

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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Smyrna, DE 19977

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Bronx, NY 10460

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Harold Adams
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Roland Anderson
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CASE NO. 21-1122

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and

Curtis Yates
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PLAINTIFFS,

v.

National Railroad Passenger Corporation,
400 North Capitol Street, N.W.
Washington, D.C. 20001

DEFENDANT.

THIRD AMENDED COMPLAINT

I. NATURE OF THIS ACTION

1. The Plaintiffs bring this action against the National Railway Passenger Corporation, *aka* Amtrak, to redress race discrimination in employment. Specifically, the named Plaintiffs, all of whom are present or former employees of Amtrak or applicants for employment with Amtrak, bring this action against Amtrak pursuant to the Civil Rights Act of 1866, 42 U.S.C. § 1981.
2. The named Plaintiffs are seeking declaratory and injunctive relief, back pay, front pay, compensatory and punitive damages, and attorneys' fees, costs, and expenses to redress Amtrak's racially discriminatory employment policies, practices, procedures, and employment-related decisions.

II. JURISDICTION, VENUE, AND RELATED CASES

3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(4), 2201, 2202, and 42 U.S.C. § 1981.
4. Venue is proper in the District of Columbia because Amtrak resides here, maintains its corporate headquarters here, maintains its personnel records here, determines and implements here its company-wide policies, practices and procedures which have affected the named Plaintiffs, engages in and/or ratifies here illegal conduct which has adversely affected the named Plaintiffs, and engages in corporate activities, such as the implementation of discriminatory employment policies, practices, procedures, and decisions which are conceived and carried out here.
5. This case is related to two cases pending in this Court. The first, *Campbell, et al. v. National Railroad Passenger Corporation*, 1:99-cv-02979-EGS, has been pending since 1998.

Campbell contained class action allegations regarding race discrimination in employment in violation of Title VII of the Civil Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, and the Civil Rights Act of 1866, 42 U.S.C. § 1981. Class certification in *Campbell* was denied by the Court on April 26, 2018. The second related case is a single-plaintiff case, *Bethea v. Amtrak Police Department*, 1:01CV01513 (EGS), which has been a companion case to *Campbell* for two decades.

6. The Plaintiffs' claims arising under 42 U.S.C. § 1981 do not require administrative exhaustion.

III. PARTIES

7. The Plaintiffs are all African-American citizens of the United States and were either employed, or applied to be hired for employment, at Amtrak during the former class liability period alleged in *Campbell, et al. v. National Railroad Passenger Corporation*, 1:99-cv-02979-EGS (hereinafter, "*Campbell*").
8. Defendant National Railroad Passenger Corporation, *aka* Amtrak (hereinafter "Amtrak") is a corporation incorporated under the laws of, and with its principal place of business in, the District of Columbia. It provides passenger rail service to more than five hundred (500) stations in forty-four (44) states. From its corporate office in the District of Columbia, located at 400 North Capitol Street, N.W., Amtrak maintains actual and/or constructive control, oversight, and/or direction over all of its operations at all of its various locations, including the employment policies, practices and procedures to be utilized and adhered to at all of its locations. The acts set forth in this Complaint were authorized, ordered and/or

done by Amtrak's officers, agents, employees, and/ or representatives while actively engaged in the management of Amtrak's business.

IV. THE PLAINTIFFS' CLAIMS

9. During such employment, Plaintiff Ronnie Williams, Sr. was represented by a labor union for purposes of collective bargaining with Amtrak.
10. Plaintiff Ronnie Williams, Sr. experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.
11. Plaintiff Ronnie Williams, Sr. was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
12. Despite an excellent work record, Plaintiff Ronnie Williams, Sr. was forced to resign (or be fired) by Michael Kates, the Director of Crew Management Services, Wilmington, DE, and Bob Schmidt, the Assistant Director of Crew Management Services. Williams had been with Amtrak since April 26, 1999. On December 13, 2002, after being unable to show up to work on one occasion, Williams was taken out of service and then given the option of either resigning with the possibility of being rehired or be fired. White employees in Ronnie Williams, Sr.'s position were not subject to this level of discipline for missing a shift of work.
13. Williams resigned with an agreement that he could come back in one year. A year later, when he tried to come back, Amtrak had altered his file in Philadelphia to indicate he was

not eligible to return. However, Williams had a copy of his file in Washington, DC, in which it was stated that he was eligible to return in one year.

14. Williams was not allowed to return and Human Resources refused to let him return.

Ultimately, he was told that it had been changed by someone in HR in Philadelphia.

15. Williams continued to try to get his job back. In 2012, the Director of CNOC had him escorted out of the building and the Director's assistant or staff member told him that he if he ever returned to the CNOC building, he would be arrested. White applicants were not subjected to such humiliation.

16. By reason of such racial discrimination in employment by Amtrak, Plaintiff Ronnie Williams, Sr. has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

17. Plaintiff Ransford Acquaye is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

18. During such employment, Plaintiff Ransford Acquaye was represented by a labor union for purposes of collective bargaining with Amtrak.

19. Plaintiff Ransford Acquaye experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, discharge, and other terms and conditions of employment.

20. Plaintiff Ransford Acquaye was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

21. Plaintiff Ransford Acquaye was falsely accused of running around naked at an Amtrak workplace. Because of the false accusation, Acquaye was put out of service on his wedding day, which was humiliating. He was told by Amtrak management that 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.
22. Subsequently, at a hearing, which was recorded on audio tape, a manager testified that the accusation was false. But there was no apology. When Acquaye requested a copy of the hearing audiotape, he was told it did not exist.
23. By reason of such racial discrimination in employment by Amtrak, Plaintiff Ransford Acquaye has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
24. Plaintiff Christopher Adams is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
25. During such employment, Plaintiff Christopher Adams was represented by a labor union for purposes of collective bargaining with Amtrak.
26. Plaintiff Christopher Adams experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discharge, furlough and recall from furlough, hiring, and other terms and conditions of employment.
27. Plaintiff Christopher Adams was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

28. Plaintiff Christopher Adams was laid off by Amtrak in 2001.
29. Plaintiff Christopher Adams reapplied for employment with Amtrak twice. He never received any call back or interview, despite his attempts to follow up in 2007 and 2009. Plaintiff Christopher Adams surpassed the qualifications for both positions.
30. Upon information and belief, there were other black men who were laid off in around 2001 or 2002 that were not called back for rehire either.
31. By reason of such racial discrimination in employment by Amtrak, Plaintiff Christopher Adams has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
32. Plaintiff Harold Adams is an African-American citizen of the United States who applied for employment with Amtrak in Chicago, Illinois, multiple times before and during the former class liability period alleged in *Campbell*.
33. Plaintiff Harold Adams experienced intentional racial discrimination by Amtrak in regard to hiring.
34. Plaintiff Harold Adams, applied for employment with Amtrak in the late 1990's and in the early 2000's, as well as at earlier times.
35. Plaintiff Harold Adams mailed or submitted in person at the Amtrak personnel office in Chicago, resumes and employment applications numerous times during the late 1990's and early 2000's, seeking entry level positions in any area for which he was would have qualified, including positions other than track worker, such as laborer. Plaintiff Harold

Adams was qualified for many entry-level jobs at Amtrak in the Chicago area during the late 1990's and early 2000'.

36. Plaintiff Harold Adams would have taken any job Amtrak offered, but he was refused every time, upon information and belief, because of his race, African-American.
37. Upon information and belief, Amtrak hired white and other non-black workers in and around Chicago, Illinois, throughout the years that Plaintiff Harold Adams applied for employment, including in jobs for which Adams was qualified.
38. Had Plaintiff Harold Adams been hired in any of the jobs for which he applied, he would have been represented by a labor union for purposes of collective bargaining with Amtrak.
39. By reason of such racial discrimination in employment by Amtrak, Plaintiff Harold Adams has suffered the loss of compensation, wages, back pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
40. Plaintiff Roland Anderson is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
41. During such employment, Plaintiff Roland Anderson was represented by a labor union for purposes of collective bargaining with Amtrak.
42. Plaintiff Roland Anderson experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, and other terms and conditions of employment.

43. Throughout 1997, Roland Anderson applied for three or four Electrician positions at Amtrak.
44. When Roland Anderson applied for the position of Electrician, he was told that they were not accepting applications or hiring electricians at that time. He later found out from a friend that a number of white electricians were hired during the same time period in which he applied for at least three of the four Electrician positions.
45. In June 1997, after Roland Anderson applied for another Electrician position, he was informed that white applicants had been hired for this position. Upon information and belief, Roland Anderson had the same qualifications as himself for the position. 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.
46. Plaintiff Roland Anderson was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
47. By reason of such racial discrimination in employment by Amtrak, Plaintiff Roland Anderson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
48. Plaintiff Lachaun Armstead is an African-American citizen of the United States and was employed at Amtrak from 1992 to 2000, during the former class liability period alleged in *Campbell*.
49. During such employment, Plaintiff Lachaun Armstead was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

50. Plaintiff Lachaun Armstead experienced intentional racial discrimination by Amtrak in regard to some or all of the following: work hours, discipline, discharge, and other terms and conditions of employment.
51. Plaintiff Lachaun Armstead's white supervisor, Jim McDaniels, began working in her department in 1996 and 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 McDaniels, he told her to shut up and told her "you're going to listen to me." Plaintiff Lachaun Armstead reported this behavior to management, but nothing was done. In this and other ways, McDaniels subjected black employees like Plaintiff Lachaun Armstead to harsher treatment than the white employees he supervised.
52. Shortly after Plaintiff Lachaun Armstead and other employees began complaining about McDaniels' racist behavior, 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.
53. Plaintiff Lachaun Armstead 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.
54. The instigating employee tested positive for drugs; Plaintiff Lachaun Armstead tested negative.

55. Regardless, Plaintiff Lachaun Armstead's supervisor, white Assistant General Manager named Larry Vanover, decided that Armstead could not return to work, thereby punishing the victim.
56. Plaintiff Lachaun Armstead was terminated as a result of the altercation, despite the facts that, of the two, the instigator was high on drugs and Plaintiff Lachaun Armstead was not, the instigator escalated the incident by brandishing a knife, and Armstead merely acted in self-defense.
57. An arbitration decision on Plaintiff Lachaun Armstead's subsequent grievance was made in April 2000 by William Ullmark, who upheld the termination.
58. William Ullmark is, or was, upon information and belief, a close friend of Larry Vanover.
59. Until the altercation, Plaintiff Lachaun Armstead had a positive work record at Amtrak, with various commendations. White employees were not subjected to such disparate discipline.
60. 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.
61. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lachaun Armstead has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
62. Plaintiff Sherryl Aubry is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

63. During such employment, Plaintiff Sherryl Aubry was represented by the labor union TCU for purposes of collective bargaining with Amtrak.
64. Plaintiff Sherryl Aubry experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including testing, training, discipline, discharge, and other terms and conditions of employment.
65. Plaintiff Sherryl Aubry worked from June to August 1998 as a Reservation Agent.
66. During her on-the-job training, three people – including Plaintiff Sherryl Aubry – had to retake the Reservation Agent test. Only one of the three people passed the test again, and it was a white woman. This white woman was also assisted by a Trainer Assistant, who was also white. This Trainer Assistant helped the white woman both physically and verbally by pointing to the keys on the computer. The Trainer Assistant had also helped this white woman the first time she took the test, when the white woman had failed it.
67. On the day that she failed the test, Plaintiff Sherryl Aubry wrote a letter to Amtrak complaining about race discrimination.
68. Plaintiff Sherryl Aubry was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
69. By reason of such racial discrimination in employment by Amtrak, Plaintiff Sherryl Aubry has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
70. Plaintiff Jon A'Lida Aubry is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

71. During such employment, Plaintiff Jon A'Lida Aubry was represented by the labor union TCU for purposes of collective bargaining with Amtrak.
72. 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.
73. Plaintiff Jon A'Lida Aubry worked for Amtrak from June 25, 1998 until August 19, 1998 as a Train Attendant.
74. 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.
75. Plaintiff Jon A'Lida Aubry was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
76. Russ Settelle, Amtrak Chief of On-Board Service, stated that he did not like black women. When I was training and boarding passengers, Settelle started yelling at me about a small and insignificant matter, belittling me in front of a group of passengers and co-workers.
77. 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.
78. By reason of such racial discrimination in employment by Amtrak, Plaintiff Jon A'Lida Aubry has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

79. Plaintiff Thomas Ayers is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
80. During such employment, Plaintiff Thomas Ayers was represented by a labor union for purposes of collective bargaining with Amtrak.
81. Plaintiff Thomas Ayers experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline and discharge.
82. Plaintiff Thomas Ayers was hired by Amtrak in October 1998 as a Double A Pipefitter, for which he was well qualified, for the Engineering Department.
83. Plaintiff Thomas Ayers was the only African-American in the Double A Pipefitter position in the Northeast Corridor.
84. Plaintiff Ayers' white supervisor, Mr. Leonard, removed Ayers from his training class after a month or two, or shortly after the training period concluded.
85. Mr. Leonard informed Plaintiff Thomas Ayers that there was something wrong with his lab work, that something was detected in his urine. Mr. Leonard told Mr. Ayers to leave work and that he would get back to him in a few days.
86. Mr. Leonard did not call Plaintiff Ayers back, and Plaintiff Ayers was never called back to work.
87. Plaintiff Ayers went to Sarah Ray, who worked 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.

88. Plaintiff Ayers had not been on any drugs, and he had not taken any drugs with the possible exception of a prescription for a toothache. Nevertheless, Plaintiff Ayers lost his job.
89. By reason of such racial discrimination in employment by Amtrak, Plaintiff Thomas Ayers has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
90. Plaintiff Elnorah Barbour is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
91. During such employment, Plaintiff Elnorah Barbour was represented by a labor union for purposes of collective bargaining with Amtrak.
92. Plaintiff Elnorah Barbour experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.
93. Plaintiff Elnorah Barbour had worked for Amtrak for 24 years until 1998, working up to a mid-level manager with the title of Manager of Operating Statistics.
94. In 1995, Plaintiff Elnorah Barbour applied for a job of Analyst of Commuter Services. The job went to Linda Davenport, a white woman who was less qualified than Plaintiff Elnorah Barbour. Linda Davenport had a high school education, while Plaintiff Elnorah Barbour is a college graduate.

95. In May 1998, Plaintiff Elnorah 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.
96. Plaintiff Elnorah Barbour was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.
97. By reason of such racial discrimination in employment by Amtrak, Plaintiff Elnorah Barbour has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations anxiety, and resulting injury and loss caused by such violations
98. Plaintiff Elaine Barnett is an African-American citizen of the United States and was employed at Amtrak from about 1995 until 2005, during the former class liability period alleged in *Campbell*.
99. During such employment, Plaintiff Elaine Barnett was represented by the TCU labor union for purposes of collective bargaining with Amtrak.
100. Plaintiff Elaine Barnett experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, job assignments, and other terms and conditions of employment.
101. Plaintiff Elaine Barnett started working at Amtrak in 1995. She worked first in the New Orleans terminal station, in On Board Services for one year. Then she worked in Station Services until 2005.

102. Barnett became ill in April 1999 and went out of service. When she returned in September 2000, she worked in Station Services in the manager's office in Customer Service.
103. She applied for a union-represented administrative job in Washington, D.C., but was not even interviewed, despite her strong qualifications for that position.
104. 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.
105. The ticket office clerk job was taken away from Barnett abruptly and without any warning.
106. Barnett moved away from Meridien because there was no reason to stay without being able to do the extra ticket office work on weekends.
- Amtrak then posted the ticket office job. Plaintiff Elaine 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. 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. Later, she found out that Amtrak had placed a white male from Jacksonville, Florida, in the job.
107. Plaintiff Elaine Barnett was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. For example, in the Mechanical Department in New Orleans, Plaintiff Elaine Barnett encountered racial hostility from

white co-workers while doing her job duties. She complained to the manager, but it is not clear what was done.

108. By reason of such racial discrimination in employment by Amtrak, Plaintiff Elaine Barnett has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
109. Plaintiff Ulysses Barton is an African-American citizen of the United States and was employed at Amtrak, starting in 1988, as a Locomotive Fireman and then as a Locomotive Engineer during the former class liability period alleged in *Campbell*.
110. During such employment, Plaintiff Ulysses Barton was represented by the BLE, a labor union, for purposes of collective bargaining with Amtrak.
111. Plaintiff Ulysses Barton experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, and other terms and conditions of employment.
112. Over the years, Barton applied for promotions to union-represented, and other, positions approximately 20 times, or more, and for each he has been qualified, but he has been consistently denied the positions. Upon information and belief, many of these positions were awarded to white persons who were equally or less qualified than he was, including less experience working as a locomotive engineer.
113. Plaintiff Ulysses Barton was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

114. Barton has heard many managers talk about how no black person would be good enough to do a job, as well as various racial epithets or comments directed toward him and other African-Americans, or about African-Americans.
115. By reason of such racial discrimination in employment by Amtrak, Plaintiff Ulysses Barton has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
116. Plaintiff Talfourd Berry is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
117. During such employment, Plaintiff Talfourd Berry was represented by a labor union for purposes of collective bargaining with Amtrak.
118. Plaintiff Talfourd Berry experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, work assignments, and other terms and conditions of employment.
119. Plaintiff Talfourd Berry was employed with Amtrak from May 2000 to July 2002 as a Police Officer.
120. During his employment, Berry was denied promotions to “Specialized Service” Dog Handler positions, while his white counterparts with less experience were promoted.
121. 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 to the same officer. Berry was not afforded such favorable opportunities with regard to the Dog Handler positions.

122. Plaintiff Talfourd Berry was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

123. By reason of such racial discrimination in employment by Amtrak, Plaintiff Talfourd Berry has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

124. Plaintiff Roger Boston is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

125. During such employment, Plaintiff Roger Boston was represented by a labor union for purposes of collective bargaining with Amtrak. During his employment, Plaintiff Roger Boston was represented by UTU and TCU.

126. Plaintiff Roger Boston experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

127. Plaintiff Roger Boston had been employed by Amtrak since 1984.

128. In 1997, Plaintiff Roger Boston became a Conductor.

129. In 2000, Plaintiff Roger Boston applied for but was denied a position as an Engineer.

Plaintiff Roger Boston applied for the job, but a white woman named Lori (last name unknown) received the position, even though she only had two years of train experience as

compared to Plaintiff Roger Boston's eleven years of train experience, with no infractions on his good work record.

130. In 2007, Amtrak management issued a new requirement for Conductors called a Briefing List, to be checked off during the briefing before the tour of duty begins on the train.

131. Plaintiff Roger Boston knew of no Conductors who complied with this procedure, and he did not do it either. However, Plaintiff Roger Boston's immediate supervisor, Mike Hilbert, a white Row Train Master, checked with him whether he had completed the briefing list. When Plaintiff Roger Boston told him that he had not, his supervisor verbally disciplined him and wrote him up for a violation. Plaintiff Roger Boston then began complying with the policy regularly. Having spoken to other Conductors and to Lead Service Attendants, Plaintiff Roger Boston believes that he was the only Conductor who has been disciplined for this infraction even though white conductors and LSA's did not fill out the briefing lists, and Plaintiff Roger Boston, to his knowledge, was the only one who did fill out the Briefing List. Plaintiff Roger Boston was singled out for this discipline because of his race.

132. Plaintiff Roger Boston was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. He has seen racist graffiti on walls in the employees' areas which was not removed by management.

133. By reason of such racial discrimination in employment by Amtrak, Plaintiff Roger Boston has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

134. Plaintiff Greg Bowen is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
135. During such employment, Plaintiff Greg Bowen was represented by the IBEW, a labor union, for purposes of collective bargaining with Amtrak.
136. Plaintiff Greg Bowen experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, training, job assignments, work assignments, scheduling of work hours and leave, discipline, and other terms and conditions of employment.
137. Plaintiff Greg Bowen was employed at Amtrak starting in 1995 and continuing during the former class liability period alleged in *Campbell* as an Electrician.
138. Plaintiff Greg Bowen 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.
139. Plaintiff Greg Bowen took a qualification test, and the test administrator told him that he scored extremely well, but he was denied advancement opportunities, better work assignments, and general recognition of this 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.
140. 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.

141. 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. White employees are not denied leave, or notification of leave being granted, in such a manner.
142. The employer tried to discipline Plaintiff Greg Bowen for misuse of family leave, although the union intervened to stop it.
143. 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.
144. Plaintiff Greg 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.
145. Plaintiff Greg Bowen was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. During this time, he was subjected to racial harassment, as he 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.
146. By reason of such racial discrimination in employment by Amtrak, Plaintiff Greg Bowen has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including

but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

147. Plaintiff Phillip Boykin is an African-American citizen of the United States and was employed at Amtrak, during the former class liability period alleged in *Campbell*.
148. At all times during his Amtrak employment, Plaintiff Phillip Boykin was represented by labor unions for purposes of collective bargaining with Amtrak.
149. Plaintiff Boykin started at Amtrak in 1999 as a coach cleaner in New Orleans. While he was a coach cleaner, he was represented by the Transit Workers Union (“TWU”).
150. In November 2000, Plaintiff Boykin became a Laborer/Utility Worker, a position he held until he was furloughed in July 2006.
151. When he worked as a Laborer/ Utility Worker, he was a member of the International Brotherhood of Fireman & Oilers Union (“IBF&O”).
152. Plaintiff Boykin returned to Amtrak in July 2007 and held the position of Lead Service Attendant until being furloughed again in December 2007.
153. When he worked as a Lead Service Attendant, Boykin was represented by the Amtrak Service Workers’ Council (“ASWC”).
154. Plaintiff Boykin returned in 2008 as a Coach Cleaner and worked in that capacity until he retired in early 2011.
155. Plaintiff Phillip Boykin experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

156. In March of 2000, slightly more than one year after starting at Amtrak, Boykin submitted an application for a promotion to the position of Utility Worker at Amtrak's New Orleans, Louisiana facility. Based on his experience and education, he was qualified for the position, and it would have been an opportunity for him to gain valuable experience.
157. On or about July 1, 2000, Boykin was informed that he did not receive the promotion. Rory Whitehead, a less qualified white male was hired for the position. Amtrak selected Whitehead from outside the company instead of Plaintiff Boykin even though Boykin was a qualified current Amtrak employee. Upon information and belief, the selection was made by white Foreman Tommy Farr.
158. In September 2000, Plaintiff Boykin expressed his concern that he was being denied promotions on account of his race to George Warrington, then President and CEO of Amtrak.
159. Mr. Warrington responded to Boykin's letter and acknowledged that Whitehead was hired for the Utility Worker position not because of his qualifications for the job but because of his skills as a Machinist. He stated that the company needed people with Whitehead's skills and that he was only intended to serve as a Utility Worker until a Carman/Machinist position became available.
160. Whitehead, however, could have been hired into Boykin's former position as a Coach Cleaner, rather than as Utility Worker. Boykin's then supervisor, Mr. Towson, had specifically told Boykin that Amtrak wanted to hire additional Coach Cleaners during that same time frame. Boykin asked Mr. Warrington why Whitehead could not have been hired into a Coach Cleaner position, thus allowing Boykin to be promoted. Boykin was told that the decision reflected "policy."

