstances of Bradley's termination indicate racial animus. The motion is without merit.</li><li>• Bradley had overtime opportunities denied him by white supervisors, who gave the overtime instead to white employees.</li><li>• Bradley was written up and docked pay for being late by white supervisors, who did not do so for white employees who were late.</li><li>• Denial of overtime, disciplinary write-ups and docking pay are all clearly adverse employment actions; the Plaintiff cannot be charged with knowing anything other than the fact that he observed whites getting overtime opportunities and did not observe whites being written up and docked pay. Discovery should show the instances and the numbers. The motion is without merit.</li></ul>	
<p><u>Earl Brown</u></p> <ul style="list-style-type: none"><li>• Plaintiff Earl Brown was employed by Amtrak for 25 years, most recently as a Train Attendant prior to his termination. In 2008, Plaintiff Earl Brown was wrongfully terminated from his job.</li><li>• Amtrak had brought charges against Plaintiff Earl Brown and placed him out of service for years on allegations that were not then dealt with through proper procedures. Amtrak wrongfully accused Plaintiff Earl Brown of giving free rides to passengers and of stealing items from the trains. These claims were brought to Amtrak's attention by two of Mr. Brown's former girlfriends and involved trivial items like toilet paper and soap.</li><li>• Amtrak also withheld critical evidence in Plaintiff Earl Brown's case.</li><li>• Even if the allegations were true, he knows of white employees who were given lighter punishment for more serious infractions. For example, two white employees, in separate instances, were accused of sexually assaulting women and yet went unpunished.</li><li>• Plaintiff Earl Brown was also ordered to work despite having a doctor's note which excused him from work.</li></ul> <p>Clearly, termination is an adverse employment event. The gravamen of Plaintiff Brown's complaint is that Amtrak did not properly assess the allegations against Brown by the two women, which were rather unbelievable on their face. Amtrak withheld evidence during the proceedings and, in any event, Amtrak had not terminated two white employees for more serious infractions.</p>	<p>No claim made.</p>

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<ul style="list-style-type: none"> <li>• The circumstances of this unusual set of facts indicates racial animus because, in such a case, the employer should conduct a serious investigation to determine whether or not the allegations are even credible, and that did not happen here.</li> <li>• The allegation that two white employees received lesser punishment for more serious infractions is imprecise, but in this case the Plaintiff should have an opportunity for discovery. The motion is without merit.</li> </ul>	
<p><u>Roy Brown</u></p> <ul style="list-style-type: none"> <li>• In 1992, Plaintiff Roy Brown applied for an Amtrak Police Officer position, which fit his qualifications and experience. He continued to attempt to be hired for police officer positions at Amtrak until 1998. He submitted applications in person and through an Amtrak police officer, and he regularly followed up with Amtrak.</li> <li>• All during these years, Amtrak hired white police officers.</li> <li>• Plaintiff Roy Brown continued to resubmit applications and call Amtrak about his applications every three weeks or so during 1996, 1997, and 1998. Each time he called, he would speak to one person, get transferred to another, and was never told anything concrete about his application status.</li> </ul> <p>The Plaintiff's many applications over a period of almost a decade, up through 1998, for a police officer position, for which he was clearly qualified, were always denied by inaction. Clearly, this is an adverse employment action. As his race was known to Amtrak HR by virtue of his in-person visits, and probably by word of the officer who facilitated some of the applications, and the fact that Plaintiff Roy Brown was never interviewed, or even contacted, comprise circumstances indicating racial animus. The motion is without merit.</p>	<p>No claim made.</p>
<p><u>Marcus Brunswick</u></p> <p>Amtrak challenges only some of Plaintiff Brunswick's claims; it is unclear why it designates some paragraphs, such as ¶¶234-241 as "deficient" when those paragraphs contain background facts. There is nothing wrong with including background facts, particularly where they recount relevant history or qualifications. Amtrak merely creates even more confusion in this manner than even its improper format inherently causes.</p> <p>251. In 1996 or 1997, Dave Simmons, a white Foreman in Construction, told Plaintiff Marcus Brunwsick to work by himself in a dangerous situation near a "live railroad," an area where trains were moving at the time. It was very dangerous to do</p>	<p>Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit.</p>

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such work alone, and white employees were not asked to do so. Still, Plaintiff Marcus Brunswick obeyed Simmons and performed the task under the dangerous conditions.