161. Boykin continued as an employee of Amtrak until July 2006.
162. At that time, Boykin was told his job as a Laborer was being furloughed along with roughly forty others.
163. When jobs are furloughed, the employees who are impacted are given a chance to transfer to other open positions.
164. Furloughed employees are paid only 80% of wages.
165. Following the furlough announcement, Boykin applied for an open Baggage Handler position. At the time, he had roughly seven years of experience with Amtrak and was well qualified for the job. The position was given to a white female Coach Cleaner who had only recently joined Amtrak and was still on probation. Upon information and belief, her only experience related to cleaning passenger cars.
166. When Amtrak furloughed Boykin in July 2006, he actively sought full-time employment at Amtrak. In November 2006, he applied for a Track Gang position. He was told that Amtrak would get back to him about the position, but it never did.
167. Plaintiff Boykin found out later that the Track Gang position he had applied for had been unoccupied for nearly two months.
168. In the early part of 2007, two recently furloughed white Pipe Fitters were given the available Track Gang jobs. These men were no more qualified for the manual labor of the Track Gang than Boykin was. Also, Boykin had been on furlough longer than both of them, and he had applied for the position much earlier. Amtrak, however, held the positions open until white candidates were available.
169. 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.

170. 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.

171. 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.

172. Generally, Amtrak disciplines black employees harsher for committing similar or the same infractions as white employees.

173. 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.

174. Nevertheless, 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.

175. 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.

176. 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.

177. Plaintiff Phillip Boykin was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

178. By reason of such racial discrimination in employment by Amtrak, Plaintiff Phillip Boykin has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

179. Plaintiff Odell Bradley is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

180. During such employment, Plaintiff Odell Bradley was represented by a labor union for purposes of collective bargaining with Amtrak.

181. During his employment, Plaintiff Odell Bradley experienced intentional racial discrimination by Amtrak in regard to some or all of the following: job assignments, work assignments, safety conditions, scheduling of work hours and overtime, discipline and other terms and conditions of employment.

182. Plaintiff Odell Bradley worked for Amtrak for 26 years until 2002.

183. For much of that time, Plaintiff Odell Bradley worked as a Building and Bridges Inspector.

184. During his career at Amtrak, Plaintiff Odell Bradley was represented by a union for purposes of collective bargaining.
185. 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.
186. Plaintiff Odell Bradley found another job as a Mechanic at Amtrak, but he was making \$2 per hour less than he did in his former job as an Inspector.
187. Plaintiff Odell Bradley also had overtime opportunities denied him by white supervisors, who gave the overtime instead to white employees.
188. Plaintiff Odell Bradley was written up and docked pay for being late by white supervisors, who did not do so for white employees who were late.
189. Plaintiff Odell Bradley was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
190. By reason of such racial discrimination in employment by Amtrak, Plaintiff Odell Bradley has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
191. Plaintiff Roy Brown is an African-American citizen of the United States and applied for employment at Amtrak during the former class liability period alleged in *Campbell*.

192. Had he been hired by Amtrak, Plaintiff Roy Brown would have been represented by a labor union for purposes of collective bargaining with Amtrak.

193. Plaintiff Roy Brown experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including hiring.

194. 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.

195. When he first applied to Amtrak, Plaintiff Roy Brown was a Sergeant in the District of Columbia Metropolitan Police Department, where he had worked since 1972.

196. Two white Amtrak police officers, with whom he interacted when his duties had brought him to Union Station in D.C., advised him that Amtrak was hiring police officers with his type of background and experience.

197. Plaintiff Roy Brown submitted an application to Amtrak for a position, but never heard back. Plaintiff Roy Brown followed-up every three weeks or so, but he was told there was no new information regarding the status of his application.

198. After several months of following up, he was finally told by an Amtrak Human Resources Representative that they did not have a copy of my application.

199. Plaintiff Brown resubmitted his application, but again did not hear back from Amtrak.

200. In 1993, Brown hand-delivered another application for a police officer position to Amtrak's Human Resources office in Washington, D.C. Again, he followed-up every three weeks or so, but was told that there was no information regarding my application. He was eventually told that his application might have been lost.

201. Plaintiff Roy Brown was aware that during the time he was submitting applications, Amtrak hired several white police officers. During this time, an Amtrak police officer named Rick (LNU), who is half white and half African-American, and who Brown knew through a mutual friend, told him that Amtrak was regularly hiring police officers, but that they were always white. Rick said he believed he was one of the very few minority police officers who worked at Amtrak.
202. Around 1994, Rick offered to submit Plaintiff Roy Brown's application directly to his supervisor, who was white. Rick submitted his application, but Plaintiff Roy Brown never heard back from Amtrak. According to Rick, during this time Amtrak continued to hire white police officers.
203. In 1996, Plaintiff Roy Brown again applied for an Amtrak Police Officer position by hand-delivering his application to the Human Resources office.
204. At the time, after retiring from the District of Columbia Metropolitan Police Department in 1994, Plaintiff Roy Brown had been working for the Prince George's County School District in Maryland as a school security officer.
205. 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.
206. Plaintiff Roy Brown never again heard whether Amtrak had hired other applicants for those police officer positions.
207. Plaintiff Roy Brown stopped calling Amtrak about his pending job applications only after he got a job as a security officer at the United States Department of Justice in 1998.

208. By reason of such racial discrimination in employment by Amtrak, Plaintiff Roy Brown has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

209. Plaintiff Earl Brown is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

210. During such employment, Plaintiff Earl Brown was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

211. Plaintiff Earl Brown experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, discharge, and other terms and conditions of employment.

212. Plaintiff Earl Brown was employed by Amtrak for 25 years, most recently as a Train Attendant prior to his termination.

213. In 2008, Plaintiff Earl Brown was wrongfully terminated from his job.

214. 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.

215. Amtrak also withheld critical evidence in Plaintiff Earl Brown's case.

216. Amtrak wrongfully accused Plaintiff Earn 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.

217. Both of the relationships had ended badly, and the two women hired a consultant, who sent a letter to Amtrak and to Plaintiff Earl Brown stating that the consultant was

representing them and seeking money for their alleged distress. Further, the so-called consultant threatened to take the story to the news media if the women were not paid.

218. The two women were plotting together to Plaintiff Earl Brown fired from his job with Amtrak and tried to convince other women that Brown had dated to join in the effort.

219. Plaintiff Earl Brown believes that this termination was discriminatory because, 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.

220. Plaintiff Earl Brown was also ordered to work despite having a doctor's note which excused him from work.

221. By reason of such racial discrimination in employment by Amtrak, Plaintiff Earl Brown has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

222. Plaintiff Marcus Brunswick is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

223. During such employment, Plaintiff Marcus Brunswick was represented by BRS, the Brotherhood of Railroad Signalman, a labor union for purposes of collective bargaining with Amtrak.

224. Plaintiff Marcus Brunswick had been employed by Amtrak since June 1984.

225. Plaintiff Brunswick was based in Philadelphia, Pennsylvania from 1984 until he began his most recent position on June 30, 2008, as an Electronic Communications Technician based in Lancaster, Pennsylvania.

226. Plaintiff Brunswick began his employment at Amtrak as a Communication Signals Trainee.

227. In December 1985, he was furloughed.

228. In April 1987, Brunswick applied for and received a position as Reservation Sales Agent.

229. In August 1987, Brunswick returned to his position as a Communication and Signals Trainee. He worked in this capacity until 1989.

230. At that time, Brunswick became a Signal Maintainer in the Construction and Maintenance Department.

231. In 1998, Plaintiff Brunswick became an Electronic Communications Technician for two weeks, until he was bumped back to his position as a Signal Maintainer.

232. In 2005, Brunswick again became an Electronic Communications Technician for two weeks before he was bumped again.

233. Brunswick became a permanent Electronic Communications Technician in June 2008.

234. Plaintiff Marcus Brunswick experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, training, job assignments, work assignments, discipline, and other terms and conditions of employment.

235. In 1984, before Plaintiff Marcus Brunswick started working for Amtrak, he applied for an Electrical Traction position. A white Amtrak official interviewed and tested him for the position.

236. There were two parts to the test, an objective written test and a subjective visual test. The test was extremely basic, and Plaintiff Marcus Brunswick believe he had passed. However, the white official told Plaintiff Marcus Brunswick that he had failed the subjective visual test.

237. There was no way for Plaintiff Marcus Brunswick to challenge the outcome of the test because it was a subjective decision by the white test administrator. By contrast, several white applicants took the test and passed.

238. Tony Garcia was the only other African-American employee who took the test at the time, and he was also told that he failed the test.

239. Tony Garcia and Plaintiff Marcus Brunswick were the only two African Americans in the hiring pool.

240. When a white Amtrak employee qualifies for a position, management will make an effort to place him permanently into that position.

241. It took Amtrak ten years to place Plaintiff Marcus Brunswick into a permanent Electronic Communications Technician position after he qualified. He became qualified to work as an Electronic Communications Technician in 1998, but for ten years, he was only allowed to work in this capacity for short, temporary periods, until his permanent promotion to the position on June 30, 2008.

242. In 1998, Brunswick was bumped from his position as an Electronic Communications Technician by a white employee almost as soon as he started it.

243. In approximately 2005, Brunswick was bumped from the position again, also by a white employee, almost as soon as he began it.

244. A white employee, Robert Snyder, who was not qualified for an Electronic Communications Technician position, and who did not even work in that general field, was nonetheless given an Electronic Communications Technician position in 2005.
245. In 1998, the first time Plaintiff Marcus Brunswick was bumped, he asked white supervisor Pete Lach if Amtrak could create another position for him, as he had seen Amtrak do for many white employees. Lach informed Plaintiff Marcus Brunswick that Amtrak did not have enough money for a new position.
246. From the time Plaintiff Marcus Brunswick was hired as a Communication Signals Trainee, it took five years for him to be promoted. White trainees had a much shorter training period than African-Americans like Plaintiff Marcus Brunswick.
247. Plaintiff Marcus Brunswick has observed some white supervisors refuse to issue passing grades to African-American employees on required tests. For example, white supervisor Darin Slimblock has passed few, if any, African-American candidates for Signal Maintainer positions during Plaintiff Marcus Brunswick's tenure at Amtrak.
248. There are significantly fewer African-American Electronic Communications Technicians than white Technicians in the Philadelphia area. There are only two black Foremen out of about thirty (30) Foremen total.
249. In December 2000, Plaintiff Marcus Brunswick was blamed for leaving a door open, even though it was not clear by whom, or even on which shift, the door had been left open, and as many as thirty (30) people had keys to that door and could have also been responsible. His white supervisor, Robert Slimbock, gave Brunswick a "P-70," a verbal and written reprimand, which stayed in Brunswick's personnel file for a year. When white

employees made similar mistakes, Slimbock just spoke to them informally without disciplining them in any formal way.

250. White employees were treated more leniently in similar circumstances. For example, around May 2008, a white employee, Robert Ferrari, was found to have committed a Federal Railroad Administration safety violation involving the employee's failure to perform a visual test. The Federal Railroad Administration charged Amtrak \$5000 for this violation, yet Ferrari was not taken out of service or disciplined in any way.
251. In 1996 or 1997, Dave Simmons, a white Foreman in Construction, told Plaintiff Marcus Brunswick 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 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.
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 severally 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.

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.

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.

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.

265. Plaintiff Marcus Brunswick was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

266. By reason of such racial discrimination in employment by Amtrak, Plaintiff Marcus Brunswick has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

267. Plaintiff Curtis Capers is an African-American citizen of the United States and a resident of the State of Indiana.

268. Plaintiff Curtis Capers experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, job assignments, furlough and recall from furlough, and other terms and conditions of employment.

269. Plaintiff Curtis Capers was employed by Amtrak for nine and one-half years as a Coach Cleaner, and later as an Apprentice Carman-Welder at the Beech Grove maintenance facility near Indianapolis, Indiana, during the 1980's and early 1990's.

270. Throughout his employment by Amtrak, Plaintiff Curtis Capers was represented for purposes of collective bargaining by the TWU.

271. Had Plaintiff Curtis Capers been returned to work from furlough, he would have been represented for purposes of collective bargaining by a labor union.

272. Had Plaintiff Curtis Capers been rehired as a result of his later job applications, he would have been represented for purposes of collective bargaining by a labor union.

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.

274. Plaintiff Curtis Capers was not recalled at any point thereafter.

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.

276. Plaintiff Curtis Capers applied for reemployment on or about March 30, 2009 for a union-represented Boilermaker position and took an employment test. He passed the test with a score of 95%.

277. Plaintiff Curtis Capers was not hired despite his passing test score, his other qualifications, and his past experience at Amtrak.

278. On or about April 15, 2009, Plaintiff Curtis Capers went online to check on the application and found that it was active.

279. A couple of weeks later Plaintiff Curtis Capers checked the Amtrak website again and found that his Boilermaker application was listed as inactive.

280. Amtrak hired white candidates for the Boilermaker position who, upon information and belief, possessed neither Plaintiff Curtis Capers' experience nor his qualifications.
281. On or about April 15, 2009, Plaintiff Curtis Capers applied, via an online application, for a listed vacancy for a Journeyman Carman position, for which he was qualified.
282. Plaintiff Curtis Capers received confirmation that his application was received by Amtrak.
283. Plaintiff Curtis Capers was not hired for the Journeyman position.
284. Amtrak hired white candidates for the position who, upon information and belief, possessed neither Plaintiff Curtis Capers' experience nor his qualifications.
285. As a result of Amtrak's discriminatory actions, Plaintiff Curtis Capers has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
286. Plaintiff Michael Caldwell is an African-American citizen of the United States and was employed at Amtrak starting about June 27, 1997, during the former class liability period alleged in *Campbell*.
287. During such employment, Plaintiff Michael Caldwell was represented by the labor unions UTU and HERE for purposes of collective bargaining with Amtrak.
288. Plaintiff Michael Caldwell experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, discipline, and other terms and conditions of employment.

289. Plaintiff Michael Caldwell was an Assistant Conductor in training from 1997 to September 1998, and he also received training for lead service attendant and food specialist work.
290. Plaintiff Michael Caldwell worked as an Assistant Conductor from September 1998 to November 1998. He earned about \$50,000 to \$55,000.
291. In November 1998, Plaintiff Michael Caldwell was disqualified from the Assistant Conductor position and demoted to Assistant Chef. In that position, he earned only about \$28,000 to \$30,000.
292. Plaintiff Michael Caldwell was disqualified for falsifying his time sheet. Although he admitted the infraction, his disqualification was unfair and disproportionate. White employees are not disqualified for similar infractions.
293. On October 27, 1998, Plaintiff Michael Caldwell told his supervisor, Mr. Smith, white male, that Caldwell had an emergency and needed to leave work early. Caldwell did not sign out early.
294. On November 10, 1998, Plaintiff Michael Caldwell was taken out of service for not signing out for the time he left.
295. Phillip Ryan, a white man, advised Caldwell to sign a waiver that admitted wrongdoing and accept the 10-day suspension and disqualification.
296. Plaintiff Michael Caldwell chose not to sign the waiver.
297. Plaintiff Michael Caldwell was then demoted to the Assistant Chef position.
298. 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.

299. 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.

300. Plaintiff Michael Caldwell was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

301. By reason of such racial discrimination in employment by Amtrak, Plaintiff Michael Caldwell has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

302. Plaintiff Thomas Carter is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

303. During such employment, Plaintiff Thomas Carter was represented by the labor union TCU for purposes of collective bargaining with Amtrak.

304. Plaintiff Thomas Carter experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, and other terms and conditions of employment.

305. Plaintiff Thomas Carter started working at Amtrak in 1998 as a Car Inspector in Jacksonville, Florida.

306. In 2003, Plaintiff Thomas Carter moved to Washington, D.C. where he worked for Amtrak as a Car Inspector.

307. Plaintiff Thomas Carter was then promoted to a Foreman III position, supervising other Car Inspectors.

308. In 2004, Plaintiff Thomas Carter moved back to Jacksonville, Florida as a Car Inspector.

309. Later in 2004 Plaintiff Thomas Carter moved to Miami, Florida and again worked as a Car Inspector.

310. A few months later Plaintiff Thomas Carter moved to Sanford, Florida, to work on the Autotrain.

311. In 2006, Plaintiff Thomas Carter was injured in a serious on-the-job accident, and he formally retired from Amtrak in 2008.

312. In 2000, 2001, and 2003, Plaintiff Thomas Carter was repeatedly denied promotions to Conductor positions. Plaintiff Thomas Carter was well-qualified for these positions because he had received on-the-job training with Conductors in Jacksonville, Florida, had worked extensively with the yard crews, and he had passed the required written test. Plaintiff Thomas Carter also had 11 and a half years of experience as an aircraft mechanic in the U.S. Navy.

313. Darryl Murray, a white Station Manager, agreed to “informally” interview Plaintiff Thomas Carter, which occurred not in the office, but rather outside by the railroad tracks. Carter was not promoted.

314. Instead, Amtrak hired white employees for these Conductor positions. All of these new hires were from other Amtrak locations or from outside Amtrak, and several of these hires had no railroad experience at all.

315. In January 2006, Plaintiff Thomas Carter again applied for a Conductor position. He was still well-qualified for the position because of his long tenure with Amtrak, his experience working with Conductors, and because he had passed the required test.

316. Doug Floom, a white Business Manager, and Tommy Farr, a white Station manager, interviewed him for the position.

317. Tommy Farr had a reputation for grilling all African-American applicants for promotions. For example, Farr refused to promote Irving Myrick, a black electrician who trained newly-hired white employees, while Farr regularly promoted the white employees that Myrick had trained.

318. Plaintiff Thomas Carter heard Farr tell racist jokes and make racist comments. Farr told Plaintiff Thomas Carter a joke about African-Americans not needing suntan lotion because of the color of their skin. Farr also expressed disbelief of African-American employees if they said they had white friends.

319. During the interview, Farr stated to Plaintiff Thomas Carter that Farr didn't think blacks have the "mentality" to comprehend the job.

320. Farr also told Plaintiff Thomas Carter that, if he was selected for the position, he would have to complete a 90-day probationary period during which time he could be fired for any reason. He added that, if Plaintiff Thomas Carter was fired during the probationary period, then he could not return to any on-board services position. Farr told this to Plaintiff Thomas Carter in an effort to prevent him from continuing with the application process or applying for further vacancies. Farr did not want to place an African-American in a Conductor position.

321. There were eight Conductor positions available, and Amtrak hired white employees to fill six of them. All of these newly-hired white employees were "off the street," with no previous Amtrak experience and with fewer qualifications than Plaintiff Thomas Carter had

for the position. One of the white hires was the nineteen-year-old son of Tom Fortune, the white District Supervisor of the Southern District.

322. Plaintiff Thomas Carter was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

323. In the late 1990s and early 2000s, Tony Mongillo, a white Car Inspector Supervisor in Jacksonville, Florida, singled Plaintiff Thomas Carter out for racially hostile treatment. After Plaintiff Thomas Carter fixed a problem with a train which Mongillo should have been able to fix, he became angry with Carter and berated him in front of his coworkers and several passengers. He said, "Don't you ever do that [referring to my efforts to fix the train] again - that's the problem with you people wanting to work with the railroad." I responded, "What do you mean?" and he said, "You know what I mean." Upon information and belief, by the term "you people" Mongillo meant "African-Americans." Among other witnesses, Israel Stallings, one of my black coworkers, witnessed the incident.

324. Plaintiff Thomas Carter complained about this race-based statement to Joe Tana, a white Foreman who supervised Mongillo. Plaintiff Thomas Carter told him Mongillo's comment was race-based. Tana claimed he talked to Mongillo, but Mongillo's hostility continued.

325. Plaintiff Thomas Carter subsequently had to occasionally share a desk with Mongillo. On one occasion, Mongillo slammed Plaintiff Thomas Carter's fingers in one of the desk drawers. Plaintiff Thomas Carter told Mongillo that if Mongillo did not stop his harassment, Plaintiff Thomas Carter would complain.

326. Several weeks later, a white supervisor, Dick Samples, called Plaintiff Thomas Carter in to work overtime on the night shift. When he arrived, he was the only African-American

employee in the station. One of the white employees asked me why he was there, since he did not usually work the night shift. Samples was sitting nearby but he refused to acknowledge that he had called Plaintiff Thomas Carter in to work and had apparently called him in solely to harass him or have him harassed by Samples' cronies.

327. It was well-known at Amtrak that Samples was a member of the Ku Klux Klan.

328. Mongillo was also present. He immediately became upset and said to Plaintiff Thomas Carter, "No one called you - you must be trying to steal time. You people are all the same."

329. Plaintiff Thomas Carter complained to Amtrak's Diversity Office and to Amtrak's President, George Warrington, about Mongillo, but the only action taken was to place Mongillo on "probation" for three months.

330. On another occasion, Plaintiff Thomas Carter told white Conductor Larry Chancy that Carter hoped Chancy would have a nice trip as he was leaving for his train. Chancy responded, "Yup, I'm going coon hunting." I complained about Chancy's use of the word "coon," but nothing was done to discipline him.

331. By reason of such racial discrimination in employment by Amtrak, Plaintiff Thomas Carter has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations. Plaintiff Vernon Carter is an African-American citizen of the United States and was employed at Amtrak since June 9, 1992, and continuing during the former class liability period alleged in *Campbell*.

332. During such employment, Plaintiff Vernon Carter was an Assistant Conductor and was represented by UTU, a labor union, and later, by TCU, another labor union, for purposes of collective bargaining with Amtrak.

333. Plaintiff Vernon Carter experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, discipline, discharge and other terms and conditions of employment, and retaliation.

334. In 1993, Plaintiff Vernon Carter was hired by Amtrak as a Station Cleaner in Philadelphia.

335. Between 1994 and 1996, Plaintiff Vernon Carter worked as a Crew Dispatcher in Philadelphia.

336. In 1996, Plaintiff Vernon Carter became a Commissary Clerk in Washington, D.C. From 1993 to 1996 Plaintiff Vernon Carter was represented by the Transportation Communication International Union (“TCU”).

337. In 1997, Plaintiff Vernon Carter was promoted to a position as Assistant Conductor out of New York City.

338. At that point, Plaintiff Vernon Carter became represented for collective bargaining by the UTU.

339. In 1998 Plaintiff Vernon Carter continued working as an Assistant Conductor but switched to Philadelphia, and in 1999, his base was moved to Washington, D.C.

340. Plaintiff Vernon Carter remained an Assistant Conductor until 1999, when Plaintiff Vernon Carter was terminated.

341. While working as an Assistant Conductor between 1997 and 1999, Plaintiff Vernon Carter sought a promotion to a Conductor position.

342. To become a Conductor, applicants must take and pass a qualifying exam, called the Conductor Promotional test.

343. Assistant Conductors are allowed to take the test three times, but if they do not pass it by the third try, they will not only be denied promotion, but will also be terminated from their positions as Assistant Conductors and from Amtrak.

344. Plaintiff Vernon Carter took the Conductor Promotional test three times and was told he failed each time.

345. In the fall of 1999, before Plaintiff Vernon Carter took the Conductor Promotional test, he enrolled in a Conductor Promotion training class taught by a white Rules Supervisor, Mr. Kopecki.

346. The week-long training class was intended to help employees pass the test.

347. Mr. Kopecki subjected African-Americans in the class to higher standards and harsher treatment than their white classmates, in an effort to prevent the African-American employees from being promoted to Conductor positions.

348. Plaintiff Vernon Carter was the only African American in his class of four people. Mr. Kopecki treated him differently than the white employees with whom he took the class. When Plaintiff Vernon Carter answered Mr. Kopecki's questions during class, he always required Plaintiff Vernon Carter to answer word-for-word from the book. None of the white students, Rob, George or John, had to give such detailed answers.

349. When Plaintiff Vernon Carter asked Mr. Kopecki questions about the material, instead of answering, he would respond by saying, “What do you think?” When the other employees asked questions, he told them the answers.

350. Mr. Kopecki even acknowledged that he was treating Plaintiff Vernon Carter differently. On one occasion when Plaintiff Vernon Carter protested his requirement that his answers contain so much information while the other students could give brief answers, he responded, “Well, I want you to give that much information.”

351. The Conductor Promotional exam had two parts, one that tested the rules and another that tested knowledge of signals on the railroad.

352. The first time Plaintiff Vernon Carter took the test, he did not pass either part. The second time, he scored 100% on the signals part, and Mr. Kopecki told him that he scored 83% on the rules part, but nevertheless Kopecki said that Carter needed at least 85% on the rules part.

353. Plaintiff Vernon Carter requested to see the test or the questions that he missed, but Kopecki refused.

354. Plaintiff Vernon Carter is aware of white employees who were allowed to see their test results.

355. Plaintiff Vernon Carter happened to be on sick leave when the next test was scheduled. Carter could have taken the test the following month instead, or at a different location, but Kopecki called Carter at home on each of the days he was sick to demand that he take the next scheduled exam in Washington, D.C.

356. Kopecki threatened to disqualify Plaintiff Vernon Carter from his Assistant Conductor position, thus terminating him, if he did not show up for the exam. Carter believed

Kopecki knew that Carter's ill health at the time would hinder his ability to pass the test, and Kopecki wanted Plaintiff Vernon Carter to fail so that Carter would be terminated.

357. Kopecki's supervisor, Norman Hyter, a white Trainmaster, also called Plaintiff Vernon Carter at home and demanded that he sit for the next scheduled exam.

358. White employees were not forced or coerced to come in for the exam while out on sick leave or forced or coerced to take the exam in a particular location; nor were white employees threatened with termination if they did not take the exam when ill.

359. One of Plaintiff Vernon Carter's white coworkers was also unavailable for the exam and was allowed to reschedule it for a day that was convenient for him.

360. In general, during a test at Amtrak, if a test-taker asks a question, the supervisor will help by drawing on the board to point that person in the right direction without giving the answer.

361. When it was Plaintiff Vernon Carter's turn to take the test, however, Kopecki simply handed him the test, said "There you go," and left the room.

362. By contrast, on the same day that Plaintiff Vernon Carter took the test, Kopecki administered the same test to his white co-worker, Joe (LNU).

363. Joe later told Plaintiff Vernon Carter that Kopecki asked him if he needed any help with the exam, and, further, even told him the answers to questions he was unsure of.

364. Other white employees, including Joe, told Plaintiff Vernon Carter after their exams that Kopecki also told them the answers to questions they were unsure of.

365. Plaintiff Vernon Carter is aware of only one white employee who ever failed the New York Conductor Promotional Test, Charles Rankin. But Rankin was also allowed to take the test more than three times, and Rankin continues to work at Amtrak in New York.

366. After failing the exam, Plaintiff Vernon Carter contacted his union representative who arranged for Carter to have one final opportunity to take the test once he was back from sick leave a week later. However, the union representative later called Carter and told him that Kopecki had refused to allow Carter to take the test again.
367. As a result, Plaintiff Vernon Carter was terminated from Amtrak.
368. Plaintiff Vernon Carter was not able to find another position at Amtrak until eleven months after he was terminated.
369. Eventually, Plaintiff Vernon Carter was able to get a job in Baltimore as a Baggage man.
370. Because Plaintiff Vernon Carter had been terminated, he lost all of his seniority.
371. As a result of Plaintiff Vernon Carter's complaints, he was subjected to further discrimination and retaliation. The employees in the Washington D.C. office discriminated and retaliated against Plaintiff Vernon Carter by discriminating against his wife, Kim McKay. They refused her promotions, treated her harshly, and eventually terminated her unlawfully.
372. These experiences were devastating, both financially and personally, to the Carter family.
373. In December 1999, Plaintiff Vernon Carter was stripped of his seniority, though he did not learn it happened until he went to the Human Resources office at Amtrak national headquarters in D.C. for the purpose of "making a bump" by which he attempted to bump someone from a job for which he was already qualified and eligible to obtain.
374. Instead of being allowed to bump someone when he went to the office in December 1999, Plaintiff Vernon Carter was told he was no longer a TCU union member and therefore had no seniority.

375. Plaintiff Vernon Carter was told by the Human Resources office in D.C. he would be allowed to take another job without bumping someone, but at that time, there were no jobs available because there was a “reduction in workforce” happening.

376. After learning this, Plaintiff Carter contacted the Crew Management Department in Wilmington, DE.

377. Plaintiff Vernon Carter applied for a transfer and was told there were no jobs available but that they would notify him when one became available.

378. That office then proceeded to hire white people off the street with no experience or service, both of which Plaintiff Vernon Carter had, and put them in two rounds of training classes.

379. When Plaintiff Vernon Carter questioned the Wilmington office about this, he was told they received his transfer late, after the others were hired. However, Carter had faxed the necessary information upon first contacting the Philadelphia office which controls the hiring in Wilmington.

380. Plaintiff Vernon Carter then called Maureen Phelan in Amtrak’s Human Resource office in Philadelphia about the Crew Management positions in Wilmington, and she also told him he was too late for the two training classes, and that she had not known he was qualified for one of the positions.

381. Plaintiff Vernon Carter was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

382. By reason of such racial discrimination in employment by Amtrak, Plaintiff Vernon Carter has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

383. Plaintiff Priscilla Cathey is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

384. During such employment, Plaintiff Priscilla Cathey was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

385. Plaintiff Priscilla Cathey experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, training, job assignments, work assignments, discipline, and other terms and conditions of employment.

386. Plaintiff Priscilla Cathey was hired by Amtrak in May of 1982 as a Reservation Sales Agent.

387. Plaintiff Priscilla Cathey worked her way up to an Accounting Clerk position in the Finance Department of Amtrak's Philadelphia Office, and she is represented by a union, the TCU.

388. In June of 2002, Amtrak subjected Ms. Cathey to disciplinary proceedings and gave her a 10-day deferred suspension and a two-year probation for allegedly violating Amtrak policies related to talking in the workplace and being outside of one's workstation, because of an incident which occurred on April 25, 2002.

389. On that day, Plaintiff Priscilla Cathey engaged in work-related discussions, which do not violate Amtrak policies. Cathey's white manager, Elizabeth DeStefano, reprimanded her for having these conversations.

390. Gladys Kriegler, a white employee, was not reprimanded for similar behavior.

391. Plaintiff Priscilla Cathey complained to director Stan Winkler about the discriminatory treatment, but Winkler did nothing.

392. On May 22, 2002, Winkler presented Plaintiff Cathey with three disciplinary charges related to the April 25 incident.

393. Cathey appealed Amtrak's decision to suspend her and place her on probation.

394. An arbitrator later overturned the suspension and reduced the probation to one year.

395. Since that time, Plaintiff Priscilla Cathey has been subjected to ongoing and continuous race discrimination and retaliation.

396. In November of 2003 and February of 2004, Cathey interviewed for a Lead Clerk position in the Finance Department.

397. Prior to the November 2003 interview, Senior Director in Finance Robert Thomas told her she would not get the job.

398. The interview panel, which included DeStefano and Winkler, treated her coldly throughout the interview, and she learned later that Robin Clark, a co-worker whom Cathey had trained, received the position.

399. In Plaintiff Cathey's November 2003 interview, white supervisor Doug Thompson, one of the interviewers, asked Cathey which computer software applications she knew. After she answered, Thompson told Cathey that he would not have time to train her on applications she did not know.

400. White lead clerk Ronald Keenan did not know all the applications when he was hired. Thompson trained Keenan on applications he did not know.

401. Plaintiff Priscilla Cathey complained to the Dispute Resolution Office of Amtrak's Business Diversity Department about the treatment she was subjected to by DeStefano and Winkler.
402. Stan Winkler made a comment to Plaintiff Priscilla Cathey about "managing the plantation" when most of the black managers in Cathey's office was fired and thereafter replaced with white managers.
403. Plaintiff Priscilla Cathey was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. Since April 2002, DeStefano has harassed Cathey by following her around the office and eavesdropping on her conversations.
404. DeStefano has also wrongfully accused Cathey in front of her co-workers of making personal calls on work time.
405. Frequently, DeStefano would stand outside of her office and stare at Cathey and laugh. Other times she would follow Cathey to the ladies room and occupy the stall next to where I was, just to make Cathey feel uncomfortable or intimidated.
406. By reason of such racial discrimination in employment by Amtrak, Plaintiff Priscilla Cathey has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
407. Plaintiff Hardin Cheatham was an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

408. Plaintiff Hardin Cheatham passed away in July 2023. A motion for substitution of his estate will be made.
409. During such employment, Plaintiff Hardin Cheatham was represented by TWU, a labor union, for purposes of collective bargaining with Amtrak.
410. Plaintiff Hardin Cheatham experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, scheduling of work hours and vacation time, discipline, and other terms and conditions of employment.
411. Plaintiff Hardin Cheatham was employed by Amtrak beginning in 1974.
412. Plaintiff Cheatham worked up to a Journeyman Carman/Welder position in the Forge Shop until 2011.
413. At the beginning of employment, Plaintiff Hardin Cheatham completed a Journeyman Carman apprenticeship in Hammond, Indiana.
414. Plaintiff Hardin Cheatham was honored with Outstanding Apprentice for the Carman craft.
415. Recipients of this award are nearly always rewarded with foreman positions, most of them white employees.
416. Plaintiff Hardin Cheatham never received a foreman position opportunity and was never selected to be a Carman Foreman.
417. Every time that Plaintiff Hardin Cheatham inquired about position availability for a Carman Foreman, Amtrak officials would state that there was nothing available.
418. Plaintiff Hardin Cheatham was written up for tardiness or absences for medical or dental reasons and denied leave or excused tardiness to attend to his or his wife's medical or

dental appointments. White employees are usually given accorded leave or excused tardiness without problems and are usually not cited with disciplinary write-ups when they are tardy or absent.

419. Plaintiff Hardin Cheatham experienced racial discrimination in being denied or not being able to schedule vacation days. White employees are able to obtain vacation days without such issues.

420. Plaintiff Hardin Cheatham was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. He observed and was subjected to many racist epithets and written materials during his employment at Amtrak.

421. By reason of such racial discrimination in employment by Amtrak, Plaintiff Hardin Cheatham has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

422. Gary Christian is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

423. During such employment, Plaintiff Gary Christian was represented by the IBEW, a labor union, for purposes of collective bargaining with Amtrak.

424. Plaintiff Gary Christian experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, and denial of testing opportunities, training, job assignments, work assignments, and other terms and conditions of employment.

425. Plaintiff Gary Christian has been employed by Amtrak from November 1991 until he resigned from Amtrak in 2001.
426. At all times during Christian's employment with Amtrak, he was an Electrician working out of the Ivy City facility in Washington, D.C.
427. Amtrak offers employee training classes at various Amtrak training locations throughout the year. These training classes are essential to career advancement at Amtrak.
428. As an Electrician, one of the few ways to move up to a Foreman position is to attend classes on topics such as diesel repair, cab signal training, and Amfleet training.
429. To work on the trains in many different capacities, such training was essential.
430. These kinds of trainings are supposed to be filled on a first-come first-served basis according to a sign-up sheet that is posted in an employee area.
431. Plaintiff Gary Christian and other African-American Electricians, including Donald Murray, Clyde Briscoe, and Ted Bailey, were repeatedly denied the opportunity to take these training classes on diesel engines and motors.
432. White supervisors Harry Hubert and Bob Frank, and white General Foreman Ben Allen repeatedly rejected Plaintiff Gary Christian from such training opportunities or kept Plaintiff Gary Christian from applying for spaces in these training classes.
433. Often these white supervisors would not post training opportunities publicly until the class had already been filled with white employees.
434. On other occasions when Plaintiff Gary Christian and other African-American employees were able to indicate their interest on the sign-up sheets, they would receive a rejection letter a few weeks later stating that the class was already filled.

435. Sometimes Christian received no response at all but observed their white co-workers taking time off from work to attend such classes.
436. Less senior white employees were regularly selected to take the training classes, often as many as five per year.
437. Plaintiff Christian's white coworker Deano Merkes was allowed to attend a training class on diesel engines in 1996 even though he did not work with diesel engines.
438. Several other white employees who worked on car maintenance – not diesel engines – were also allowed to attend classes on diesel engines.
439. Finally, in 1997, Plaintiff Gary Christian was allowed to attend one training class. At that time Plaintiff Gary Christian was working in the “motor pit,” which is where motor repairs are performed. Plaintiff Gary Christian worked two days a week repairing diesel engines and three days a week repairing electrical motors. Diesel and electrical motor training programs were offered four to five times each year.
440. Being able to attend even one of these classes would have enabled Plaintiff Christian to do his job better and more quickly.
441. The white General Foreman, Ben Allen, finally offered Plaintiff Gary Christian a place in a training class after a white employee cancelled. Plaintiff Gary Christian had never seen the sign-up list for this class posted publicly. Employees are usually given at least four weeks' notice about a training class, but he only had two weeks to rearrange his schedule and his family's schedule to allow him to attend.
442. This was the only training class Amtrak ever allowed Plaintiff Gary Christian to attend.
443. Plaintiff Gary Christian was the only African-American person in the class.

444. In 1999, Plaintiff Gary Christian and a number of his white coworkers applied for positions with the Monorail railroad system in New Jersey, which is a separate railroad company from Amtrak.
445. Plaintiff Gary Christian received a letter from the New Jersey rail system stating that he was qualified for the position. However, white Amtrak supervisor, Harry Hubert, would not give him the leave he needed in order to attend the interview. Less senior white employees were given the leave to attend their interviews.
446. Amtrak also discriminated against African-American employees with regard to tools. For example, white supervisor Harry Hubert, who was in charge of distributing tools to employees, did not give African-American employees the tools they needed. When Plaintiff Gary Christian requested a set of tools from Herbert, he only gave him a flashlight, a screwdriver, and a safety vest.
447. This action made Plaintiff Gary Christian feel as though he were being set up for failure. In order to do his job, Plaintiff Gary Christian had to bring in his own tools at his own expense, including various sized screw drivers, socket sets and pliers.
448. In contrast, Herbert issued a white Electrician Helper, Adam Alpren, a full set of tools. Alpren was less senior than Plaintiff Gary Christian. New white hires often received their tools as soon as they were hired.
449. Plaintiff Gary Christian complained to Herbert and to the Foreman, Michael Talley, who is African American, about the lack of tools. Herbert did not respond to his complaint; Talley let him borrow his tools. As a result of being denied the tools to do his job and the other disparate treatment he experienced, Plaintiff Gary Christian chose to transfer to a job in the motor pit.

450. Bob Frank, a white Manager, also discriminated against African-American employees with regard to tools. Frank gave white employees toolboxes within in which to lock up their tools, but he did not give African-American Foreman Michael White a place to lock up his tools.

451. Plaintiff Gary Christian was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

452. Bob Frank treated African-American employees differently than he treated white employees in other respects, too. Frank treated African-American Foreman Michael White, Clyde Briscoe, and Plaintiff Gary Christian in a condescending and disrespectful manner. Frank often joked about having to go around behind us and "clean up" their work, even though they had never received any complaints about their work. He never made such comments to white employees.

453. In addition, Frank let white employees spend break time in his office, but he made clear to African-American employees that they were not welcome.

454. In his office Frank had one of the few microwaves available to employees for heating up their lunches. The other microwave and employee break room was far away from where they worked and inconvenient during a short lunch hour.

455. White employees regularly used Frank's microwave and then stayed to eat their lunches in his office. He made them welcome and chatted with them.

456. If Plaintiff Christian or other African-American employees entered his office during lunch, the room would fall silent and Frank would cast dirty looks at the black employee, making clear the employee was not welcome. Plaintiff Gary Christian experienced this himself and observed other African Americans treated this way.

457. By reason of such racial discrimination in employment by Amtrak, Plaintiff Gary Christian has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
458. Plaintiff Edward Clarke is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
459. During such employment, Plaintiff Edward Clarke was represented by a labor union for purposes of collective bargaining with Amtrak.
460. Plaintiff Edward Clarke experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, training, job assignments, work assignments, scheduling of work hours, discipline, and other terms and conditions of employment.
461. Wayne Brody, the white manager of catering services, phased out the part of Plaintiff Edward Clarke's job where Clarke was allowed to fill in for the manager, which provided valuable experience and a qualification for advancement.
462. Also, on an occasion when Plaintiff Edward Clarke was called by his daughter's school to take her to the hospital, Brody threatened Plaintiff Edward Clarke's job, asking him if he liked his job, because if he did, he would have let his wife take the daughter to the hospital.
463. In 1996, after Plaintiff Edward Clarke asserted his legal rights against Amtrak for a knee injury, Brody charged Plaintiff Edward Clarke with a disciplinary write-up for failure to timely report an accident. White employees are not treated in this manner for exercising their legal rights.

464. On another occasion, after dental surgery, Plaintiff Edward Clarke, in accordance with Amtrak policy, informed Brody that he would be taking narcotics and antibiotics, therefore would not be at work because it is prohibited to work with narcotics in one's system. Brody then charged Plaintiff Edward Clarke with absenteeism.
465. Plaintiff Edward Clarke brought the doctor's slip along with the prescription to work, and Brody ordered Larry Vest, a black supervisor, to tell Plaintiff Edward Clarke that he had to work anyway. Plaintiff Edward Clarke explained that if anything were to happen on the job with narcotics in his system, he would be charged with a violation of Rule G.
466. Clark came to work, but he was unable to drive himself home after work, so his sister came to get him. Subsequently, Brody made frequent comments about Plaintiff Edward Clarke's health.
467. Brody never responded to Mark Taylor, a black union representative, about Plaintiff Edward Clarke and other employees being paid a special rate when they supervised, and as a result Plaintiff Edward Clarke never received pay at the special rate.
468. In 1997, Brody told William Hurley (white) that Brody was not sending Plaintiff Edward Clarke to train for the position of train controller because he would need to get someone to work overtime if he sent Clarke.
469. Consequently, Plaintiff Edward Clarke never trained for the position, and Steve Krauss, a white male, got the position instead.
470. Plaintiff Edward Clarke later applied again, and Brody pulled him off of training after two days.
471. After hearing from Plaintiff Edward Clarke that he was applying for several of the supervisor positions in the commissary, Brody told Clarke that he "did not need any

supervisors who cannot come to work, who have to take off to be with their family. The most I could grant you is an interview.”