252. Afterward, Plaintiff Marcus Brunswick complained about Simmons' treatment of him to Rose Bacchus, an African-American in Employee Relations, who then spoke to Joe Derillo, a white Maintenance Supervisor, about the incident.

253. Rather than acknowledging that Plaintiff Marcus Brunswick should not have been asked to perform this dangerous work alone, Derillo suggested that Brunswick transfer to a different department.

- This claim is for race discrimination in regard to a work assignment, one which was particularly dangerous. The assignment was made by a white foreman and Brunswick specifically alleges that white employees were not asked to do so. It is impossible to list all the white employees who were not asked to do so. The circumstances indicate racial animus: give the dangerous work to the black employee. Moreover, those circumstances are even more compelling when Brunswick's complaint, through a black Employee Relations staffer, to a white Maintenance Supervisor, who, rather than acknowledge the danger or the problem of discriminatorily assigning that perilous work to the black employee, merely suggesting the black employee, Plaintiff Brunswick, transfer out. All these circumstances are indicative of racial animus.

254. Plaintiff Marcus Brunswick has been repeatedly denied mentorship and training that has prevented him from being promoted to higher paying positions.

255. As a Signal Maintainer, white Inspector Gary Schaffer did not allow him to do technical work. Instead, Brunswick was forced to do tasks requiring only manual labor such as digging ditches. As an Electronic Communication Technician, Schaffer only allowed him to dig, assist other employees, or run menial errands. This severely limited the opportunity for Plaintiff Marcus Brunswick to learn specialized skills and to enhance his work record.

256. In contrast, his white peers were trained to perform technical work and have been promoted to higher paying positions.

This claim for denial of mentorship and training, which inhibits advancement, involves a clear adverse employment action and sets forth the harm, and includes an allegation of "white peers" being afforded mentoring opportunities. The exact identities of those white peers are the stuff of discovery. Plaintiff Brunswick cannot be expected to plead every name.

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257. Amtrak discriminates in the manner that it assigns overtime. Overtime is supposed to be assigned in order of seniority.

258. White Supervisors manipulate the overtime rules to assign more work to less senior white employees.

259. White Inspector Gary Schaffer gave Plaintiff Marcus Brunswick very little or no notice that overtime was available. As a result, Plaintiff Marcus Brunswick often had to turn down the overtime because he had other obligations, and the overtime was then assigned to a white co-worker.

260. In contrast, white employees will be told days in advance that overtime hours are available, which allows them to rework their schedules.

This claim is conceptually the same as the mentoring and training claim: a clear adverse employment action and circumstances indicating white employees being treated better. Discovery will yield the exact names and Plaintiff Brunswick need not list them in the TAC. The motion is without merit.

261. In approximately 1987, white foreman Dave Simmons told Plaintiff Marcus Brunswick that, once he became a Signal Maintainer, he would have to "teach the brothers," referring to his African-American coworkers, how to perform certain basic tasks, because Simmons refused to teach them.

262. Simmons also told Brunswick it would take him five years to learn how to read a meter, which was a task that any typical employee could pick up very quickly.

These paragraphs are background, indicative of racial animus. It does not set forth a claim as such. The motion is without merit.

263. In 2010, Plaintiff Marcus Brunswick's white supervisor Pete Lach assigned him and Sherman Davis, a white communications technician, to go to Philadelphia and assist with the installation of a new telephone system.

264. When they arrived, Barry Squire, the white inspector of the Communications Department, assigned Plaintiff Marcus Brunswick to box up the old phones to ship out while the other technicians completed the substantive work. Even white helper Jeff Gelotte, who is not a communications technician, and who had very little experience or seniority, was allowed to work on the installation while Squire made Plaintiff Marcus Brunswick box up old phones.

These paragraphs contain a claim wherein the inexperienced white employee, specifically named, was appointed to do significant work, which tends to support advancement and job satisfaction, whereas the experienced black employee, Plaintiff Brunswick, is tasked with menial work that does nothing to enhance advancement and tends to create job dissatisfaction. There is nothing even arguably deficient about this claim. The motion is without merit.