472. Plaintiff Edward Clarke never heard anything afterward with regard to those positions.

473. Wade Hall, from the MARC Department, told Clarke that he did not get the supervisor position after being in the top three candidates and having actually worked in the position due to his absenteeism and injury.

474. White male Michael Turney, over whom Plaintiff Edward Clarke had seniority, got the job.

475. A white supervisor in Catering Services, Norman Hider, and Michael Jackson, a white male, both told Clarke that the absenteeism charges Brody filed were unnecessary.

476. Dolita Lutz, after seeing Brody look at Clarke’s records, told Clarke that he was being targeted.

477. Tom Guerin, a white terminal supervisor, told Clarke that Brody did not like Clarke.

478. Randy Zentz, a white male who was absent from work for chronic back problems and also takes time off to be with his children, has not been charged with absenteeism.

479. Plaintiff Edward Clark applied for, and was interviewed for, Special Duty in the Train Controller Department, and did so also for a Road Engineer job, but he was denied for both, and heard nothing else after each interview.

480. Plaintiff Edward Clarke was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

481. By reason of such racial discrimination in employment by Amtrak, Plaintiff Edward Clarke has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

482. Plaintiff Raymond Lee Coleman is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

483. During such employment, Plaintiff Raymond Lee Coleman was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

484. Plaintiff Raymond Lee Coleman experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, job assignments, work assignments, and other terms and conditions of employment.

485. Plaintiff Raymond Lee Coleman began his employment in 1994 at Amtrak's Hialeah Station in Miami, Florida as a part-time Coach Cleaner.

486. As of 1998, Coleman became a Carman Railroad Mechanic, a position he held until his termination in 2012.

487. Prior to 2007, Amtrak did not post available Foreman positions on the bulletin boards in the common areas as required by Amtrak policy. Instead, white Master Mechanic Tommy Farr and white Superintendent Ed Alderman hand-picked white employees to fill these positions.

488. In 2007, Plaintiff Raymond Lee Coleman asked white Timekeeper Paula, who worked in the front office, where the Foreman postings were, and she replied that the postings were kept in her office, not posted on the hallway bulletin boards. Shortly thereafter is when Plaintiff Raymond Lee Coleman first saw the postings on the bulletin board where they were supposed to be.

489. Moreover, many of the handpicked white hires are less qualified and less senior than qualified and available African-American employees. Often, Amtrak even hires white employees “off the street” who come from outside Amtrak and sometimes have no railroad experience at all for Foremen positions fully qualified and available African-American employees.

490. As a result, many African-American employees, including Coleman, often are deterred from apply for positions because they know Amtrak has pre-selected who will be hired.

491. In or about 2006, Plaintiff Raymond Lee Coleman submitted an application for a Foreman position. The only requirement for the position was mechanical experience at a railroad.

492. At that time, Plaintiff Raymond Lee Coleman had more than twelve years of experience at Amtrak, much of it in the mechanical field. Plaintiff Raymond Lee Coleman also had coach cleaning experience and was an apprentice journeyman.

493. After applying, Plaintiff Raymond Lee Coleman learned that white Master Mechanic Tommy Farr and white Superintendent Ed Alderman already had pre-selected someone for the position, a white friend of white Facility Manager Pat Synak.

494. Plaintiff Raymond Lee Coleman was granted an interview, along with seven other people. The interview was conducted by white Master Mechanic Tommy Farr and a General Foreman from New Orleans who was of Caribbean Indian descent.

495. Before the interview the General Foreman told him, “I like you, you are a good worker, I’ll make sure you’re going to get it.” The interviewers asked Plaintiff Raymond Lee Coleman prepared questions from a sheet of paper.

496. Plaintiff Raymond Lee Coleman thought the interview went well and the General Foreman seemed to be rooting for him; he winked at Plaintiff Raymond Lee Coleman after his interview as if to let him know that he answered the questions well.
497. Plaintiff Raymond Lee Coleman was not selected for the position. A white applicant, Vernon Shepherd, was chosen instead. Although Vernon Shepherd had railroad mechanical experience, he had never worked on a passenger railroad, and he was from outside of Amtrak.
498. When Shepherd joined the department, Plaintiff Raymond Lee Coleman had to train him. He did not know what any of the equipment was or how to use it. Plaintiff Raymond Lee Coleman had to show him what to look for during inspections.
499. In 2008, Amtrak hired a white employee, Daniel Silverman, as a Carman, and within eight months Silverman was promoted to General Foreman.
500. Plaintiff Raymond Lee Coleman was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
501. White Carman Eddie Watts called Plaintiff Raymond Lee Coleman a "fucking nigger." Another African-American employee, Set-Up Carman Antron Jones, heard Watts make this racially offensive comment to him.
502. Plaintiff Raymond Lee Coleman made a written report of the incident to John Considine, the white Facility Manager. Considine did not do anything. Mr. Watts was not disciplined.
503. When Plaintiff Raymond Lee Coleman filed his report, he also gave a copy to D.C. Stokes, an African-American Road Foreman, for safekeeping. Mr. Stokes mailed the letter to the corporate office in Washington, but Plaintiff Raymond Lee Coleman never received a response.

504. Plaintiff Raymond Lee Coleman had to keep working on the same job site as Mr. Watts.

505. In December 2001, white Carman Jeff Loving called Plaintiff Raymond Lee Coleman

“boy” in front of several other African-American employees, Antron Jones, Keith Simmons, and Oliver Brown, and a Cuban-American employee, Gus Suarez. When Coleman asked Loving to repeat himself, he yelled, “I said, ‘boy!’”

506. In 2004, white Carman Jimmie Thorpe called Plaintiff Raymond Lee Coleman a “mother

fucker.” After working with Thorpe for so many years, Plaintiff Raymond Lee Coleman knew that he never called anyone white a name like that, and that he was singling him because he is African American.

507. Coleman reported this incident to a white Facility Manager named Jake. Again, Coleman did not receive a response.

508. Also in this timeframe, white General Foreman Tony Anone targeted Plaintiff Raymond Lee Coleman for harassment on the job repeatedly. He requested that Coleman do jobs he was not trained for and used foul language when addressing him.

509. Anone treated white employees very differently from African-American employees. For example, if he gave an order to a white employee, he would ask nicely, but to Plaintiff Raymond Lee Coleman and other African-American employees, he would address him as “mother-fucker,” or “you sorry ass.” Plaintiff Raymond Lee Coleman never responded in kind.

510. Plaintiff Raymond Lee Coleman suffered a lot of stress because of the race discrimination he experienced at Amtrak, and he had to take a six-month medical leave in 2004. Plaintiff Raymond Lee Coleman was diagnosed with acute stress by his doctor and had to take medication in order to recover.

511. In 2008, Plaintiff Raymond Lee Coleman saw a noose or hang man's rope hanging in the wheel pit. He was the only African American working in that area that day. He went directly to the office to tell Synak about the noose. He told him, "I don't know who this rope is meant for, but I'm the only African-American who works down there, so take it down." The noose was taken down right away, but Plaintiff Raymond Lee Coleman does not know who took it down.

512. No one was ever disciplined for that incident. Mr. Synak did not do anything specifically in response.

513. In 1998, Plaintiff Raymond Lee Coleman's drill was stolen from him at work, and he was not given a replacement drill because a white General Foreman, Tony Anone, told him that the department could not afford to buy one for him. Plaintiff Raymond Lee Coleman had to borrow other people's drills every day for two or three months before Amtrak replaced his drill.

514. In contrast, around the same time, Jill Burkhardt, a white Carman, lost her drill and Amtrak replaced it by the next day.

515. By reason of such racial discrimination in employment by Amtrak, Plaintiff Raymond Lee Coleman has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

516. Tamia Coleman is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

517. During such employment, Plaintiff Tamia Coleman was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.
518. Plaintiff Tamia Coleman experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, discipline, and other terms and conditions of employment.
519. Plaintiff Tamia Coleman was hired in May 1990 by Amtrak as a Coach Cleaner.
520. Plaintiff Tamia Coleman was denied entry into the Management Training Program while the people she trained, Darryl Johnson (WM) and Dawn Solpers (WF), were chosen.
521. On November 10, 1996, Plaintiff Tamia Coleman was suspended for 20 days for allegedly misconduct, specifically the use of profanity, which Plaintiff Tamia Coleman denied. Coleman was not allowed to serve her suspension in an alternate schedule as white employees have had.
522. Ralph Sais, a non-white Manager, said that Plaintiff Tamia Coleman's doctor certificate was not sufficient for her absence for one week and that is why he was suspending her. Sais said that the policy had changed, yet white employees were not subjected to this new policy.
523. Plaintiff Tamia Coleman was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. Plaintiff Tamia Coleman was racially harassed by white employee June Clugston, Hispanic employee Toni Duran, and white employee Frank Cambis.
524. By reason of such racial discrimination in employment by Amtrak, Plaintiff Tamia Coleman has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

525. Plaintiff Kirk Collins is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

526. During such employment, Plaintiff Kirk Collins was represented by Local 43 HERE, a labor union for purposes of collective bargaining with Amtrak.

527. Plaintiff Kirk Collins experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, and other terms and conditions of employment.

528. Plaintiff Kirk Collins began his employment at Amtrak in 1984.

529. As of 2003, Collins was working as a Train Attendant in the On Board Services Department in the Midwest Division. union.

530. Plaintiff Kirk Collins wrote a statement in December 2001 in support of a coworker, Earl Brown, after Plaintiff Kirk Collins was an eyewitness to Earl Brown's wrongful termination. Plaintiff Kirk Collins was thereafter targeted for discrimination by white members of management because of his race and because he supported his African-American co-worker, Earl Brown.

531. Plaintiff Kirk Collins voluntarily contacted EAP for a drug problem and he went into treatment until he became sober in May 2002.

532. Plaintiff Kirk Collins tested positive for drugs in October 2002, and he volunteered to go back into rehabilitation, but instead he was immediately terminated by Pat Rudder.

533. Normally, employees are allowed two relapses and may reenter the EAP rehabilitation program.

534. White employees have relapsed multiple times and been allowed to return to rehabilitation and then were reinstated after one year. Plaintiff Kirk Collins was afforded no such second chance.
535. Plaintiff Kirk Collins was subjected to humiliating and harassing behavior by management for wanting to go to treatment while white coworkers in his position were using drugs and were not punished for using.
536. Plaintiff Kirk Collins was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
537. By reason of such racial discrimination in employment by Amtrak, Plaintiff Kirk Collins has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
538. Plaintiff Janice Comeaux is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
539. During such employment, Plaintiff Janice Comeaux was represented by a labor union for purposes of collective bargaining with Amtrak.
540. Plaintiff Janice Comeaux experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, discipline, and other terms and conditions of employment.
541. Plaintiff Comeaux worked as a Rate Clerk in the Customer Service department from November 2008 to present.

542. Plaintiff Comeaux had to run to the restroom in an emergency during a shift, and Amtrak wrote her up and brought charges against her. Plaintiff Comeaux had a disability that manifested in her having to run to the restroom. White employees did not get written up for going to the restroom during a shift.

543. Plaintiff Comeaux was brought up on disciplinary charges about allegedly talking rudely to a customer. The white management team ganged up on her unnecessarily, bringing no fewer than five white managers to the hearing to testify. The hearing was completely unfair. Comeaux's witnesses were not even allowed to testify. The evidence demonstrated that it was the customer who was rude.

544. The result of the hearing nevertheless was that Plaintiff Comeaux was issued a suspension and was to be put on probation for 12 to 18 months and docked two weeks' pay.

545. Plaintiff Comeaux, through her union representative, Sal Rodriguez, appealed.

546. The case was ultimately dismissed because Amtrak failed even to try to defend the proceeding on appeal.

547. Plaintiff Comeaux was denied a promotion in the Los Angeles station as a Project Coordinator, in or about 2015. She was well qualified. The person who received the job was non-black.

548. Plaintiff Janice Comeaux was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

549. Plaintiff Comeaux had to work under the supervisor who was infamous for threatening black employees with a bullwhip. This supervisor was consistently demeaning and derogatory toward all the black workers, including Comeaux.

550. Another supervisor called Plaintiff Janice Comeaux “dummy” and was repeatedly mean, rude, and derogatory to Comeaux.

551. By reason of such racial discrimination in employment by Amtrak, Plaintiff Janice Comeaux has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

552. Plaintiff Catrina Cooley-Flagg is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

553. During such employment, Plaintiff Catrina Cooley-Flagg was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

554. Plaintiff Catrina Cooley-Flagg experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, discharge, and other terms and conditions of employment.

555. Plaintiff Catrina Cooley-Flagg was employed from October 1997 until September 1998, when she was unlawfully terminated.

556. Throughout her employment at Amtrak, Plaintiff Catrina Cooley-Flagg worked as an Assistant Conductor based out of the Boston, Massachusetts crew base.

557. In 1998, a white woman, who was a regular passenger on the train that Plaintiff Catrina Cooley-Flagg worked on as an Assistant Conductor, said to her “nigger, help me with my bags” and other racist comments. The same passenger also called her “stupid.” On another occasion, the woman called Plaintiff Catrina Cooley-Flagg a “fucking bitch” and told her that she would have “have my job.”

558. Plaintiff Catrina Cooley-Flagg reported the woman's comments to the Conductor of the train, who is white. The conductor also overheard the white passenger make racist comments to her.

559. Plaintiff Catrina Cooley-Flagg also reported the woman's racist conduct to the Conductor's supervisor, Danny Leavitt, who is white.

560. Plaintiff Catrina Cooley-Flagg was told that a supervisor would talk with the passenger because she rode the train frequently. However, to Plaintiff's knowledge, no one ever spoke to the passenger, and the passenger continued to treat her with disrespect.

561. In September 1998, Plaintiff Catrina Cooley-Flagg was terminated for purportedly not issuing a ticket receipt to a passenger.

562. A "Spotter," who is a consultant hired by Amtrak, claimed that Plaintiff Catrina Cooley-Flagg did not issue him a receipt after collecting his fare, which was not true.

563. The charges against Plaintiff Catrina Cooley-Flagg were based solely on the Spotter's testimony. Amtrak could not produce any receipts from the day in question because the receipts had inexplicably been thrown away.

564. Mr. MacCauley, who is white, was Amtrak's witness at the disciplinary hearing. When asked why there were no receipts for the day Plaintiff Catrina Cooley-Flagg was accused of not issuing a receipt, MacCauley had no explanation.

565. Plaintiff Catrina Cooley-Flagg was given notice of termination on September 2, 1998, even though Plaintiff Catrina Cooley-Flagg had not turned in her receipts until September 10, 1998, which further demonstrated that Amtrak was looking for a reason to terminate her.

566. In contrast to how she was treated, a white employee named Bradley White, who also was an Assistant Conductor, merely was given 30 days of unpaid leave for failing to issue a receipt to a Spotter.

567. In addition, a white female Assistant Conductor was not terminated even though she failed to issue receipts for an entire car of a train.

568. Plaintiff Catrina Cooley-Flagg was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. By reason of such racial discrimination in employment by Amtrak, Plaintiff Catrina Cooley-Flagg has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations anxiety, and resulting injury and loss caused by such violations

569. Plaintiff Charlese Cosby is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

570. During such employment, Plaintiff Charlese Cosby was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

571. Plaintiff Charlese Cosby experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, and other terms and conditions of employment.

572. Plaintiff Charlese Cosby began her employment at Amtrak in 1989, and most recently served as an Accounting Clerk in the Revenue Operations department.

573. Plaintiff Charlese Cosby applied for numerous permanent positions and did not get interviewed in regard to any but one of these applications.

574. Plaintiff Charlese Cosby is college-educated and had plenty of relevant experience.

575. Upon information and belief, these positions were filled by white applicants who either had no more or less experience than did Plaintiff Charlese Cosby.

576. Plaintiff Charlese Cosby applied for a Travel Agency Clerk position, and she ended up having to train the white man who got the job.

577. Plaintiff Charlese Cosby was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

578. By reason of such racial discrimination in employment by Amtrak, Plaintiff Charlese Cosby has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

579. Plaintiff Samuel Cox is an African-American citizen of the United States and was employed at Amtrak from 1978 until 2008, when he was terminated, during the former class liability period alleged in *Campbell*.

580. During such employment, Plaintiff Samuel Cox was represented first by the UTU, and later by the BLE, both labor unions, for purposes of collective bargaining with Amtrak.

581. Plaintiff Samuel Cox experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, discipline, discharge, and other terms and conditions of employment.

582. Plaintiff Samuel Cox was not considered for promotion to trainmaster or roadmaster.

Amtrak wrote the job descriptions for the white people Amtrak wanted to fill those positions and tailored the postings to them. Many jobs were not posted at all, especially before the creation of an online job board.

583. Amtrak has created unnecessary obstacles to blacks, like Plaintiff Sam Cox, receiving training that would have advanced their careers.

584. Amtrak engages in a policy of disproportionate discipline of African-American employees, such as Plaintiff Sam Cox.

585. In 2003, Plaintiff Samuel Cox was working in Washington DC, and he volunteered for a new innovative version of the engineer's qualification exam to maintain a license as a passenger engineer. His purpose was to clear the calendar ahead of the vacation season to maximize his earning potential. When it came time to take the test, Plaintiff Samuel Cox was ordered to report to Wilmington, Delaware, even though the test was offered in D.C. This discriminatory obstacle was meant to deter Plaintiff Samuel Cox from taking the test.

586. Plaintiff Samuel Cox exercised his contractual rights to take the exam at his home terminal instead.

587. White male manager Don Savage was angry when Cox stood on his contractual right to take the test in Washington.

588. As a result, Plaintiff Sam Cox was held out of service for two months without pay.

589. The test is a federally required examination to verify or confirm the engineer is qualified to retain engineer certification. Later, Plaintiff Samuel Cox took the exam and passed.

590. Plaintiff Samuel Cox should have been put back in service. Instead, trainmasters Mike Gossman and Rodney Peters and the Medical Director in Philadelphia ordered Plaintiff Samuel Cox to take a drug test.

591. Plaintiff Samuel Cox challenged them and said he was not required to do it. The Station superintendent claimed to have paperwork saying Cox was required to take a drug test.

592. Plaintiff Samuel Cox then agreed to take the drug test. The results took several days, and Cox was not allowed to go back to work before the results were in.

593. In 2007, Plaintiff Samuel Cox was operating equipment that derailed in a snowstorm. His crew finished work and instead of having them ride up to the diesel pit with him, Cox took the equipment by himself.

594. Plaintiff Samuel Cox was told the tracks were in normal condition by the white male Foreman Gary Robinson and white male H. Wolfgang Hohennler.

595. The derail is a device that removes rolling stock (cars, engines, trucks, axles) from tracks to protect other equipment and employees in case of an accident. The derail was applied to the track, but the blue flag and flashing blue light devices, which indicate its position, could not be seen in the snowstorm. The diesel foreman, Gary Robinson, had not visually checked to see if the derail was on before authorizing entry into the track. Robinson, who is white, had been involved in other incidents and would have likely lost his job had he been found to blame. Amtrak gave Robinson only a 3-day suspension while Cox received a 30-day suspension for the incident with damages of less than \$1500. It is common that black employees receive stricter and more severe discipline than white employees.

596. White male conductor Ralph Noletti, white male engineer Dave Garrett, and another white individual went through a switch, which is an infraction similar to what happened to Plaintiff Samuel Cox. These white men received no suspensions at all.

597. Going through a switch means that you change direction, are lined up to go onto a different track. When the switch is not lined up for the direction you wish to go, going through that switch breaks the switch.

598. White males Curt Weakly and Don Mascetti were involved in an incident in which the wire structure over the tracks in the high-speed building was torn up. Yet they received no discipline.

599. On January 20, 2008, Plaintiff Samuel Cox was fired for derailing an engine.

600. There was only \$100 to \$150 worth of damages (the hours of pay for workers to re-rail and inspect the wheels) done during the incident. Amtrak inflated that amount to a number in excess of \$10,000 so that the incident would meet the minimum level of damages required to revoke an engineer's certification or license to work as an engineer. The FRA commented on such malfeasance in its report. There was no damage to the equipment and after an inspection of the wheels and trucks following rerailing, the engine was immediately returned to service the next shift. Mr. Hibbert, a white transportation manager, came out on the night that the incident occurred (accidents generally involve serious equipment damage and usually involve people), talked to his supervisor via radio communication, and did the paperwork in regard to the incident. Hibbert received orders from his supervisor to fire people.

601. Hibbert fired Plaintiff Arthur Logan, a black conductor, but did not fire another conductor, Mark Claussen, who is white. The mechanic who was required to remove the derail was also not fired.
602. By contrast, on February 6, 2008, there was a much more severe accident involving a white crew where there was more than \$1 million in damages and twelve to fourteen passengers injured.
603. In the February 6, 2008 incident, the white crew received much lighter discipline, even though their accident was more severe and costly.
- 604.
605. The white conductor, William Dempsey, was given “informal handling” where management and a local union official meet and talk about the incident rather than going to court. William Dempsey accepted a 30-day suspension and admitted fault and did not go to trial.
606. The white engineer, Bill Costello, received no suspension and no discipline. Bill Costello refused the informal handling, refused to admit fault, and went to trial and as a result received no discipline at all.
607. This “informal handling” option was never given to Plaintiff Arthur Logan or Plaintiff Sam Cox in regard to their incidents.
608. Hibbert fired Plaintiff Arthur Logan, a black conductor, but did not fire another conductor, Mark Claussen, who is white. The mechanic who was required to remove the derail was also not fired.
609. The video recording of the incident was not provided during the on-property investigative hearing and was apparently destroyed prior to the FRA decertification appeal hearing.

610. There was a trial for his crew's incident but the conductor, Mark Claussen, told Plaintiff Sam Cox his union representative, Fritz Edler, and the conductor Arthur Logan that he, Claussen, had overheard Amtrak supervisors say that they had already decided to fire Plaintiff Same Cox and his crew even prior to the trial.

611. Plaintiff Samuel Cox was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

612. By reason of such racial discrimination in employment by Amtrak, Plaintiff Samuel Cox has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

613. Plaintiff Alvin Cunningham is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

614. During such employment, Plaintiff Alvin Cunningham was represented by the labor unions TCU and UTU for purposes of collective bargaining with Amtrak.

615. Plaintiff Alvin Cunningham experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, and denial of testing opportunities, training, work assignments, discipline, discharge, and other terms and conditions of employment.

616. Plaintiff Alvin Cunningham was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

617. In May 1999, Plaintiff Alvin Cunningham took a test in Washington, D.C. for promotion from Assistant Conductor to Conductor.

618. The test-giver that day, who was a white male named Paul Butler, allowed a white male test-taker, Mr. Wilmont, to change several wrong answers to the signal part of the test before the lunch break.
619. Another white male refused to take the test at that time because he said he had a reading problem, and he was allowed to answer questions verbally. He passed both parts of the test.
620. Although Plaintiff Alvin Cunningham passed the signal part of the test, he missed passing the second part of the test by 3 points. Had he been granted the type of accommodations provided to the white test takers, Cunningham would have passed the test.
621. It is customary for Assistant Conductors to work in the yard to gain knowledge needed to pass the Conductor test. Unlike other Assistant Conductors who are white, Plaintiff Alvin Cunningham was not permitted this experience.
622. Plaintiff Alvin Cunningham spoke to his union representative, Dave Brooks, about this. Brooks referred Cunningham to Mr. Castello, the Yardmaster.
623. Castello told Plaintiff Alvin Cunningham that the current budget would not allow him to work in the yard, with no further explanation. When Cunningham questioned him further, Castello told Cunningham that he would be called soon to work in the yard, but that never happened.
624. This lack of yard experience deprived Plaintiff Alvin Cunningham of knowledge and information in regard to, among other things, connecting train cars. This knowledge would have enabled Cunningham to pass the part of the test that he failed, as stated above.
625. Because of Plaintiff Alvin Cunningham's failure on the test, he was demoted to Train Attendant, and he could no longer be an Assistant Conductor.

626. At least three other black employees have been fired or demoted from the Assistant Conductor position for failing the test, including Plaintiffs Tim Murphy and Vernon Carter, and James Israel.
627. In 1998 or 1999, Plaintiff Alvin Cunningham was given a written-up verbal warning for an incident involving an angry passenger who missed his station stop.
628. The passenger was trying to disembark the train after the time for doing so had ended.
629. While trying to disembark the train, the passenger almost pushed Cunningham off the train. The passenger succeeded in jumping off the train after it had started moving.
630. Afterward, the passenger complained to Amtrak that Cunningham did not try to stop the train. In fact, Cunningham did try to help the passenger and had radioed employees to stop the train after learning that he had missed his stop. The passenger was impatient, however, and jumped off the train while it was moving. Even though Cunningham had done nothing wrong, and in fact was doing the right thing by acting as he did, Plaintiff Alvin Cunningham nevertheless received a verbal warning for the incident and later learned that it was actually written up and the document remained in his personnel file.
631. Plaintiff Alvin Cunningham's last day of employment with Amtrak was July 13, 2002.
632. Plaintiff Alvin Cunningham, then working as a Train Attendant, received a complaint from two passengers about smoke coming from the lower level of the train and seeping into their room.
633. The conductor has authority to allow the passengers to move to other rooms.
634. The passengers told me Cunningham that the Conductor, Joseph Tacconi, a white male, had not responded to their request to move rooms.

635. Cunningham moved the passengers to another room with the understanding that it was temporary and that they would have to talk to the Conductor about moving rooms.
636. Cunningham tried to call the Conductor over the intercom to ask whether he could move the passengers, but the intercom was broken, and the message did not get through.
637. Assistant Conductor, Ron Watson, a white male, who was a new employee, then told Conductor Tacconi that Cunningham had sold two new seats to the passengers in question. In fact, Watson and Tacconi then accused Cunningham, in front of passengers, of improperly selling seats to the passengers. Even after the passengers explained to Watson and Tacconi that Cunningham had not taken any money from them, Tacconi brought disciplinary charges against Cunningham.
638. As a result, Plaintiff Alvin Cunningham's employment was terminated.
639. By reason of such racial discrimination in employment by Amtrak, Plaintiff Alvin Cunningham has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
640. Plaintiff Yvette Cunningham is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
641. During such employment, Plaintiff Yvette Cunningham was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.
642. Plaintiff Yvette Cunningham experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

643. Plaintiff Yvette Cunningham began working for Amtrak in 1977, and as of 2016 was working as a Secretary I in the Mechanical Department in the Western Division.

644. Plaintiff Yvette Cunningham had been working in the Train Managers Office for several years when her new manager, Joanne Matsumoto, began questioning Plaintiff Yvette Cunningham's job abilities in August 2015.

645. Matsumoto changed Plaintiff Yvette Cunningham's hours and job duties.

646. Matsumoto had never changed any other secretary's job duties, and she did not have the actual authority to do so.

647. Plaintiff Yvette Cunningham reported Matsumoto's behavior to the Amtrak Diversity department and to the EEOC. Nothing was done to resolve her complaints.

648. Plaintiff Yvette Cunningham was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

649. Matsumoto made disparaging remarks about black people.

650. By reason of such racial discrimination in employment by Amtrak, Plaintiff Yvette Cunningham has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

651. Plaintiff Davy Dauchan is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

652. Plaintiff Davy Dauchan began his employment in 1992 at Amtrak as a Locomotive Engineer based out of Oakland, California.
653. During such employment, Plaintiff Davy Dauchan was represented by BLE, a labor union, for purposes of collective bargaining with Amtrak.
654. Plaintiff Davy Dauchan experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, training, job assignments, work assignments, discipline, and other terms and conditions of employment.
655. In 1995, Plaintiff Davy Dauchan applied for a position as a Road Foreman.
656. The position required train operation experience and a high school degree.
657. Plaintiff Davy Dauchan was well-qualified for the position because he had many years of experience operating both freight and passenger trains, and he has a Bachelor's degree in Business Administration from the North Texas State University.
658. Plaintiff Davy Dauchan saw a posting for the position and a co-worker told him the names of several white employees Amtrak was considering for the job. Plaintiff Davy Dauchan believes that he was more qualified than these employees.
659. Plaintiff Davy Dauchan did not receive an interview.
660. Amtrak selected Bonnie Dewar, one of the pre-selected white applicants, for the job.
661. Amtrak was divided into several regional Operating Divisions, and Dewar was from an outside Operating Division. She was not qualified for the position because she did not have experience operating different types of trains.

662. After Plaintiff Davy Dauchan was rejected for the Road Foreman position and learned about several times that Ulysses Barton was rejected for positions in favor of less qualified whites, Plaintiff Davy Dauchan became deterred from applying for promotions.
663. In 2004, Plaintiff Davy Dauchan was operating a train when he received a call instructing him to proceed slowly because a crossing gate was out of service ahead.
664. When a crossing gate is out of service, locomotive engineers must reduce the speed of a train to fifteen miles per hour before proceeding through the crossing.
665. Plaintiff Davy Dauchan did not remember to reduce the speed of the train. However, when the train arrived at the crossing, the crossing gate was down and ready to be put back in service. Fortunately, because the crossing gate was down, his mistake was harmless.
666. Nevertheless, although there was no accident or damage, Will Hastings, the white Terminal Superintendent, suspended Plaintiff Davy Dauchan for six months with two years of probation. Plaintiff Davy Dauchan also had to attend reinstatement training in Delaware. Plaintiff Davy Dauchan knows that there was no standardized punishment for this infraction. The decision was subjective.
667. In contrast, Mark Buchanan, a white Locomotive Engineer, improperly operated a train all the way from San Jose to San Francisco and caused excessive damage to the train's wheels. Unlike Plaintiff Davy Dauchan's error at the crossing, which did not cause harm to people or damage to the train, this white employee subjected passengers to potential harm and damaged the train. Nevertheless, Amtrak and Hastings did not suspend this locomotive engineer. Upon information and belief, Buchanan received little or no punishment for this incident.

668. Amtrak provides employees two weeks to re-qualify for their position upon returning from suspension.

669. On the first day that Plaintiff Davy Dauchan returned to work after his six-month suspension for failing to slow down for the crossing, a white Trainmaster, named Goosetree, required that Plaintiff Davy Dauchan take a train operation test requiring him to reduce his speed to the fifteen mile per hour threshold before reaching a crossing gate. Plaintiff Davy Dauchan passed the test. He did not know of any white employees who were required to take a comparable test on their first day back from suspension.

670. Plaintiff Davy Dauchan was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

671. By reason of such racial discrimination in employment by Amtrak, Plaintiff Davy Dauchan has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

672. Plaintiff Thomas L. Dawkins is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

673. Plaintiff Thomas L. Dawkins was employed as a Brakeman Trainman for Norfolk Southern beginning on September 4, 1976.

674. During such employment, Plaintiff Thomas L. Dawkins was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.

675. From 1988 to 1997, Plaintiff Thomas L. Dawkins was employed as a Baggage Master and Flagman, and the UTU continued to represent him.

676. During that time frame, white Service Manager John Quigley made changes to the available position, particularly in 1994 or 1995, and Quigley re-filled baggage positions with white males.
677. In December 1995, Dawkins needed to qualify for a new job by riding the train to learn the station stops, but Quigley would not give him paid time to qualify and subsequently refused to qualify him.
678. Quigley allowed whites to do as they please but repeatedly interfered with the black employees who attempted to advance or receive training. Quigley repeatedly blocked jobs openings and positions from blacks, then appointed white males.
679. During that time period, Dawkins was denied training opportunities for Assistant Conductor positions.
680. From 1998 to 2004, Plaintiff Thomas L. Dawkins was an Assistant Conductor, then a Conductor.
681. During the first several years of being an Assistant Conductor, Plaintiff Dawkins had difficulty even applying for Conductor positions. Frequently, the jobs were not posted, or not posted properly, or the posting removed prematurely. Obviously, favoritism toward whites was a major factor in selecting for these jobs because of the lack of proper posting and the results that less qualified whites would be named to the positions. Dawkins was told nothing about why his applications were denied.
682. Plaintiff Thomas L. Dawkins experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

683. Between September 9th and 11th, 2001, Plaintiff Dawkins was going to work his job out of Charlotte, North Carolina on Train #74.

684. Plaintiff Dawkins was told by a coworker that North Carolina was going to run an extra passenger train from Charlotte, NC to Columbia, SC.

685. The Charlotte crew base ran the train and chose a new conductor instead of asking Plaintiff Dawkins if he wanted to work the job.

686. Plaintiff Dawkins had more seniority than the new white conductor; in fact, Plaintiff Dawkins had worked the Charlotte, NC – Columbia, SC line for several years.

687. Less qualified whites were promoted ahead of Plaintiff Dawkins in certain jobs.

688. Plaintiff Thomas L. Dawkins was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

689. By reason of such racial discrimination in employment by Amtrak, Plaintiff Thomas L. Dawkins has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

690. Plaintiff Anna Desper is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

691. Plaintiff Anna Desper began her employment in or around 1979, and most recently worked as a Secretary in the Procurement Department until 2014.

692. During such employment, Plaintiff Anna Desper was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

693. Plaintiff Anna Desper experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, and other terms and conditions of employment.

694. In 2009, Plaintiff Anna Desper applied for an HR Specialist position with Amtrak. Plaintiff Anna Desper had a master's degree in Human Resources management and had worked in HR-related positions at Amtrak in the past.

695. Amtrak hired a white employee off the street who had less experience.

696. In contrast, Amtrak never gave Plaintiff Anna Desper an interview.

697. Another HR specialist opened up at Amtrak a few years later, and Plaintiff Anna Desper applied. Amtrak selected a white applicant with no railroad knowledge and less experience. Plaintiff Anna Desper filed an EEO complaint after each rejection.

698. Plaintiff Anna Desper was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

699. By reason of such racial discrimination in employment by Amtrak, Plaintiff Anna Desper has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

700. Plaintiff Yvonne Dixon is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

701. Plaintiff Yvonne Dixon has been employed by Amtrak from May 1987 to the present.

702. Plaintiff Yvonne Dixon began her employment at Amtrak as a Reservations Sales Agent in May 1987 at the Fort Washington, Pennsylvania Station.

703. Plaintiff Yvonne Dixon currently works as a Senior Space and Equipment Analyst in the Operations Department.

704. During such employment, Plaintiff Yvonne Dixon was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

705. Plaintiff Yvonne Dixon experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, job assignments, discipline, and other terms and conditions of employment.

706. In 2003, Plaintiff Yvonne Dixon applied for a Lead Crew Dispatcher position in Wilmington. Plaintiff Yvonne Dixon was qualified for the position because she had an extensive background working in the department.

707. Plaintiff Yvonne Dixon did not even receive an interview for the position.

708. Bob Schmidt, Plaintiff Yvonne Dixon's white supervisor, informed her that she was not interviewed because she had previously been disciplined for tardiness, which was reflected in her disciplinary record. However, Dixon knows that several white employees also had tardiness in their disciplinary records but were nonetheless interviewed for Lead Crew Dispatcher positions.

709. Patrick Kerr, a white employee, was one of the individuals selected for the position.

710. Later in 2003, Arno Adimari and Bob Schmidt, her white supervisors, changed the Dispatcher position to a semi-management position. This meant that the position was still a union job with union-level benefits, but union members with seniority no longer had

bumping rights to obtain the position. Supervisors could thereafter pre-select their desired applicants for the position.

711. After this change, Amtrak passed over many African-American employees with seniority rights for white employees “Off the street,” many of whom were related to members of management.

712. In 2003, when Plaintiff Yvonne Dixon learned from Bob Schmidt, her white supervisor, that her disciplinary record included incidents of tardiness, she sought to have this expunged from her record.

713. Amtrak Managers are allowed to expunge disciplinary actions if an employee’s record remains clear for a certain period of time, depending on the original disciplinary action.

714. Plaintiff Yvonne Dixon maintained a discipline-free record for the required period of time, but Schmidt did not expunge her record.

715. Schmidt did not handle disciplinary matters with white employees in such a manner.

716. Plaintiff Yvonne Dixon was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

717. By reason of such racial discrimination in employment by Amtrak, Plaintiff Yvonne Dixon has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

718. Plaintiff Cynthia Edwards is an African-American citizen of the United States and a resident of the State of Missouri.

719. Plaintiff Cynthia Edwards experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, discharge, furlough and recall from furlough, and other terms and conditions of employment.

720. Plaintiff Cynthia Edwards was employed by Amtrak for six years starting in approximately 1996, in various positions, including Ticket Agent, Ticket Clerk, Baggage Handler, Baggage Agent, Train Director, Dispatcher, and Material Control Clerk in several locations, including New Orleans, Louisiana, Birmingham, Alabama, and Meridian, Mississippi. She was terminated in 2002.

721. Throughout her employment by Amtrak, Plaintiff Cynthia Edwards was represented for purposes of collective bargaining by the TCU.

722. After her termination, Plaintiff Cynthia Edwards filed a timely charge of race discrimination with the EEOC and received a favorable determination on her charge, *i.e.*, that Amtrak had discriminated against her on the basis of her race, as well as gender, by the EEOC in 2003.

723. Plaintiff Cynthia Edwards was terminated from Amtrak in 2002 because of her race and also in retaliation for the protected activities of her sister, Charmin Edwards, who was a plaintiff in the related case *Campbell, et al. v. Amtrak*. At the time of her termination, Plaintiff Cynthia Edwards was a Ticket Agent in Meridian, Mississippi.

724. The alleged infraction for which Plaintiff Cynthia Edwards was purportedly terminated was an alleged misappropriation of funds of approximately \$5,000.

725. As she explained at her disciplinary hearing, Plaintiff Cynthia Edwards believed she dropped the money, check(s), and credit card charges while she was on the way to the bank

to deposit the funds. She retraced her steps and searched in every possible place, but she could not find the deposit.

726. White employees who had worse infractions of the same nature, including larger amounts lost, as Plaintiff Cynthia Edwards, and/or had prior disciplinary actions against them, were not terminated.

727. Plaintiff Cynthia Edwards had never had any prior disciplinary actions against her prior to her termination.

728. Amtrak could have disqualified Plaintiff Cynthia Edwards from that particular position and allowed her to continue to work in any of the numerous other positions for which she was qualified that did not involve handling money, or it could have selected lesser discipline, but it gave her the maximum discipline, which was termination.

729. In similar circumstances, Amtrak has allowed white employees to be disqualified from such a position and then to continue working in another position for which they were qualified or has given them more lenient discipline.

730. As a result of Amtrak's discriminatory actions, Plaintiff Cynthia Edwards has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

731. Plaintiff Gertrude Ellison is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

732. Plaintiff Gertrude Ellison was employed by Amtrak for 34 years, and most recently served as an Accounting Clerk in the Finance Department until 2011.

733. During such employment, Plaintiff Gertrude Ellison was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

734. Plaintiff Gertrude Ellison experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

735. During the former class liability period, Plaintiff Gertrude Ellison applied for a Lead position. Plaintiff Gertrude Ellison was qualified for the position. The position was given to a white applicant.

736. Jim Audrey, a white man, was the Engineering Director when Plaintiff Gertrude Ellison was in the Document Control role in the Engineering Department between 2000 and 2010. Audrey made Ellison work going between two different floors during her job, which impacted her ability to do her job well. White clerks never had to do this.

737. Plaintiff Gertrude Ellison was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

738. By reason of such racial discrimination in employment by Amtrak, Plaintiff Gertrude Ellison has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

739. Plaintiff William Ellison is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

740. Plaintiff William Ellison has been employed by Amtrak since January 1987. Plaintiff William Ellison was most recently a Ticket Sales Agent in Philadelphia.

741. During such employment, Plaintiff William Ellison was represented by the Transportation Communications International Union (“TCU”), a labor union, for purposes of collective bargaining with Amtrak.

742. Plaintiff William Ellison experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, demotions, training, job assignments, work assignments, scheduling of work hours, and other terms and conditions of employment.

743. In February 2008, he applied for a promotion to a lead ticket clerk position. The only qualification for the position was prior experience as a ticket agent.

744. Plaintiff William Ellison was qualified for this position because he had worked for Amtrak as a ticket agent for nine years and also had trained many employees to do the same work. Plaintiff William Ellison also has a B.A. in Marketing.

745. Despite his qualifications and experience, Plaintiff William Ellison was rejected, and not even given an interview. He was not even notified of the decision.

746. A less-qualified white woman named Anne Baiorie was given the position.

747. In 2004, the Mail and Express Department closed. Most of the jobs were abolished, and Plaintiff William Ellison was sent back to being a Ticket Clerk for lower pay.

748. In contrast, six white male employees who had less seniority than Plaintiff William Ellison were allowed to keep their jobs and higher pay rate. Three of them held the same position in the Mail and Express Department as Plaintiff William Ellison did. In fact, Plaintiff William Ellison was asked to come train them on certain aspects of their jobs.

749. Walt Locke, who is white, was the head of the department, and he made the decisions as to who would be sent back to Ticketing first.

750. Locke never gave Plaintiff William Ellison any explanation as to why he was being demoted in spite of his seniority.

751. No African-American employees who had previously worked in the Mail and Express Department retained their positions as long as these white employees.

752. In 2003 or 2004, Plaintiff William Ellison became aware that a group of black employees had been given different instructions than those given to white employees about attendance at work during a major snowstorm.

753. During this snowstorm, when the city had declared a state of emergency and warned residents to stay off of the roads, a white supervisor named Ben Cornelius told Plaintiff William Ellison over the phone that, if he could not come to work, he would lose his job.

754. Through discussions with several white and African-American employees, Plaintiff William Ellison discovered that the African-American employees had all been given the same instruction that he had, while the white employees were not threatened with termination if they could not come to work.

755. Plaintiff William Ellison made a complaint about these differing instructions to Amtrak's Dispute Resolution Office. That office somehow concluded that no discrimination had occurred.

756. Plaintiff William Ellison was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

757. By reason of such racial discrimination in employment by Amtrak, Plaintiff William Ellison has suffered the loss of compensation, wages, back pay and front pay, other

employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

758. Plaintiff Connie Everett is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

759. Plaintiff Connie Everett worked for Amtrak for over 30 years as a Carman in the Trim Shop in Beech Grove, IN.

760. During such employment, Plaintiff Connie Everett was represented by Local 2003 of TWU, a labor union, for purposes of collective bargaining with Amtrak.

761. Plaintiff Connie Everett experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including demotions, work assignments, and other terms and conditions of employment.

762. Plaintiff Connie Everett was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

763. Plaintiff Connie Everett was removed from the Tool Gauge job and was harassed in the Carpet Gang. Plaintiff Connie Everett believes this harassment was because she was a black woman among the majority-white group.

764. By reason of such racial discrimination in employment by Amtrak, Plaintiff Connie Everett has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

765. Plaintiff Dubois Everett is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
766. Plaintiff Dubois Everett has been employed at Amtrak since May 1979 as a Carman in the Mechanical Department.
767. During such employment, Plaintiff Dubois Everett was represented by the Transport Workers Union (“TWU”), a labor union, for purposes of collective bargaining with Amtrak.
768. Plaintiff Dubois Everett experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, and other terms and conditions of employment.
769. In 2001, Plaintiff Dubois Everett applied for a supervisor position in the Mechanical Department where he worked, and for which he was well qualified. This position would have come with a pay raise.
770. Plaintiff Dubois Everett was rejected despite his strong qualifications.
771. Amtrak selected Brian Tabor, a less qualified white employee, for the position.
772. While Tabor only had to interview, Plaintiff Dubois Everett also had to fill out a new employment application, answer a questionnaire, and yet was never even offered an interview.
773. Plaintiff Dubois Everett was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.
774. By reason of such racial discrimination in employment by Amtrak, Plaintiff Dubois Everett has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

775. Plaintiff George Everett is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

776. During such employment, Plaintiff George Everett was represented by a labor union for purposes of collective bargaining with Amtrak.