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<p><u>Michael Caldwell</u></p> <ul style="list-style-type: none"> <li>• Plaintiff Michael Caldwell, was disqualified from his Assistant Conductor position and demoted to Assistant Chef. The cause was falsification of his time sheet. He admitted the infraction, but maintains his disqualification was unfair and disproportionate, particularly because white employees are not disqualified for similar infractions.</li> <li>• On or about October 28, 1998, white female Patricia Zerr left early and failed to sign out for the time she left. She was never disciplined.</li> <li>• Plaintiff Michael Caldwell is aware of an incident where Brian Clark, a white employee, left the train with a passenger's credit card. Clark was suspended for three days but not disqualified or demoted.</li> </ul> <p>Amtrak's assertion that Plaintiff Caldwell does not state a claim is incorrect. He clearly asserts an adverse employment action – demotion to a lesser job with less pay – and he cites a specific, named, white employee who committed the same infraction in the same time frame who was not disciplined at all. He cites another instance of a similar infraction by a specific, named, white employee which also resulted in much lighter punishment. The motion is groundless as applied to Plaintiff Caldwell.</p>	<p>This Plaintiff's racial harassment claim is to be dropped.</p>
<p><u>Curtis Capers</u></p> <p>273. Plaintiff Curtis Capers was laid off from his job at Amtrak at the Beech Grove facility near Indianapolis, after nine and one-half years of solid employment service, in 1992.</p> <p>274. Plaintiff Curtis Capers was not recalled at any point thereafter.</p> <p>275. Instead, Amtrak began to hire white job applicants off the street or family members of white managers who had lesser qualifications or none at all.</p> <p>This recall-from-furlough claim may be time-delimited, but it is not inadequately stated. The fact that Plaintiff Capers was furloughed and never recalled constitutes one or more claims. As a furloughed employee, Capers should have been recalled commensurate with the provisions of the applicable collective bargaining agreement. He was not. Capers cannot be expected to know which white persons were recalled, but Amtrak would know, and discovery should be undertaken to determine how and why whites were recalled from furlough but Capers was not. The motion is without merit.</p> <p>Amtrak does not move with respect to Capers' other claims.</p>	<p>No claim made.</p>
<p><u>Vernon Carter</u></p> <p>see Plaintiffs' Memorandum at pp. 15-16.</p>	<p>Regarding Vernon Carter's retaliation and harassment claims, see Plaintiffs' Memorandum at pp. 28-28.</p>

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<p>Amtrak does not move with respect to Vernon Carter's other claims.</p>	
<p>Priscilla Cathey This Plaintiff alleges in detail all of her promotion and other claims. The motion is without merit.</p>	<p>This Plaintiff alleges in detail all of her harassment and retaliation claims. See also Plaintiffs' Memorandum at pp. 29-29.</p>
<p>Hardin Cheatham This Plaintiff alleges that he did not receive any of the foreman or other advancement opportunities that a worker of his accomplishment would ordinarily receive, despite his inquiries, particularly as a recipient of an award; white recipients of the award did. This is a specific allegation of which white employees were preferred over him. Plaintiff also alleges disciplinary write ups on specific occasions whereas whites would be granted leave for similar absences or tardiness. The same is true of scheduling. The motion is without merit.</p>	<p>Plaintiff alleges that he personally observed and was subjectd to "racist epithets" including on written materials in the work place.</p>
<p>Gary Christian This Plaintiff provides rich detail, including names of discriminating foremen and supervisors and of whites treated better than he with regard to training, assignments, promotions, and terms and conditions of employment. The motion is without merit.</p>	<p>See Plaintiff's Mem. at pp. 28.</p>
<p>Edward Clarke Plaintiff provides details, including names, concerning his discipline, training, advancement, assignments, scheduling, and terms and conditions claims. The motion is without merit.</p>	<p>Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit.</p>
<p>Tamia Coleman Plaintiff provides details, including names, concerning her discipline, advancement, and terms and conditions claims. The motion is without merit.</p>	<p>The race harassment claim is to be dropped.</p>
<p>Kirk Collins Plaintiff does not understand Amtrak's point regarding these paragraphs. He was refused the opportunity to re-enter the EAP program and was instead terminated. Those are clearly adverse employment actions. The motion is without merit.</p>	<p>See Plaintiffs' Mem. at 29-30.</p>
<p>Janice Comeaux Plaintiff provides rich detail regarding her discipline claims and she provides a specific promotion, with a job title and date, for which she was qualified, and which went to a non-black candidate. The motion is baseless.</p>	<p>Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit.</p>