777. Plaintiff George Everett experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

778. Plaintiff George Everett was subjected to racial harassment by his non-black supervisor.

779. When Plaintiff George Everett tried to come back from medical leave, his doctors' recommendation with reasonable accommodations was denied. White employees in similarly situated position were not denied their accommodations.

780. Plaintiff George Everett was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

781. By reason of such racial discrimination in employment by Amtrak, Plaintiff George Everett has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

782. Plaintiff Devern Fleming, Jr., is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

783. Plaintiff Devern Fleming, Jr., began his employment with Amtrak in August 1995 as a Reservation Sales Agent in Riverside, CA, which is the position he held until he was terminated in 1998.

784. During such employment, Plaintiff Devern Fleming, Jr., was represented by the labor union Transportation Communications International Union (“TCU”) for purposes of collective bargaining with Amtrak.

785. Plaintiff Devern Fleming, Jr., experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, scheduling of work hours family-related leave time, discipline, discharge, and other terms and conditions of employment.

786. In 2001, Plaintiff Devern Fleming, Jr., returned to Amtrak after having his termination overturned at Arbitration.

787. Plaintiff Devern Fleming, Jr., immediately transferred to work in Santa Barbara, CA as a Sales Agent. He did so in order to try to escape the discrimination, and, in so doing, had to commute 170 miles.

788. In 2003, Plaintiff Devern Fleming, Jr., was promoted to work in the training department as a Trainer.

789. In 2006, Plaintiff Devern Fleming, Jr., transferred back to the Riverside call center as a Sales Agent.

790. Plaintiff Devern Fleming, Jr.’s, employment ended with Amtrak in February 2007.

791. In roughly August 1995 while still on probation, Plaintiff Devern Fleming, Jr., experienced car trouble on his way to work. He called the appropriate phone number to let Amtrak know he would be absent, but because of problems with the Amtrak answering service, his phone call came one minute after his shift had started.
792. Because Amtrak policy required employees to call before their shift began, Plaintiff Devern Fleming, Jr., was required to sign a document acknowledging that he was late, and that the infraction was his first of the three allowed.
793. The next week, however, Plaintiff Devern Fleming, Jr.'s supervisors told him that he was being terminated for being absent without permission.
794. This was in violation of the Amtrak policy given that he had only been absent once and he had called in to explain his absence.
795. Plaintiff Devern Fleming, Jr. was able to get his job back, but only after arranging a meeting with Gene Price, the white Director of Reservation Sales.
796. Plaintiff Devern Fleming, Jr. was later told that Price allowed him to keep his position because Price was afraid he would file a lawsuit for discriminatory discharge.
797. After his probationary period was complete, his managers, Gene Price, the director of the call center, Ed Donofrio (white), operations manager, Kevin McLafferty (white), manager, and Mike Nudemaker (white) manager, continued to discriminate against Plaintiff Devern Fleming, Jr., by overly monitoring him and bringing false charges against him in order to try to get rid of him.
798. Plaintiff Devern Fleming, Jr., was one of only three African Americans in his working group.

799. Over the course of three years, Plaintiff Devern Fleming, Jr., was brought up on charges eleven (11) times for minor infractions or exaggerated claims.

800. The last of these charges resulted in his unlawful termination in 1998.

801. In the winter of 1998, Plaintiff Devern Fleming, Jr., was charged with “illegal” use of the telephone. During this time period, his wife was going through a high-risk pregnancy.

802. When Plaintiff Devern Fleming, Jr. received a message from her at work in roughly January 1998, he immediately returned it.

803. Plaintiff Devern Fleming, Jr.’s white supervisor, James, was out of the office for the evening, but he had previously allowed him to make an outside personal call when his wife called with an emergency during her pregnancy.

804. A white co-worker named Carol Witcher, who was not a manager, saw that he was on an outgoing call and picked up the phone to listen to it. She realized it was a personal call and she reported him to management.

805. Plaintiff Devern Fleming, Jr. was brought up on charges by his white supervisors even though he had done nothing wrong,

806. After his wife gave birth, there were days when Plaintiff Devern Fleming, Jr., was required to be home to care for their children.

807. Plaintiff Devern Fleming, Jr., always called into the “stat” room and told the relevant contact that he would be taking family-related leave, as per Amtrak policy.

808. Plaintiff Devern Fleming, Jr., never exceeded the number of hours he was allowed to take for family-related leave.

809. Nevertheless, Plaintiff Devern Fleming, Jr., was brought up on charges for family-related leave issues four times. He was charged with coming in late and with not calling in absent.

810. Plaintiff Devern Fleming, Jr., offered to produce cell phone records from the days in question, proving that he had called Amtrak to report his absence, but the company refused to accept them.

811. His supervisor, Kevin McLafferty, insisted that Amtrak would not back down and that the “tape” did not have any record of his calls to the stat room.

812. Plaintiff Devern Fleming, Jr., knows of several instances where white employees have been late or absent, without any consequence. White employees generally are not brought up on charges with such frequency but rather given an opportunity to explain the reason for whatever infraction they are accused of committing.

813. In addition, white employees often commit worse infractions than Plaintiff Devern Fleming, Jr. was accused of doing, but are not disciplined. For example, Kevin McLafferty was caught having sex with an employee in the parking lot of the call center and he was not disciplined.

814. On other occasions, Plaintiff Devern Fleming, Jr. was brought up on charges for not being on the phone when he was supposed to be making calls.

815. He was often asked to perform tasks besides his regular phone calls, such as helping other employees with their calls. In those cases, Plaintiff Devern Fleming, Jr. filled out a log explaining why he was not on his phone and identifying the supervisor who asked him to help. However, if the supervisor failed to initial it, Kevin McLafferty or Ed Donofrio would bring him up on disciplinary charges immediately without giving Fleming the

opportunity to explain the situation. Plaintiff Devern Fleming, Jr. was brought up on charges for this several times in this discriminatory manner.

816. White employees are not charged with disciplinary infractions in this manner.

817. Another charge brought against Plaintiff Devern Fleming, Jr., was for alleged unproductivity. Employees' calls were monitored for the amount of time spent on each call.

818. Plaintiff Devern Fleming, Jr. was disciplined for not having enough reservations.

819. Because Plaintiff Devern Fleming, Jr. was thorough with his clients, he had a very high rate of actual paid tickets and a somewhat lower rate of reservations (of which one third are usually cancelled).

820. In fact, Plaintiff Devern Fleming, Jr. had the highest sales rate of anyone in his group.

821. Other groups gave awards for that, but his group did not give awards for the highest number of sales.

822. It was one of the unproductivity charges that resulted in his unlawful termination in 1998.

823. Plaintiff Devern Fleming, Jr., appealed the termination decision and eventually got his position back in 2001.

824. In 1995, 1996, and 1997, Plaintiff Devern Fleming, Jr. applied to take a qualifying test for a Rate Desk position in the same call center in Riverside.

825. The Rate Desk position was a nationwide support center for Amtrak sales agents and was a higher-paying position than Fleming's then-current position.

826. His managers, Kevin McKlafferty and Mike Nudemaker, refused to allow Plaintiff Devern Fleming, Jr. to take the test.

827. In 1995, they told Fleming that he had not been at Amtrak long enough to take the test, but allowed a white employee who came in at the same time as him to take the test.

828. In 1996 and 1997, when he asked why he was still not allowed to take the test, Mike Nudemaker said that he would look into it, but Fleming never heard back from him. Kevin McKlafferty also did not respond to Fleming's requests, and Fleming was never given the opportunity to take the test.

829. Everyone hired to work at the rate desk, that Plaintiff Devern Fleming, Jr. knows of, is white.

830. Because of the hostile and stressful environment created by managers at Amtrak, Plaintiff Devern Fleming, Jr. asked to be transferred to another location in 1997.

831. On other occasions, Amtrak transferred white employees by allowing them to "bump" employees with less seniority than them at another location. Because there were no open positions, Plaintiff Devern Fleming, Jr. asked them to allow him to "bump" another employee elsewhere. Yet Amtrak refused his request to transfer.

832. Plaintiff Devern Fleming, Jr. was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

833. Racial epithets and slurs, demonstrations of racist symbols, like a whip, and racial harassment at the Riverside Call Center were frequently encountered and observed, or heard about, by Plaintiff Devern Fleming, Jr.

834. By reason of such racial discrimination in employment by Amtrak, Plaintiff Devern Fleming, Jr. has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

835. Plaintiff Brandi Ford is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

836. Plaintiff Brandi Ford worked for Amtrak for 10 years as a Customer Service Representative in the VNC Department.

837. During such employment, Plaintiff Brandi Ford was represented by a labor union for purposes of collective bargaining with Amtrak.

838. Plaintiff Brandi Ford experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, training, furlough and recall from furlough, and other terms and conditions of employment.

839. In 2012, Plaintiff Brandi Ford participated in the Passenger Conductor program, but the trainer, a white employee named Margaret Global, discriminated against Plaintiff Brandi Ford.

840. These positions were based on seniority, and Margaret Global did not assign Plaintiff Brandi Ford to those types of positions.

841. This discrimination led to the disqualification of Plaintiff Brandi Ford for a permanent position because Margaret Global said she was not fit for the position.

842. Plaintiff Brandi Ford had submitted letters from mentors in the Passenger Conductor Program who gave her positive reviews.

843. Plaintiff Brandi Ford reported this incident to Amtrak's DRO office in Los Angeles.

844. Plaintiff Brandi Ford was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

845. For example, Margaret Global told Plaintiff Brandi Ford that it was unusual for people "like her" to be early to work.

846. By reason of such racial discrimination in employment by Amtrak, Plaintiff Brandi Ford has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

847. Plaintiff Riley Freeman is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

848. Plaintiff Riley Freeman was employed by Amtrak for 30 years, most recently as a Crew Dispatcher.

849. During such employment, Plaintiff Riley Freeman was represented by BLE and TCU, a labor union, for purposes of collective bargaining with Amtrak.

850. Plaintiff Riley Freeman experienced intentional racial discrimination by Amtrak in regard to some or all of the following: transfers, testing, training, job assignments, work assignments, discipline, and other terms and conditions of employment.'

851. Plaintiff Riley Freeman alleges that he was set up for failure during his time as a Locomotive Engineer.

852. That year, in Oakland, there were a total of three black engineers out of five classes.

There were black assistant conductors and conductors, even in Oakland, who were familiar

with the railroad and wanted to be locomotive engineers, such as Donald Buckner, Al Casborne, Alvin Randolph, and Akanke Isoke.

853. Amtrak knew that being transferred into Oakland would be a problem for Plaintiff Riley Freeman because Freeman was unfamiliar with the railroad lines. Plaintiff Riley Freeman mentioned this to Richard Barnes, a white supervisor, in December 1999, who never addressed this.

854. Mark Schulthies, a white supervisor, accompanied Plaintiff Riley Freeman on a test drive to review and reexamine his skills as an engineer.

855. Plaintiff Riley Freeman was terminated when, on a test drive, he struck a man who ran out onto the railroad tracks trying to get his dog.

856. Plaintiff Riley Freeman was not permitted to hit the brakes for a dog, but the human owner ran out to get his pet. The man was unable to move the dog. Plaintiff Riley Freeman yelled at the man to move and Freeman hit the emergency brake. The man was hit, and the dog killed.

857. Plaintiff Riley Freeman was permitted to continue the run and when it was written up, he failed the evaluation. Yet no mention was made of the incident with the man and the dog.

858. Earl Friend and Steve Shelton, both white employees, were responsible for placing Plaintiff Riley Freeman on probation status without notice or process.

859. Friend changed all of Plaintiff Riley Freeman's "air spots" so that he would be overrunning stations, which would get Freeman in trouble.

860. Steve Shelton made up stories about how Plaintiff Riley Freeman made alleged mistakes on his runs.

861. White employees in similarly situated positions were not subjected to such discrimination.

862. Plaintiff Riley Freeman was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

863. By reason of such racial discrimination in employment by Amtrak, Plaintiff Riley Freeman has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

864. Plaintiff Owen Funderburke III is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

865. Plaintiff Owen Funderburke III was employed by Amtrak beginning in August 1989. During his employment with Amtrak, he was stationed between Wilmington, Delaware; Baltimore, Maryland; and Washington, D.C.

866. During such employment, Plaintiff Owen Funderburke III was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

867. Plaintiff Owen Funderburke III experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, discharge, and other terms and conditions of employment.

868. Plaintiff Owen Funderburke III was hired as a Baggage Handler in Washington, D.C. and worked in that position until 1991, when he transferred to a Commissary position.

869. Plaintiff Owen Funderburke III returned to the Baggage Department in 1993, and became a Customer Service Representative in 1995, also at Washington's Union Station location.

870. Plaintiff Owen Funderburke III remained as a Customer Service Representative until transferring to the Material Control department as a shipping and receiving clerk in Wilmington in 1998.
871. In 1999, Plaintiff Owen Funderburke III briefly transferred to a Materials Control position in Washington and spent the remainder of his career as a Ticket Agent.
872. Discriminatory discipline resulted in the termination of Plaintiff Owen Funderburke III's eleven-year employment with Amtrak.
873. The events that led to Plaintiff Owen Funderburke III's termination began in March 2000. Plaintiff Owen Funderburke III was subjected to two formal investigations between March 2000 and September 2000.
874. The first investigation centered around two complaints from March 2000 and April 2000.
875. The March incident occurred in the immediate wake of a power outage that hindered Funderburke's ability to process ticket sales at Union Station. Customers were irate, and ticket lines were extremely long.
876. Around 6:00 a.m., which is an extremely busy time period, Funderburke interacted with a white male passenger seeking to book a ticket with an AAA discount. At the time, computer systems were down and therefore unable to process AAA discounts. Funderburke explained this to the passenger and apologized and said that the only thing he could do was issue the ticket and he could return later to have his payment adjusted. Although the customer was not happy about the inconvenience, they did not exchange any more words and Funderburke apologized for not being able to accommodate his discount.
877. Based on the customer's subsequent complaint, Tom Kirk, a white male Customer Service Manager, initiated an investigation.

878. Normally, after a single complaint, Amtrak's practice was to ask the employee to write a statement of events that would go with the complaint into the employee's file and there would be no investigation.

879. However, Plaintiff Owen Funderburke III was not asked to submit a statement. and at no time during the investigation did Amtrak ask him for his version of what happened between himself and the customer.

880. The April 2000 allegation centered around a ticket sale to a young white male passenger with the last name Mullan who was traveling between Washington and Baltimore. The passenger alleged that Funderburke was rude and discourteous to him, which was not true. The customer was upset because he asked for an Acela ticket. but Funderburke was not able to sell him one.

881. Only specific agents are able to sell Acela tickets, and Plaintiff Owen Funderburke III was at a station that could not sell them.

882. The customer was annoyed because the line monitor had mistakenly sent him to Funderburke's line.

883. Again, Tom Kirk launched an investigation into this incident without asking Plaintiff Owen Funderburke III about his side of what happened.

884. At the hearing in May 2000, Plaintiff Owen Funderburke III was found guilty of both offenses.

885. The hearing officer, Mr. William Ullmark, a white male, was ill during the proceedings and was unable to give his attention to the hearing.

886. In addition, Plaintiff Owen Funderburke III observed Tom Kirk whispering to a witness named Francine (LNU) during the recess.

887. During Francine's testimony, when she was asked what happened, she froze up and said she could not remember anything.

888. A few months later, Francine received a promotion.

889. In September 2000, Plaintiff Owen Funderburke III had another formal hearing after two additional incidents in July and August 2000 resulted in customer complaints about his service. The two accusers, one white and one South Asian, accused Funderburke of being rude.

890. The individual involved in the July 2000 incident, a white female named Ms. Chandler, told Tom Kirk that Plaintiff Owen Funderburke III had been rude to her and intentionally prevented her from boarding the train. She also alleged that Funderburke had sold her an improper ticket for her destination. She further alleged that Funderburke was rude to her when she complained about the prior alleged mistake.

891. However, the passenger had been trying to board a reversed train with an unreserved ticket that she had bought at a time prior to that day, and the gate agent would not allow her to board.

892. The vendor number on the ticket did match Plaintiff Owen Funderburke III's record, but the date stamp showed that it was sold to her from her station on another day during Funderburke's break period. The woman returned to Funderburke's station and started yelling at him even though he had not sold her the ticket, nor had he been the person who had not allowed her to board.

893. Plaintiff Owen Funderburke III was put out of service, pending an investigation launched by Kirk.

894. Again, Plaintiff Owen Funderburke III was not asked for his version of events even though the date and time stamps could have easily exonerated Funderburke from any type of wrongdoing.

895. The final accusation came from a South Asian passenger, Mr. Goyal, in August 2000. Goyal became irate during a transaction with Plaintiff Owen Funderburke III because Goyal was confused about times and price differences between a Metrorail and a regular ticket. Plaintiff Owen Funderburke III did not have a chance to explain or respond when Goyal asked to speak to a supervisor, so Funderburke immediately referred the customer a supervisor. Goyal was able to complete his transaction and the supervisor wrote a complaint on behalf of the passenger that stated Funderburke was argumentative, even though it was not true.

896. The female passenger, Chandler, did not show up to the hearing about these incidents. The hearing officer called her on the telephone, and she could not remember that any incident had even occurred. She asked the hearing officer to remind her of what had happened, but she could not provide any firsthand testimony.

897. Mr. Goyal testified by phone during the hearing, but he was almost incomprehensible due to both the call quality and the language barrier.

898. Amtrak failed to make the process fair for Plaintiff Owen Funderburke III.

899. Nevertheless, Amtrak found Plaintiff Owen Funderburke III guilty at the September 2000 hearing and terminated him despite his eleven years of service and overall strong work record.

900. White employees have had similar problems with passenger complaints and yet nothing was done to discipline them.

901. One white male, Kevin Scott, was accused of sexually harassing a passenger. Amtrak merely transferred him to another department.
902. Plaintiff Owen Funderburke III was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
903. By reason of such racial discrimination in employment by Amtrak, Plaintiff Owen Funderburke III has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
904. Plaintiff Lynn Garland-Solomon is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
905. Plaintiff Lynn Garland-Solomon was employed by Amtrak for 39 years, most recently as a Customer Service Quality Supervisor.
906. During such employment, Plaintiff Lynn Garland-Solomon was represented by ARASA, a labor union, for purposes of collective bargaining with Amtrak.
907. Plaintiff Lynn Garland-Solomon experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, and other terms and conditions of employment.
908. In 2006, while working as a supervisor, a job was posted for a Quality Service Manager role. Plaintiff Lynn Garland-Solomon applied for the position since she had the qualifications for it. Soon after, the job was posted as "no longer needed." It would have been a \$20,000 differential in pay. There was never an explanation provided for why the posting was taken down.

909. Plaintiff Lynn Garland-Solomon was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

910. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lynn Garland-Solomon has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

911. Plaintiff Gail H. George is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

912. Plaintiff Gail H. George has been employed with Amtrak for 30 years, most recently working as an Assignment Clerk with the On Board Services department.

913. During such employment, Plaintiff Gail H. George was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

914. Plaintiff Gail H. George experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, discipline, and other terms and conditions of employment.

915. Between 2001 and 2003, Gail H. George was subjected to harassment by her white supervisors, C.L. Johnson and Russell Abbott. She was falsely accused of time card fraud and taking cross ties. As a result, she lost overtime while out for four weeks.

916. C.L. Johnson would refer to himself as the "task master" in relation to her.

917. Plaintiff Gail H. George applied for several promotions but was never selected despite being qualified.

918. In or around 2009, Plaintiff Gail H. George applied for Operation Supervisor in the OBS Department. She was never given an interview and she was denied the position in favor of a white employee named Eric Roberts, who got the job, despite Plaintiff Gail H. George having more experience.

919. Plaintiff Gail H. George complained about this discrimination to management, but management did nothing.

920. Plaintiff Gail H. George was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

921. By reason of such racial discrimination in employment by Amtrak, Plaintiff Gail H. George has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

922. Plaintiff Olivia Gillis is the Personal Representative of the Estate of Kenneth Gillis and herein asserts employment discrimination claims of Kenneth Gillis against Amtrak. Kenneth Gillis was an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

923. Plaintiff Kenneth Gillis was employed by Amtrak from June 1980 until 2001, most recently as an employee in the Baggage Department until 2001.

924. During such employment, Kenneth Gillis was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

925. Kenneth Gillis experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions,

scheduling of work hours and denial of leave time, discipline, discharge, and other terms and conditions of employment.

926. Aichenger, the white manager of Material Control, was a notorious racist and commonly would post and re-post jobs until the position in his department was capable of being filled by a white employee.

927. In 1996, Plaintiff Kenneth Gillis bid for, but was denied a General Employee in the Material Control department. There were no job requirements for this position other than the requisite seniority, which Plaintiff Kenneth Gillis had.

928. Once Plaintiff Kenneth Gillis bid into the job, he was supposed to have been given thirty days to work in the position to officially qualify, or train, for the position.

929. After Plaintiff Kenneth Gillis had been working toward qualification for just two days, Aichenger informed him that Aichenger had changed the hours for the job to the 3:00 p.m. to 11:00 p.m. shift, and therefore he needed to re-post the job.

930. Aichenger was well aware that Plaintiff Kenneth Gillis would be unable to bid for the job at the new hours because he lived 50 miles away in Gary, Indiana, and that Gillis would not be able to afford to work during those hours because Gillis would have had to drive into the city instead of taking the train.

931. A white man was selected to fill the position.

932. While Plaintiff Kenneth Gillis was working as a Lead Clerk in 1999, Gillis was often given supervisory responsibilities, which meant that he had access to employment data. Plaintiff Kenneth Gillis learned that approximately 5% of Aichenger's staff in Material Control was African-American. By way of contrast, approximately 52% of the staff in the Commissary was African-American.

933. In approximately 1997, Plaintiff Kenneth Gillis was transporting china to load on to a train and accidentally dropped a few plates which amounted to about thirty-five dollars (\$35) total in damage.
934. Plaintiff Kenneth Gillis had just recovered from double pneumonia, and it was very hot out that day. Plaintiff Kenneth Gillis was not feeling well, and the heat was making him feel worse. Plaintiff Kenneth Gillis headed to the bathroom because he felt sick to his stomach.
935. Someone had seen Plaintiff Kenneth Gillis drop the plates and reported it to a supervisors meeting that was going on at the time.
936. Plaintiff Kenneth Gillis was pulled out of service for dropping the plates.
937. Plaintiff Kenneth Gillis learned of this because George Slaley, his white supervisor, put Terry Schuster, a white union representative, in charge of the floor and told him what had happened.
938. Plaintiff Kenneth Gillis ran into Slaley on his way out of the bathroom and informed him that he felt sick and was leaving. Slaley was very angry about this, but Plaintiff Kenneth Gillis kept walking.
939. Plaintiff Kenneth Gillis clocked out and went to the nurse's office.
940. The nurse tested Plaintiff Kenneth Gillis's blood pressure and informed him that it was alarmingly high and that he should go home and go to his regular physician for a check-up.
941. Plaintiff Kenneth Gillis called family members to pick him up because he did not feel well enough to drive home.
942. While Plaintiff Kenneth Gillis was at the nurse's office waiting for his ride, Schuster and another white union representative, Ron Cluz, arrived and informed him that Slaley had the

Amtrak police looking for him for deserting his post, even though he had informed Slaley that he was sick and was leaving for the day.

943. Slaley then appeared at the nurse's office and demanded that Plaintiff Kenneth Gillis take a drug test.

944. The Nurse informed Slaley that Plaintiff Kenneth Gillis had already clocked out and was on his way home and there was no authority for forcing him to take a drug test.

945. The next day Plaintiff Kenneth Gillis received a letter via Federal Express informing him that even though he informed his supervisor that he was ill and left work only because he was sick, he was terminated for deserting his job and failing to submit to a drug test.

946. According to union rules, if Amtrak believed he had, in fact, deserted his post (which Plaintiff Kenneth Gillis did not), the harshest discipline he should have received was a verbal or written reprimand.

947. Slaley did not treat white employees in this manner. In fact, Slaley failed to discipline white employees for other infractions. For example, Joe Squareo, a white Commissary Driver, parked his truck too close to a moving train, in violation of Amtrak safety rules, causing the door of the truck to be torn off by the moving train. Squareo was not disciplined or told to take a drug test; he simply was told to get another truck.

948. Plaintiff Kenneth Gillis knew of at least one other white employee who wrecked a truck, and he was also not disciplined nor asked to submit to a drug test.

949. Kenneth Gillis was subjected to racial harassment and a racially hostile work environment during his employment at Amtrak.

950. By reason of such racial discrimination in employment by Amtrak, Kenneth Gillis suffered the loss of compensation, wages, back pay and front pay, other employment

benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

951. Plaintiff Michael Green is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

952. Plaintiff Michael Green was employed from 1987 until his termination in 1998 as a Conductor for Amtrak.

953. During such employment, Plaintiff Michael Green was represented by the UTU, a labor union, for purposes of collective bargaining with Amtrak.

954. Plaintiff Michael Green experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, discipline, discharge, and other terms and conditions of employment.

955. In 1998, Michael Green was subjected to a random drug test.

956. The test result was negative, but someone later crossed out negative and wrote “positive” on the same form.

957. As a result of this change, Plaintiff Michael Green was terminated.

958. Plaintiff Michael Green was one of the few black Conductors in his division.

959. The falsified positive drug test was mere pretext for terminating him.

960. Jim Bart, a white male, who was a Conductor like Plaintiff Michael Green, also failed two drug tests, but he got his job back. Another white male who worked at Amtrak, John Koepfel, whose situation and his defense was similar to Green’s, also was able to stay in or regain his job.

961. Subsequent to his termination, Plaintiff Michael Green had odd difficulties getting hired.

The process would run smoothly until the prospective employer called Amtrak for a reference. Then Green suddenly was rejected. This happened several times. It appears Amtrak was continuing to deprive Plaintiff Michael Green of a livelihood by adhering to the falsified result of the drug test when it answered such reference checks.

962. Plaintiff Michael Green was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

963. By reason of such racial discrimination in employment by Amtrak, Plaintiff Michael Green has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

964. Plaintiff Reginald Grigsby is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

965. Plaintiff Reginald Grigsby worked for 19 years at Amtrak, most recently as a Customer Services/R&I Agent in the Customer Service Department.

966. During such employment, Plaintiff Reginald Grigsby was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

967. Plaintiff Reginald Grigsby experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

968. Plaintiff Reginald Grigsby was terminated after submitting paperwork from his physician after being on medical leave.

969. Another white employee in his department had returned back to work with no issues under substantially similar circumstances.

970. Plaintiff Reginald Grigsby was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

971. By reason of such racial discrimination in employment by Amtrak, Plaintiff Reginald Grigsby has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

972. Plaintiff Beverly Hall is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

973. Plaintiff Beverly Hall was employed by Amtrak from March 4, 1994 to August 15, 2020. Plaintiff Beverly Hall worked in both the Riverside, CA call center and in Los Angeles, CA.

974. During such employment, Plaintiff Beverly Hall was represented by the labor union TCU for purposes of collective bargaining with Amtrak.

975. Plaintiff Beverly Hall experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, discipline, and other terms and conditions of employment, including

restrictions on her ability to use the restroom, even when warranted by health considerations.

976. Plaintiff Beverly Hall applied for a job in the Amtrak Guest Rewards Department but was denied the position.

977. In February 1999, Plaintiff Beverly Hall took a position as a Material Control Clerk in the Los Angeles train yards. After a 30-day probation period, myself, two other black people, and a white lady who was married to a black man, were all disqualified from our Material Control positions.

978. Plaintiff Beverly Hall's next position was as a Car Clerk.

979. The trainer was Irene Stegall who also came from the Riverside Call Center in February 1999. Plaintiff Beverly Hall was told that Stegall displaced someone when she took the position, and the displaced person was so angry she refused to train her.

980. When Plaintiff Beverly Hall was disqualified from the Material Control Clerk job, she took Irene Stegall's position as a Car Clerk because Hall had higher seniority (which meant Stegall had to train Hall).

981. Plaintiff Beverly Hall was never properly trained for the Warehouse position or Car Clerk position she worked in during her employment at Amtrak. As a result of the inadequate training she received, she was disqualified from both positions.

982. Ilene Lara, who is Hispanic, and Craig Everly, who is white, were Plaintiff Beverly Hall's supervisors for the Car Clerk Position, and Jorge Rodriguez, who is Hispanic, was Plaintiff Beverly Hall's supervisor for her Warehouse Position. Those supervisors, among others, failed to train Hall for those positions.

983. Plaintiff Beverly Hall received disciplinary write-ups several times during her time in the Car Clerk position because she had never been properly trained to do the job. In March 1999, Plaintiff Beverly Hall was disqualified from her position as a Material Control Clerk after only one month and without proper training. Two other black people, and a white lady married to a black man, were all disqualified from our Material Control positions.

984. Plaintiff Beverly Hall then took a position as a Car Clerk, also at the Los Angeles yards, and again was not trained properly. The person who trained her, Irene Stegall, had only been doing the job for one month and did not fully understand the job herself. Stegall would often ask others in the department for help as she tried to train me.

985. When Plaintiff Beverly Hall asked General Foreman David Quijano for help, he told her that he was busy and refused to help, so Plaintiff Beverly Hall grieved the matter to a union representative.

986. About one week after she reported David Quijano's refusal to help, Plaintiff Beverly Hall was disqualified again.

987. Plaintiff Beverly Hall thereafter was so stressed and full of anxiety that her doctor took her out on a Medical Leave of Absence and eventually retired on medical disability.

988. At the Riverside Reservation Call Center where Plaintiff Beverly Hall worked for over 25 years, the workers received only a 2 month notice it would be closing in early January 1999.

989. At that point in time, Plaintiff Beverly Hall was not properly trained for two positions at the Los Angeles yards and was disqualified from both. This nightmare has caused Plaintiff Beverly Hall to retire for medical reasons from Amtrak eight (8) years early.

990. For 25 years, while working at the Amtrak Call Center in Riverside, California, Plaintiff Beverly Hall was not allowed to use the restroom except at break time or lunch. She went to management asking for additional restroom breaks due to her health problems yet was denied. The situation was so bad that Plaintiff Beverly Hall was forced to apply for and obtain an ADA justification in order to be able to use the restroom as needed without being subjected to disciplinary actions.

991. White employees in similarly situated positions were not inadequately trained or subjected to such harassing work conditions.

992. Plaintiff Beverly Hall was about to take her Forklift Certification test when her white supervisor made up several reasons that disqualified her from taking the test. As a result, this disqualified Plaintiff Beverly Hall from all station postings requiring a forklift certificate.

993. Plaintiff Beverly Hall was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. By reason of such racial discrimination in employment by Amtrak, Plaintiff Beverly Hall has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

994. Plaintiff Lauren Ashley Hall is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

995. Plaintiff Lauren Ashley Hall has been employed by Amtrak since October 7, 2013, and is currently employed at the Philadelphia RSA.

996. During such employment, Plaintiff Lauren Ashley Hall has been represented by the labor union TCU for purposes of collective bargaining with Amtrak.

997. Plaintiff Lauren Ashley Hall experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, discipline, and other terms and conditions of employment.

998. Plaintiff Lauren Ashley Hall applied for a job in the Training Department but was never selected for an interview, even though she was in the top of her hire class and one of the top agents in her office. White employees with less experience and fewer qualifications were selected.

999. Plaintiff Lauren Ashley Hall was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1000. Over the course of her time in the call center, Plaintiff Lauren Ashley Hall developed stress and anxiety over the white supervisors' restrictions on restroom usage and over the strenuous productivity requirements enforced by white managers.

1001. In or about October 2015, Hall's white supervisor harassed her for using Family and Medical Leave Act for time off when needed. White employees were not harassed in this manner.

1002. In or about August 2017, supervisor Gloria Stackhouse, who is white, nit-picked everything Plaintiff Lauren Ashley Hall did at work, causing Hall great anxiety over not qualifying in the position she was training for. Stackhouse also passed Hall's work to other employees in order to avoid providing Hall with proper training needed to fulfill her duties and enhance her qualifications for advancement.

1003. Once Hall became qualified, Stackhouse repeatedly overlooked Hall when it came to giving out overtime opportunities. White employees got the training, duties, and overtime opportunities instead.

1004. In or about March 2018, Los Angeles Station Manager Gloria (last name unknown), who is Hispanic, repeatedly looked for any reason to write Plaintiff Lauren Ashley Hall on disciplinary charges or threaten to do so.

1005. Plaintiff Lauren Ashley Hall was qualified to be promoted to Relief Station Manager, which is a temporary post that union employees can do. The post provides extra pay and also valuable experience and exposure that enhances advancement prospects.

1006. LA Station Manager Gloria (last name unknown) blocked Hall's opportunities to serve in the temporary post any way she could. Gloria's interference became so obvious in the workplace that another manager finally gave Hall an interview for the temporary post while Gloria was on vacation so that Gloria could not block it.

1007. After Hall did secure the position and got trained in it, Gloria followed Hall around while she served in the Relief Station Manager capacity, harassing Hall and disrupting her work in a transparent attempt to interfere with her performance and to cause Hall stress.

1008. The stress of dealing with Gloria has impacted Plaintiff Lauren Ashley Hall's ability to do her job. White employees in similarly situated positions are not being subjected to this discrimination.

1009. Due to all of the stress and anxiety Plaintiff Lauren Ashley Hall has endured over the course of her Amtrak career, she has developed a severe case of stress-induced alopecia, starting in November of 2013, and continuing to the present day.

1010. The stress of dealing with Gloria has impacted Plaintiff Lauren Ashley Hall's ability to do her job. White employees in similarly situated positions are not being subjected to this discrimination.

1011. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lauren Ashley Hall has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1012. Plaintiff Carolyn Hamilton is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1013. Plaintiff Carolyn Hamilton worked for Amtrak from February 19, 1980, until February 2005.

1014. Plaintiff Carolyn Hamilton worked most recently as a Secretary in the Customer Service Department until 2005.

1015. During such employment, Plaintiff Carolyn Hamilton was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1016. Plaintiff Carolyn Hamilton experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, job assignments, work assignments, discipline, and other terms and conditions of employment.

1017. In March 2002, Plaintiff Carolyn Hamilton applied for a promotion to a Grade 8 Partially Exempt Secretary position in the Customer Service Department, which was a

grade, or salary level, above her current position and reported to higher-level managers in the same department.

1018. In a partially exempt position, an employee cannot be displaced from her position through the bid and bump process.

1019. Plaintiff Carolyn Hamilton was well-qualified for this position with almost twenty years of relevant secretarial experience at Amtrak. The position did not require any skills beyond the ones required in her then-current secretary position.

1020. In addition, the employee in the partially exempt position was on extended medical leave, and Plaintiff Carolyn Hamilton was already filling in for her while doing her own work at the same time.

1021. When the incumbent's leave was extended indefinitely, the department posted a permanent opening, and Plaintiff Carolyn Hamilton applied for it.

1022. Plaintiff Carolyn Hamilton interviewed for the position with Dave Nichols, a white manager or director, and Paul Woodford, a white human resources representative. They asked her substantive questions about her qualifications for the position and what she thought she could offer. Hamilton thought the interview went very well and that they were seriously considering her for the position.

1023. Sometime after the interview, Nichols said to Hamilton, "You know you are the best qualified for the position."

1024. However, subsequently, she was not selected for the position.

1025. A less-qualified white secretary, Debbie Porter, was awarded the position.

1026. Porter did not have her experience from working in the position already and had about half the number of years of seniority at Amtrak that Plaintiff Carolyn Hamilton had.

1027. Plaintiff Carolyn Hamilton then complained to Amtrak's Diversity Department because she believed Amtrak's actions were racially motivated.

1028. After an investigation, her claim was denied.

1029. In late 2004, Amtrak eliminated a number of positions due to financial constraints.

1030. As a result, because Plaintiff Carolyn Hamilton was not in a partially exempt position, she was bumped from her secretary position.

1031. Even though Plaintiff Carolyn Hamilton had been at Amtrak for over twenty years, she had never been awarded a partially exempt position.

1032. At the time, Plaintiff Carolyn Hamilton knew of at least eleven people with far less seniority than she had, to whom Amtrak had awarded partially exempt positions. A majority of these employees were white, and they all had job security, whereas Plaintiff Carolyn Hamilton did not.

1033. Plaintiff Carolyn Hamilton finally was able to bid into a data entry position, which was lower grade than a secretary position, in the Amtrak Police Department. However, she had not been there long when a background check revealed some apparent criminal activity.

1034. Plaintiff Carolyn Hamilton's identity had been stolen and used by someone who had committed crimes. Hamilton had already disclosed this information, along with written proof from the Philadelphia Police Department that someone else had committed the crimes.

1035. Nonetheless, the department claimed that Plaintiff Carolyn Hamilton was disqualified from the position and replaced her with a white woman named Sandy.

1036. Plaintiff Carolyn Hamilton spoke to Annette [last name unknown], the white head of the Police Department, about Hamilton's belief that she could not be the only member of the department with a real or fraudulent criminal record and that her disqualification was motivated by her race. However, Annette did not want to discuss the issue.

1037. At this time, there were no jobs into which Plaintiff Carolyn Hamilton could bid and bump.

1038. Plaintiff Carolyn Hamilton became very depressed over her job situation and had to take medical leave.

1039. Plaintiff Carolyn Hamilton was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1040. By reason of such racial discrimination in employment by Amtrak, Plaintiff Carolyn Hamilton has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1041. Plaintiff Steven Harris is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1042. Plaintiff Steven Harris was employed at Amtrak for 36 years, most recently as a Crew Dispatcher for the CMS department.

1043. During such employment, Plaintiff Steven Harris was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1044. Plaintiff Steven Harris experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1045. After working 13 years as a Lead Computer and Operator at Amtrak's Computer Center, Plaintiff Steven Harris applied for promotions, with his strong qualifications, to the position of Computer Tech. He was denied the position each time. White employees with less experience and qualifications were selected over Plaintiff Steven Harris.

1046. Plaintiff Steven Harris was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1047. By reason of such racial discrimination in employment by Amtrak, Plaintiff Steven Harris has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1048. Plaintiff Betty Haymer of Maywood, IL, is an African-American citizen of the United States and was employed at Amtrak since 1973 and continuing during the former class liability period alleged in *Campbell*.

1049. During her entire tenure with Amtrak and despite her best efforts to get promoted, Plaintiff Betty Haymer has been a coach cleaner. Plaintiff Betty Haymer works in the Maintenance Department.

1050. During such employment, Plaintiff Betty Haymer has been represented by a labor union, the TWU, for purposes of collective bargaining with Amtrak.

1051. Plaintiff Betty Haymer experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1052. Throughout the years of her employment, Plaintiff Betty Haymer has applied for many promotions for which she has been qualified but has never received one. Upon information and belief, whites have received all or most of those promotions.

1053. For example, in April 2007, she applied for the position of General Foreman, was qualified, and was denied. She spoke to Mr. Miller, the head of Human Resources, and she was interviewed, but she never even received a response after that. A white woman was hired as General Foreman.

1054. In the summer of 2003, white female Kim Hysley's father worked at 16th Street Station, where Kim Hysley also worked. Kim Hysley was groomed for, and promoted to, a Foreman II position from a laborer job after only three months.

1055. Workers are not supposed to be promoted in the same facility as a relative. Amtrak did not post the job they awarded to Kim Hysley.

1056. Plaintiff Betty Haymer was well-qualified by her experience and knowledge to be placed into that job, but she was never given the chance because the white daughter of a white male who worked for Amtrak was available, despite her near-total lack of experience.

1057. Amtrak also did not train any of the other black females in the skills or tasks needed for the job, nor have they ever given such attention to a black female to train her for a foreman job.

1058. Plaintiff Haymer filed a complaint with HR about the Kim Hysley promotion.

1059. After this complaint, Kim Hysley was temporarily demoted, but then she was relocated to Brighton Park so that she was not working under her father. Then she was promoted to a Foreman III position.

1060. By way of contrast, Kenny Czazka, a white male, began working at Amtrak at the same time as Plaintiff Betty Haymer.

1061. In 1991, Czazka applied and was promoted to a Foreman.

1062. Then, in 1995, without any prior mechanical experience, Czazka was promoted again, this time to Mechanical Foreman.

1063. In 2004, Czazka was promoted yet again to a General Foreman position.

1064. Czazka and Plaintiff Betty Haymer have similar backgrounds and experience, but different races: he is white, and she is black.

1065. In late 2004 or early 2005, Plaintiff Haymer was subjected to disparate decision making in regard to drug testing following an altercation in the cafeteria. Haymer was suspended for 30 days. Whites who are engaged in altercations often are not always subjected to drug testing.

1066. Blacks, like Plaintiff Betty Haymer, are disciplined harshly or fired for unexcused absences. In contrast, a white male, George Jethro was late and absent from work on numerous occasions, but he was not written up with disciplinary charges and instead was allowed to work to make up the time he had been absent or late.

1067. In July 2006, Rubin Bell, an African-American Foreman, was going on a scheduled vacation. Prior to his vacation, Plaintiff Betty Haymer asked her white manager, Richard Burton, whether she could fill in for Bell during his vacation. Burton said that he would look into it, but instead gave the position to Laura Travis, a white employee.

1068. Travis had been working as a coach cleaner and had no prior experience working as a Foreman.

1069. Plaintiff Betty Haymer was more qualified than Travis.

1070. Plaintiff Betty Haymer was subjected to racial harassment and a racially hostile work environment, including but not limited to frequent use, and toleration in the workplace of, the “N” word and other derogatory or demeaning language, such as “you people,” and other indirect references to blacks.

1071. By reason of such racial discrimination in employment by Amtrak, Plaintiff Betty Haymer has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1072. Plaintiff Billy Hollis is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1073. Plaintiff Billy Hollis was employed for approximately 35 years at Amtrak as a Track Operator in the Mechanical Department in Los Angeles, CA. He retired in 2018.

1074. During such employment, Plaintiff Billy Hollis was represented by Service Employees International Union, National Conference of Firemen & Oilers, SEIU NCFO, a labor union, for purposes of collective bargaining with Amtrak.

1075. Plaintiff Billy Hollis experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, training, work assignments, scheduling of work hours discipline, and other terms and conditions of employment.

1076. In about 2012, Plaintiff Billy Hollis applied for a carman position, and was denied. He was told by his union representative that they “would get around to it.” But they never did.

1077. In about 2010, Plaintiff Billy Hollis requested training for a locomotive engineer position from a management trainer, who told him that he would “let you know, Bill.” But neither the trainer nor anyone else in management ever did let him know.

1078. Plaintiff Billy Hollis asked Robert Hernandez, who worked second shift as a fill-in vacation relief, to lock down the rails so that Hollis could move two locomotives, but Hernandez would not do it, creating what is known as a “blue flag” incident (because a blue flag is planted by the tracks in the yard). Hernandez told Hollis he was going to blame Hollis for his inaction, which in fact Hernandez did. This caused Hollis to be pulled out of service day until Hollis proved to a manager that it was Hernandez who was at fault. Non-black employees were able to continue working with no issues when they have had a “blue flag” incident.