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<p>Catrina Cooley-Flagg Plaintiff provides specific details regarding her termination and discipline, including names and dates. The motion is baseless.</p>	<p>Plaintiff provides specific quotes regarding harassing and hostile racial epithets. The motion is without merit.</p>
<p>Charlese Cosby Plaintiff applied for numerous positions (like the <i>Kargo</i> case) and names one specifically, as well as her own qualifications and alleges that whites received the jobs. The motion is without merit.</p>	<p>The race harassment claim is to be dropped.</p>
<p>Samuel Cox Plaintiff provides many details including names and dates re: his advancement, training, testing, discipline and discharge, and terms and conditions claims. The motion is baseless.</p>	<p>Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit.</p>
<p>Alvin Cunningham Plaintiff provides many details including names and dates re: his advancement, training, testing, discipline and discharge, and terms and conditions claims. The motion is baseless.</p>	<p>Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit.</p>
<p>Yvette Cunningham Plaintiff provides some details re: her advancement, scheduling, and terms and conditions claims. The motion is without merit.</p>	<p>Plaintiff provides details with names and dates re: her harassment claims. The motion is without merit.</p>
<p>Davy Dauchan Plaintiff provides many details including names and dates re: his advancement, training, testing, and discipline claims. The motion is baseless.</p>	<p>Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit.</p>
<p>Thomas Dawkins Plaintiff provides details re: all of his claims. The motion is baseless.</p>	<p>Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation.</p>
<p>Yvonne Dixon Plaintiff provides details including names and dates re: her promotion and discipline claims. The motion is baseless.</p>	<p>The race harassment claim is to be dropped.</p>
<p>Dubois Everett Plaintiff provides details including the name of the white employee who was promoted instead of him. The motion is meritless.</p>	<p>The race harassment claim is to be dropped.</p>

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<p>Cynthia Edwards Plaintiff provides details about her termination and alleges that white employees were treated differently under similar circumstances. The motion is without merit.</p>	<p>See Plaintiffs' Mem.</p>
<p>Gertrude Ellison This Plaintiff presents only a promotion claim and a terms and conditions claim. ¶734 should have been edited to reflect this. To the extent it indicates claims other than those detailed in ¶¶735 and 736, they are withdrawn. The promotion and terms and conditions claims remain. The motion is otherwise without merit.</p>	<p>Her harassment/hostile work environment claims are withdrawn.</p>
<p>Connie Everett This Plaintiff asserts a claim from being removed from her Tool Gauge job. This is clearly an adverse employment action. Amtrak can easily find the relevant date in its records. The motion is without merit.</p>	<p>Plaintiff asserts a harassment claim. She worked at Amtrak for more than 30 years. Discovery on the claim is warranted. The motion is without merit.</p>
<p>George Everett This Plaintiff asserts a claim for differential treatment, compared to white employees, with respect to medical leave and accommodation. This is an adverse job action and it is sufficient to notify Amtrak of the claim. Discovery would be targeted. ¶777 should have been edited to exclude the other claims.</p>	<p>This Plaintiff does present a harassment claim, and he identifies the harasser as his supervisor. The motion is without merit.</p>
<p>Devern Fleming, Jr. This Plaintiff provides many details about all his claims. The motion is baseless.</p>	<p>Plaintiff provides specific details concerning the hostile work environment. The motion is without merit.</p>
<p>Brandi Ford Plaintiff provides plenty of details from which Amtrak can understand the claims and from which a plausible inference may be drawn. The motion is without merit.</p>	<p>Plaintiff provides some details of harassment and hostile work environment. The motion is without merit.</p>
<p>Riley Freeman Plaintiff provides adequate details concerning all of his claims. The motion is baseless.</p>	<p>Plaintiff provides some details of harassment and hostile work environment. The motion is without merit.</p>
<p>Owen Funderburke, III This Plaintiff provides many details about all his claims. The motion is baseless.</p>	<p>Plaintiff provides some details of harassment and hostile work environment. The motion is without merit.</p>
<p>Lynn Garland-Solomon Plaintiff provides specific identification of the promotion she raises a claim for. When she applied, the job posting was removed without explanation. A white person need not have received the job, although it would be relevant if a white person received a similar job later. Discovery is warranted. The motion is without merit.</p>	<p>The racial harassment and hostile environment claims is to be dropped.</p>

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<p>Gail George Plaintiff alleges adequate information about her promotion claims to identify the claim and the white person who received the job, and enough detail for a plausible inference. The motion is without merit.</p>	<p>Plaintiff provides specific information about her racial harassment claim. The motion is baseless.</p>
<p>Kenneth Gillis Plaintiff provides plenty of details about his claims. The motion is baseless.</p>	<p>Plaintiff alleges harassment in the form of the employer calling for the police to arrest him when he was sick, demanding a drug test. The motion is without merit.</p>
<p>Michael Green Plaintiff provides adequate details of his termination and terms and conditions claims. The motion is without merit. The selection and promotion claims mentioned in ¶954 are to be dropped.</p>	<p>Plaintiff maintains that the allegations pertaining to his discipline and termination claims are enough to support a harassment claim. The motion is without merit.</p>
<p>Reginald Grigsby Plaintiff provided sufficient information regarding his termination claim. The other claims mentioned in ¶967 are to be dropped.</p>	<p>The harassment claim is to be dropped.</p>
<p>Beverly Hall Plaintiff provided many details re: all her claims. The motion is baseless.</p>	<p>Plaintiff provided details re: her harassment claim. The motion is baseless.</p>
<p>Lauren Ashley Hall Plaintiff provided many details re: all her claims. The motion is baseless.</p>	<p>Plaintiff provided details re: her harassment claim. The motion is baseless.</p>
<p>Carolyn Hamilton Plaintiff provided many details re: all her claims. The motion is baseless.</p>	<p>The harassment claim is to be dropped.</p>
<p>Steven Harris Plaintiff provided sufficient details re: his promotion claims. The other claims referenced in ¶1044 are to be dropped.</p>	<p>The harassment claim is to be dropped.</p>
<p>Betty Haymer Plaintiff provided many details about her promotions, training, assignments, and discipline claims. The transfer, testing, and work and vacation hours claims referenced in ¶1051 are to be dropped.</p>	<p>Plaintiff provided details re: her harassment claim. The motion is baseless.</p>
<p>Billy Hollis Plaintiff provides plenty of details about his claims. The motion is baseless.</p>	<p>Plaintiff provides sufficient detail about his harassment and hostile environment claim. The motion is without merit.</p>
<p>Shawn Horton Plaintiff provides sufficient details of all of his claims. The motion is without merit. However, ¶1089 is surplusage.</p>	<p>The harassment claim is to be dropped.</p>
<p>Betty Howard</p>	<p>No claim made.</p>

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Plaintiff provided sufficient details re: her testing and hiring claims. The motion is baseless.	
Lawrence Howard, Jr. Plaintiff provided many details re: all claims. The motion is baseless.	Plaintiff provided detail re: his harassment claim. The motion is without merit.
Lewis Howard Plaintiff provided sufficient detail re: his discipline and termination claims. The motion is baseless	The harassment claim is to be dropped.
Akanke Isoke See Plaintiffs' Memorandum.	The race harassment claim is to be dropped.
James Ivey Plaintiff provides plenty of details about his claims. The motion is baseless.	Plaintiff provides sufficient detail about his harassment and hostile environment claim. The motion is without merit.
Leroy Jackson Plaintiff provided sufficient detail re: his discipline and termination claims. The motion is without merit.	The harassment claim is to be dropped.
Wendy Rowlett Jennings Plaintiff provided sufficient details re: her promotion claims.	The harassment claim is to be dropped.
Lena Faye Johnson See Plaintiffs' Memorandum.	The harassment claim is to be dropped.
Bobby Johnson Plaintiff provided sufficient details re: his selection, furlough, recall, and re-hire claims. The motion is baseless.	The harassment claim is to be dropped.
Helen Johnson-Gardiner Plaintiff provided many details re: her promotions claims. The motion is baseless.	The harassment claim is to be dropped.
Diane Jones Plaintiff provided many details re: all her claims. The motion is baseless.	Plaintiff provided details re: her harassment claim. The motion is baseless.
Douglas Jones Plaintiff provided sufficient details re: his discipline and terms and conditions claims. The motion is baseless.	Plaintiff provided details re: his harassment and hostile environment claim. The motion is baseless.
Henry Jones Plaintiff provided sufficient details re: all of his claims. The motion is baseless.	The harassment claim is to be dropped.
Joseph Jones Plaintiff provided sufficient details re: all of his claims for promotions, job and work assignments, training, and testing, and scheduling. The motion is baseless.	The harassment claim is to be dropped.
Lillie King-Shepard Plaintiff provided details re: her claims for position selection decisions and processes, including promotions, training, and other	The harassment claim is to be dropped.

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terms and conditions of employment. All are sufficient. The motion is without merit.	
Cheryl Kyler Plaintiff provided details re: all her advancement claims for promotions, selections, re-hiring and placement. Discovery should be allowed so that she can access records to give details of her applications. Other claims listed in ¶1238 are to be dropped.	The harassment claim is to be dropped.
John Laners Plaintiff provided sufficient details re: all of his claims. The motion is baseless.	Plaintiff provided sufficient details re: his harassment and hostile environment claims. The motion is baseless.
Christopher Larkett Plaintiff provided sufficient details re: all of his claims. The motion is baseless.	The harassment claim is to be dropped.
Juanita Macomson Plaintiff provided details re: her claims. The motion is without merit.	The harassment claim is to be dropped.
Jacqueline Renee Martin Plaintiff provided details re: her claims re: drug testing, discipline, discharge, and other terms and conditions of employment. The motion is baseless.	Plaintiff provided sufficient details re: her harassment and hostile environment claims. The motion is baseless.
Brenda Matthews See Plaintiffs' Memorandum.	The harassment claim is to be dropped.
Sabrina McCrae Plaintiff provided details re: her claims re: job assignments, work assignments, scheduling of work hours and time off for family, discipline, discharge, and other terms and conditions. The motion is meritless.	Plaintiff provided sufficient details re: her harassment and hostile environment claims. The motion is baseless.
Hilry McNealey No other discrimination claims alleged.	Plaintiff provided sufficient details including the names of harassers and their positions. The motion is without merit.
Anthony Mellerson Plaintiff provided sufficient details re: his claims for promotions, including position names, and his termination claim. The motion is without merit, but ¶1435 could have been edited to exclude references to other potential claims.	The harassment claim is to be dropped.
Pamela Michaux Plaintiff presents only the harassment and hostile work environment claims. The motion is without merit. ¶1443 could have been edited to exclude references to other potential claims.	Plaintiff provided plenty of details re: her harassment and hostile environment claims. The motion is baseless.
Timothy Murphy Plaintiff provided sufficient details re: all of his claims. The motion is meritless.	The harassment claim is to be dropped.

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<p>Donald Murray Plaintiff provided sufficient details re: his position selection decisions and processes, including promotions, transfers, discipline, discharge, and other terms and conditions claims. The motion is meritless.</p>	<p>The harassment claim is to be dropped.</p>
<p>Michael Neal Plaintiff provided sufficient details re: his promotions, testing, and denial of testing opportunities, and other terms and conditions claims. The motion is meritless.</p>	<p>The harassment claim is to be dropped.</p>
<p>James Overton Plaintiff provided sufficient details re: his position selection decisions and processes, including promotions, transfers, and other terms and conditions claims. The motion is meritless.</p>	<p>The harassment claim is to be dropped.</p>
<p>Joseph Peden Plaintiff provided sufficient details re: his job assignments, work assignments, and other terms and conditions claims. The motion is meritless.</p>	<p>See Plaintiffs' Memorandum.</p>
<p>James Peoples Plaintiff provided sufficient details re: his position selection decisions and processes, including promotions, transfers, training, job assignments, work assignments, furlough and recall from furlough, and other terms and conditions claims. The motion is meritless.</p>	<p>The harassment claim is to be dropped.</p>
<p>Gilbert Pete Plaintiff provided sufficient details re: position selection decisions and processes, including promotions, demotions, transfers, job assignments, work assignments, and other terms and conditions claims. The motion is meritless.</p>	<p>Plaintiff provided sufficient details including the name of his harassers and his position. The motion is without merit.</p>
<p>Gloria Plummer Plaintiff provided sufficient details re: position selection decisions and processes, including promotions and other terms and conditions claims. The motion is meritless. ¶1565 could have been edited to exclude other potential claims.</p>	<p>The harassment claim is to be dropped.</p>
<p>Joseph Presha Plaintiff provided sufficient details re: position selection decisions and processes, including promotions, training, job assignments, work assignments, and other terms and conditions claims. The motion is meritless. The transfer potential claim could have been edited out of ¶1573.</p>	<p>Plaintiff provided sufficient details including the name of the harassers and his position to support his harassment and hostile work environment claims. The motion is without merit.</p>
<p>Robert Redd Plaintiff presents only a furlough and recall claim and it is sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>

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<p>Faye Reed Plaintiff presents promotions, discipline, and harassment claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff's harassment claim is sufficiently supported. The motion is without merit.</p>
<p>Derek Reuben Plaintiff presents promotions and harassment claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is well supported, including identification of the harasser. The motion is without merit.</p>
<p>Brian Richards Plaintiff alleges promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, discipline, discharge, and other terms and conditions claims. All are well supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is well supported, including identification of the harassers. The motion is without merit.</p>
<p>Tim Richardson Plaintiff alleges position selection decisions and processes, including promotions, transfers, and other terms and conditions claims. All are well supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Louis Ricks, III Plaintiff alleges position selection decisions and processes, including promotions, job assignments, work assignments, discipline, and other terms and conditions claims. All are sufficiently supported. The motion is without merit. ¶1694 could have been edited to exclude other claims references.</p>	<p>The harassment claim is to be dropped.</p>
<p>LaSonya Rivers All of Plaintiff's claims are well supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Frederic Roane Plaintiff presents discipline and terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff's harassment claim is sufficiently supported. The motion is without merit.</p>
<p>Ramona Ross Plaintiff presents promotions, transfers, training, job assignments, work assignments, scheduling of work hours and family leave time, discipline, discharge, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Moses Rothchild Plaintiff presents job assignments, work assignments, discipline, from furlough, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is well supported, including identification of the harassers. The motion is without merit.</p>
<p>Sharon Montgomery Robinson Plaintiff presents scheduling of work hours and family leave time, discipline, discharge, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>

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<p>Cynthia Sargent Plaintiff presents position selection decisions and processes, including promotions, testing, discipline, discharge, furlough and recall from furlough, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>John Scott Plaintiff presents promotions, job assignments, work assignments, discipline, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Shanetta Scott Plaintiff presents position selection decisions and processes, including promotions, discipline, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Tavio Scott Plaintiff presents position selection decisions and processes, including promotions, training, job assignments, work assignments, scheduling of work hours and leave time, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported. The motion is without merit.</p>
<p>Leonard Seamon Plaintiff presents hiring and position selection decisions and processes claims. All are sufficiently supported. The motion is without merit.</p>	<p>No claim alleged.</p>
<p>Rudy Singletary Plaintiff presents hiring and position selection decisions and processes claims. All are sufficiently supported. The motion is without merit..</p>	<p>No claim alleged.</p>
<p>Linda Stafford Plaintiff presents position selection decisions and processes, including promotions, training, job assignments, work assignments, discipline, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported. The motion is without merit.</p>
<p>Shirley Taliaferro Plaintiff presents a discharge claim. It is sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Bryant Thelwel Plaintiff presents a hiring claim. It is supported. The motion is baseless.</p>	<p>No claim alleged.</p>
<p>Leo Thomas Plaintiff presents promotions, transfers, testing, training, job assignments, and other terms and conditions claims. All are sufficiently supported. The motion is baseless..</p>	<p>Plaintiff presents a harassment claim that is supported. The motion is without merit.</p>
<p>William Thomas</p>	<p>The harassment claim is to be dropped.</p>

**PLAINTIFFS' EXHIBIT A**

**PLAINTIFFS' RESPONSES TO WHAT PLAINTIFFS BELIEVE ARE AMTRAK'S POINTS REGARDING THE CLAIMS IN THE TAC**

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<p>Plaintiff presents position selection decisions and processes, including promotions, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	
<p>Jewell Tilghman Plaintiff presents position selection decisions and processes, including promotions, job assignments, work assignments, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Eileen Vyhuis Plaintiff presents position selection decisions and processes, including promotions claims. They are adequately supported although positions will have to be identified in discovery, as they were in <i>Kargo</i>. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Everett Wair, Sr. Plaintiff presents position selection decisions and processes, including promotions, training, job assignments, work assignments, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Frederick Wall Plaintiff presents discipline, discharge, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported. The motion is without merit.</p>
<p>Lee Flora Wayne Plaintiff presents position selection decisions and processes, including hiring claims. All are sufficiently supported. The motion is without merit.</p>	<p>No claim alleged.</p>
<p>William Waytes Plaintiff presents position selection decisions and processes, including promotions, transfers, training, job assignments, work assignments, scheduling of work hours and family leave time, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>See Plaintiffs' Memorandum.</p>
<p>Angela Weaver Plaintiff presents position selection decisions and processes, including promotions, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported, including identification of a harasser. The motion is without merit.</p>
<p>Patricia Wellington Plaintiff presents position selection decisions and processes, including training, discipline and discharge, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported, including identification of a harasser. The motion is without merit.</p>
<p>Ronald Wells</p>	<p>Plaintiff presents a harassment claim that is supported,</p>

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<p>Plaintiff presents position selection decisions and processes, including promotions, transfers, auditing, discipline, discharge, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>including identification of a harasser. The motion is without merit.</p>
<p>Jimmy Lee Whitley Plaintiff presents promotions, transfers, job assignments, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>See Plaintiffs' Memorandum.</p>
<p>Evelyn Whitlow Plaintiff presents discipline, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported, including identification of a harasser. The motion is without merit.</p>
<p>Frank Williams Plaintiff presents work assignments, scheduling of work hours, discipline, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported, including identification of a harasser. The motion is without merit.</p>
<p>Gary Williams Plaintiff presents position selection decisions and processes, including promotions, training, job assignments, work assignments, discipline, discharge, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>The harassment claim is to be dropped.</p>
<p>Theresa Williams See Plaintiffs' Memorandum.</p>	<p>See Plaintiffs' Memorandum.</p>
<p>Robert Williams, III Plaintiff presents position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, scheduling of work hours, discipline, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>Plaintiff presents a harassment claim that is supported, including identification of a harasser. The motion is without merit.</p>
<p>Ronnie Williams, Sr. See Plaintiff's Memorandum.</p>	<p>See Plaintiff's Memorandum.</p>
<p>Garner Willis, Jr. Plaintiff presents position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, scheduling of work hours and vacation time, discipline, discharge, furlough and recall from furlough, and other terms and conditions claims. All are well supported. The motion is baseless.</p>	<p>Plaintiff presents a harassment claim that is supported, including identification harassers. The motion is without merit.</p>
<p>Eric Woodruff Plaintiff presents discipline, discharge, and other terms and conditions claims. All are sufficiently supported. The motion is without merit.</p>	<p>See Plaintiffs' Memorandum.</p>

## PLAINTIFFS' EXHIBIT A

### PLAINTIFFS' RESPONSES TO WHAT PLAINTIFFS BELIEVE ARE AMTRAK'S POINTS REGARDING THE CLAIMS IN THE TAC

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Curtis Yates Plaintiff presents a job assignments and work assignments claims, and other terms and conditions claims. All are sufficiently supported. The motion is without merit. ¶2275 could have been edited to delete other potential claims.	The harassment claim is to be dropped.
Sherryl Aubry No motion entry on Defendant's Exhibit B.	The harassment claim is to be dropped.
Anna Desper No motion entry on Defendant's Exhibit B.	The race harassment claim is to be dropped.
William Ellison No motion entry on Defendant's Exhibit B.	The race harassment claim is to be dropped.
Gilbert Landry No motion entry on Defendant's Exhibit B.	Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit.
Kurt Rent No motion entry on Defendant's Exhibit B.	The race harassment claim is to be dropped.
Janet Smith-Cook No motion entry on Defendant's Exhibit B.	The race harassment claim is to be dropped.
Carolyn Williams No motion entry on Defendant's Exhibit B.	The race harassment claim is to be dropped.