1079. Plaintiff Billy Hollis worked second shift for years, but he wanted to switch to the third shift, and he had worked there so long that his request should have been granted. Instead, the white managers gave the third shift to much newer, sometimes brand new white workers.

1080. Frequently, white managers and supervisors would give white workers less strenuous or otherwise preferable work assignments to white workers, sometimes even to white workers who were new.

1081. Plaintiff Billy Hollis would sometimes speak against this practice, and managers and supervisors would sometimes acknowledge that he was right and even would make changes, but not always.

1082. Giving preferable work assignments to white workers occurred in particular in 2015 and 2016, when Plaintiff Billy Hollis was known to attend anti-race-discrimination rallies near Union Station in Los Angeles. During this time at his job, Plaintiff Billy Hollis began receiving much more work and more strenuous or difficult work than his white coworkers. Hollis complained about being given too much work and being treated worse than his white coworkers on these occasions as well, but Amtrak did nothing to address his complaints, apparently to discourage him from supporting anti-race-discrimination efforts.

1083. Plaintiff Billy Hollis was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. For example, Plaintiff Billy Hollis heard a non-black supervisor who worked in the roundhouse in the south end of the railroad yard using the n-word in reference to and in front of several black workers, including Plaintiff Billy Hollis and several carmen.

1084. By reason of such racial discrimination in employment by Amtrak, Plaintiff Billy Hollis has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1085. Plaintiff Shawn Horton is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1086. Plaintiff Shawn Horton began employment at Amtrak in 1993, working as a Coach Cleaner.

1087. Plaintiff Shawn Horton was laid off in 1995 but returned to work in 2000.

1088. During such employment, Plaintiff Shawn Horton was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1089. Shawn Horton

1090. Plaintiff Shawn Horton experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, job assignments, furlough and other terms and conditions of employment.

1091. Plaintiff Shawn Horton applied for several promotions beginning in 1995. For every application he submitted – for positions that he was qualified for – a lesser qualified white applicant was selected.

1092. For example, a white male Mike (last name unknown) was promoted to Electrician, whereas Horton was not, even though Shawn and Mike were hired at the same time. Management had pulled Mike aside to let him know about the opening, which was not posted. Horton did not receive a similar opportunity.

1093. Management frequently does not post job listings, so that black workers do not know anything about them. White workers have better access to the white managers, and get the word that there are openings, when blacks do not.

1094. Other times, whites are groomed for positions and get promoted rapidly and without having to demonstrate their qualifications. For example, a white woman named Kim (last name unknown, but her mother is named Sidally and also worked for Amtrak as a supervisor or manager) was rapidly promoted to General Manager. The opening was not posted, and blacks were not allowed to competitively bid on it or apply. If Kim was qualified, it is only because Kim was the only one who had been offered training.

1095. Plaintiff Shawn Horton was laid off, as would have been Kim had she had not been promoted to an exempt position.

1096. Plaintiff Shawn Horton had difficulty transferring into other departments. However, white employees had an easier time. For example, the above-referenced Mike (last name unknown) had only been working for Amtrak for about a year before he could transfer to another department and into a management position. a year before he could transfer to another department and into a management position.

1097. Plaintiff Shawn Horton was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1098. By reason of such racial discrimination in employment by Amtrak, Plaintiff Shawn Horton has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1099. Plaintiff Lawrence Howard is an African-American citizen of the United States and was employed at Amtrak starting April 11, 1993 during the former class liability period alleged in *Campbell*.

1100. Plaintiff Lawrence Howard worked as a Lead Service Attendant in the Customer Service Department.

1101. During such employment, Plaintiff Lawrence Howard was represented by TWU, a labor union, for purposes of collective bargaining with Amtrak.

1102. Plaintiff Lawrence Howard experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, discipline, discharge, and other terms and conditions of employment.

1103. Plaintiff Lawrence Howard applied for a supervisor position in food services, and he was rejected in favor of a white man with less seniority who was selected for the job.

1104. In 1997, Plaintiff Lawrence Howard applied for a Computer Assisted Design (“CAD”) position, which did not require specific qualifications because it involved on-the-job training. Yet Howard did not even receive an interview. A white male got the position.

1105. In late 1997, Plaintiff Lawrence Howard applied for a Train Dispatcher’s position, for which he was well qualified. The job actually did not require many qualifications, and it also involved on-the-job training. Howard was interviewed, but then he was rejected. There were such several positions open, and they were all filled by white people.

1106. White LSA’s with less experience are frequently given office duty, *e.g.* three weeks in the office, and one week on the road. Black LSA’s like Howard never get a chance to work in the office.

1107. Twice, first in 1996 and again in 2000, Plaintiff Lawrence Howard had a doctor’s note saying he needed light duty work, but Amtrak did not grant it. Amtrak has an ADA program through which he can apply for ADA accommodations, and they told him to go

through this process in order to get light duty work. However, Amtrak could give light duty without his going through this process and they do that for white employees. There are white employees who have had light duty jobs at Amtrak for as long as five years, even though these situations are supposed to be temporary.

1108. While working on an assignment from Boston, MA to Chicago, IL as a Lead Service Attendant, Plaintiff Lawrence Howard was falsely accused of being involved in a theft ring. Howard was harassed by white members of management when a white passenger accused him of stealing sandwiches from the train. The accusations were false.

1109. Plaintiff Lawrence Howard was suspended for two months without pay and then fired.

1110. Plaintiff Lawrence Howard was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak. His white supervisor, Jed Miller told him that "people like yourself" should show up for work 15 minutes before the shift and be "on the docks running." White employees in his position are not told to do this.

1111. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lawrence Howard has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1112. Plaintiff Betty Howard is an African-American citizen of the United States and applied for employment at Amtrak during the former class liability period alleged in *Campbell*.

1113. Plaintiff Betty Howard experienced intentional racial discrimination by Amtrak in regard to testing and hiring.

1114. Plaintiff Betty Howard applied for jobs that would have caused her to be represented by a labor union for purposes of collective bargaining with Amtrak.

1115. In connection with her application for employment, Plaintiff Betty Howard took a general test on general math, reading and comprehension. She was told that taking this test was required in order to be hired.

1116. Howard and other black applicants were told that she, and they, had failed the test. However, Plaintiff Howard did not believe she had failed because the test simple.

1117. When Howard called in and requested information, she was also told by Amtrak HR that she failed. Howard does not know any blacks who did pass the test.

1118. Howard was not given a score and was told that Amtrak could not find the test scores. Upon information and belief, about ten or fifteen blacks were told that they failed the test and none of the blacks passed.

1119. Upon information and belief, the whites who took the test were hired.

1120. By reason of such racial discrimination in employment by Amtrak, Plaintiff Betty Howard has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1121. Plaintiff Lewis Howard is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1122. Plaintiff Lewis Howard was employed by Amtrak as a Conductor from 1977 until his termination in 1996.

1123. During such employment, Plaintiff Lewis Howard was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.

1124. Plaintiff Lewis Howard experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline and discharge.

1125. Plaintiff Lewis Howard was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1126. On April 25, 1995, a Caucasian passenger, Marie Shute, falsely accused Plaintiff Lewis Howard of sexual harassment. Howard was taken out of service March 27, 1995.

1127. Plaintiff Lewis Howard's 19-year record had been exemplary.

1128. There were other instances that were more severe that involved Caucasian employees who were only disciplined and not discharged.

1129. As a result of this false accusation, Amtrak terminated Plaintiff Lewis Howard.

1130. One witness who would have testified for Plaintiff Lewis Howard was apparently too intimidated and afraid of losing employment to show up. Another who did told those at the hearing that he was in fact intimidated by management about testifying for Howard.

1131. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lewis Howard has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1132. Plaintiff Akanke Isoke is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1133. Plaintiff Akanke Isoke was employed by Amtrak beginning in 1980, most recently working as a Conductor until 2003.

1134. During such employment, Plaintiff Akanke Isoke was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.

1135. Plaintiff Akanke Isoke experienced intentional racial discrimination by Amtrak in regard to some or all of the following: job assignments, work assignments, discipline, and other terms and conditions of employment.

1136. While working as a Conductor, her supervisor, John McVay, reported that she had been wearing an improper uniform. While boarding passengers one day, Plaintiff Akanke Isoke had a scarf tied around her hair as a headband.

1137. White employees in similarly situated situations are not accused of wearing improper uniforms when they do similar things to their hair.

1138. In December of 2000, Plaintiff Akanke Isoke was injured while boarding passengers onto a train. She stepped onto a footstool which collapsed causing her to fall and tear several discs in her back.

1139. The doctor told Plaintiff Akanke Isoke that she would not be allowed to do any heavy lifting and therefore she would not be able to work as a conductor.

1140. Plaintiff Akanke Isoke was, after a few months, permitted by her doctor to work light duty, so she sent letters to various departments, such as Ticketing, trying to find another position, without success. Despite her many requests, Amtrak never offered her light duty of any kind.

1141. White employees in similar situations where given accommodations to return to work.
1142. Plaintiff Akanke Isoke was out of work for three years without any light duty being offered by Amtrak, and she eventually resigned in November 2003.
1143. White employees in similarly situated situations where given accommodations to return to work.
1144. Plaintiff Akanke Isoke was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1145. By reason of such racial discrimination in employment by Amtrak, Plaintiff Akanke Isoke has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1146. Plaintiff James Ivey is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1147. Plaintiff James Ivey was hired on June 1, 1999 as a Maintenance worker in the Track Department in Chicago, IL. Plaintiff James Ivey was later hired in the T&E department in October 2000 as a Conductor.
1148. During such employment, Plaintiff James Ivey was represented by the UTU, a labor union, for purposes of collective bargaining with Amtrak.
1149. Plaintiff James Ivey experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including

promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, and other terms and conditions of employment.

1150. Plaintiff James Ivey was denied the opportunity to receive qualifications to ride certain train routes.

1151. Plaintiff James Ivey requested qualifications classes for the “City of New Orleans,” which is a train route between New Orleans and Chicago, but his request was ignored. Eventually, management had no other choice but to give him his qualifications because other conductors qualified on the route were on vacation.

1152. In 2003, a conductor position in New Orleans was available that would have been a promotion for Plaintiff James Ivey. Ivey received the promotion at first but was later told he was not qualified for the position, despite his seniority.

1153. Plaintiff James Ivey took the qualification classes on his own and had to go six days without pay in order to complete the classes.

1154. The management involved in these incidents included Scotty Wright, Row Foreman, Mr. Cochran, a trainmaster, and Butch Williams, a superintendent – all white managers or supervisors. They are all friends and use their own “buddy system” in determining promotions and who can undertake qualification classes.

1155. Newly hired whites “off the street” were being qualified and gained seniority over incumbent black employees, including Ivey, for conductor positions.

1156. In June 2000, Ivey requested a change of craft to become a conductor and waited for an interview. He asked management and supervisors several times about this request but was told that nothing was currently available.

1157. In September, he discovered that two classes for conductor training had been given to train new conductors since he had first given his change of craft request. Ivey went back to management and asked why he was never given the opportunity to take the classes to change his craft, and they told him that they never saw his paperwork.

1158. A few days later the managers called him back to tell him that the paperwork had been misplaced and that he would be allowed to take the class and would be given seniority because of the error.

1159. When he went to the conductor classes, Ivey found that there were six external new hires ahead of him in seniority.

1160. When he complained, he was told that the seniority was based on the date of the physical that he was required to get to take the class.

1161. The date of the physical had been set by the management and Ivey had nothing to do with the scheduling of the appointment, he was only told when to show up and then he did so. This manipulation of the system allowed the external white applicants to obtain seniority over Ivey.

1162. On one occasion, Plaintiff James Ivey witnessed an incident where two black employees were pulled out of service for a rule violation, and then overheard one employee say to another, "well, we've got two of them," an obviously admission of racial targeting. Managers or supervisors knew this as well but did nothing about it.

1163. Plaintiff James Ivey also heard white employees use the n-word on several occasions. Managers and supervisors knew this but did nothing about it.

1164. Plaintiff James Ivey was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1165. By reason of such racial discrimination in employment by Amtrak, Plaintiff James Ivey has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1166. Plaintiff Leroy Jackson is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1167. Plaintiff Leroy Jackson was employed by Amtrak for 37 years as a Carman in the Mechanical Department.

1168. During such employment, Plaintiff Leroy Jackson was represented by a labor union for purposes of collective bargaining with Amtrak.

1169. Plaintiff Leroy Jackson experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline and discharge.

1170. In 2010, Plaintiff Leroy Jackson was wrongfully terminated and lost two years' worth of wages.

1171. Plaintiff Leroy Jackson filed a complaint with his local union, but he was still terminated.

1172. White employees are generally not wrongfully terminated, and, when they are terminated, they usually are granted hearings sooner than two years to contest their disciplinary terminations.

1173. Plaintiff Leroy Jackson was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1174. By reason of such racial discrimination in employment by Amtrak, Plaintiff Leroy Jackson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1175. Plaintiff Wendy Rowlett Jennings is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1176. Plaintiff Wendy Rowlett Jennings was hired by Amtrak in May 1990 as a Lead Service Attendant in New York.

1177. During such employment, Plaintiff Wendy Rowlett Jennings was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1178. Plaintiff Wendy Rowlett Jennings experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, and other terms and conditions of employment.

1179. Plaintiff Wendy Rowlett Jennings applied for promotions at Amtrak but was never selected. White applicants who were less qualified than Jennings were chosen.

1180. In 2008, Plaintiff Wendy Rowlett Jennings applied for a Ticket Agent position. She was qualified for the position. She never heard back from human resources about her application, and a white applicant was selected.

1181. Plaintiff Wendy Rowlett Jennings was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1182. By reason of such racial discrimination in employment by Amtrak, Plaintiff Wendy Rowlett Jennings has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1183. Plaintiff Lena Faye Johnson is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1184. Plaintiff Lena Faye Johnson was employed by Amtrak beginning in 1980 as a Junior Clerk in the Finance Department. She most recently worked as a Computer Tech in the Reprographics Department.

1185. During such employment, Plaintiff Lena Faye Johnson was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1186. Plaintiff Lena Faye Johnson experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1187. During her employment, Plaintiff Lena Faye Johnson applied for several promotions and was never selected. Instead, white applicants who were less qualified than her were selected.

1188. Plaintiff Lena Faye Johnson was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1189. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lena Faye Johnson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1190. Plaintiff Bobby Johnson is an African-American citizen of the United States and was employed at Amtrak starting in 1990, returned to work in 1999, during the former class liability period alleged in *Campbell*.

1191. During such employment, Plaintiff Bobby Johnson was represented by a labor union, the Transport Workers Union (“TWU”) for purposes of collective bargaining with Amtrak.

1192. Plaintiff Bobby Johnson experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including furlough and recall from furlough.

1193. Plaintiff Bobby Johnson was laid off from his job as a Carman by Amtrak in 1992. He had had no attendance or performance problems.

1194. Plaintiff Bobby Johnson was rehired or returned to work in 1999.

1195. Plaintiff Bobby Johnson was laid off again from his job as a Carman by Amtrak in 2001. He had had no attendance or performance problems.

1196. Plaintiff Bobby Johnson sought a return to work and/or reapplied for the same job in 2008.

1197. Plaintiff Bobby Johnson was rejected despite his experience as a Carman and being qualified as a journeyman welder, and the fact that he had had no attendance or performance problems in his prior employment with Amtrak.

1198. Around this time, Amtrak was hiring white persons off the street for Carman positions with far less, or no, experience, who were not as well qualified as Johnson, and who did not have his demonstrated work record of good job performance and no attendance problems at Amtrak.

1199. Plaintiff Bobby Johnson reapplied for the same position again on or about March 10, 2009. Johnson was told by Keith Osbourne, who was an Amtrak Human Resources representative in Chicago, that he was not qualified, which could not be true because he had already worked as a Carman for Amtrak.

1200. Johnson was again rejected, although Amtrak again hired several white individuals who were less qualified than Johnson and had far less, or no, experience, who were not as well qualified as Johnson, and who did not have his demonstrated work record of good job performance and no attendance problems at Amtrak.

1201. Plaintiff Bobby Johnson contacted Mr. Osbourne's superior in HR, who told him that Osbourne could hire "whoever he wanted."

1202. By reason of such racial discrimination in employment by Amtrak, Plaintiff Bobby Johnson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1203. Plaintiff Helen Johnson-Gardiner is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1204. Plaintiff Helen Johnson-Gardiner was employed by Amtrak from February 1988 until 2002.

1205. Plaintiff Helen Johnson-Gardiner began her employment at Amtrak as a Reservationist in Fort Washington, PA. In 1989, Plaintiff Helen Johnson-Gardiner became a secretary in Philadelphia, which was her position her employment ended in 2002.

1206. During such employment, Plaintiff Helen Johnson-Gardiner was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1207. Plaintiff Helen Johnson-Gardiner experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, and other terms and conditions of employment.

1208. Plaintiff Helen Johnson-Gardiner applied for several promotions throughout her employment. White applicants with less experience and qualifications were selected.

1209. In September 1995, Plaintiff Helen Johnson-Gardiner was denied a promotion for the position of Secretary in the Materials Management Service Center in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1210. In October 1995, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Secretary in the Engineering Department in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1211. In December 1995, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Secretary in the Real Estate/Commercial Development Department in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1212. In May 1996, Plaintiff Helen Johnson-Gardiner was denied a Secretary position in the Regional Sales Office in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1213. In May 1996, Plaintiff Helen Johnson-Gardiner was denied a Secretary position in the Police Department in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1214. In December 1998, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Secretary in the Engineering C&S Department in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1215. In September 1999, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Secretary in the Office of the Executive Vice President. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1216. In June 2000, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Secretary in the Engineering Department in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1217. In July 2000, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Secretary, Posting Number 00-23, in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1218. In August 2000, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Secretary in the Engineering Department in Philadelphia, PA, which was the same position that she interviewed for in June 2000. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1219. In September 2000, Plaintiff Helen Johnson-Gardiner was denied a promotion to the position of Chief Clerk. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1220. In December 2000, Plaintiff Helen Johnson-Gardiner was denied a promotion to a Secretary position in the Customer Services Department in Philadelphia, PA. Upon information and belief, one or more white candidates with less experience and qualifications were selected.

1221. By reason of such racial discrimination in employment by Amtrak, Plaintiff Helen Johnson-Gardiner has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1222. Plaintiff Diane Jones is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1223. During such employment, Plaintiff Diane Jones was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1224. Plaintiff Diane Jones experienced intentional racial discrimination by Amtrak in regard to some or all of the following: work assignments, scheduling of work hours and taking sick time, discipline, discharge, and other terms and conditions of employment.

1225. In 1995, Plaintiff Diane Jones was falsely accused by her white supervisor, Debbie Bartlett of distributing a paycheck with an unspecified amount.

1226. There was evidence that showed that Bartlett had accessed Plaintiff Diane Jones's computer on that day, and that Plaintiff Diane Jones was out on the day in question. Combined with the tangible difference in treatment in how Plaintiff Diane Jones was treated by her supervisor versus how Barlett treated her white coworkers, this false accusation resulted in Plaintiff Diane Jones being wrongfully disqualified from promotions for which she was eligible.

1227. Plaintiff Diane Jones reported to Amtrak about the discrimination.

1228. Plaintiff Diane Jones was terminated from Amtrak after she was accused of falsifying checks. These accusations were false, and she never stole money, or anything, from Amtrak.

1229. In early 2003, Debbie Bartlett, the white Director of Payroll, frequently harassed Plaintiff Diane Jones, sending her rude emails and making her do tasks she would never assign white employees. For example, Bartlett made Jones sort out the contents of the trash bin in order to find reports instead of simply printing out another report.

1230. Plaintiff Diane Jones complained to Barlett's boss about it, Senior Director, Payroll Operations Carol Wolf, who did nothing other than suggest they try to get along.

1231. Wolf finally took Barlett and Plaintiff Diane Jones to the Diversity Department for investigation. Subsequently, Wolfe, Barlett, and Director of Payroll Boyd Blankenship

told others that Plaintiff Diane Jones just didn't like white people. Barlett was never disciplined, but Plaintiff Diane Jones got a letter from the Diversity Department stating that her behavior was inappropriate.

1232. In late 2003, Barlett accused Plaintiff Diane Jones of falsifying payroll documents and sending out checks that she wasn't supposed to. Barlett and Plaintiff Diane Jones had a meeting with Plaintiff Diane Jones's Union Representative and the Director of Payroll, Boyd Blankenship.

1233. In preparation for the meeting, Plaintiff Diane Jones figured out that Barlett must have been using Jones' password in order to create false checks.

1234. In the meeting, Barlett denied it, but the Union and Amtrak made a deal that the Union wouldn't investigate Barlett using Jones' password if Jones could have her job back, although Jones would have to requalify for her job.

1235. Subsequently, Plaintiff Diane Jones went out on sick leave for stress. When she returned about 8 months later Amtrak told her that they were going to change her hours to a different shift, but still working with Barlett who was now a Director of Payroll. Plaintiff Diane Jones had to bump another employee so she could work the same hours that she had been working before.

1236. Plaintiff Diane Jones then received an email stating that every time she left to go to the bathroom, she had to get a manager to sign off, and gave her a list of people she could ask to go to the bathroom.

1237. Subsequently, Plaintiff Diane Jones received a letter signed by Wolfe that she was being terminated because she couldn't do the job even though that was the same job that she'd been doing for years.

1238. Jones' accuser was then promoted into a management position. However, subsequently, that accuser was fired after it was discovered that she was giving her boyfriend, who was a conductor at Amtrak, money that she was stealing from Amtrak. Upon information and belief, the accuser had actually been using Plaintiff Diane Jones' computer password in order to steal money.

1239. The accuser's termination strongly indicated that Plaintiff Diane Jones was innocent and yet Amtrak made no attempt to restore Jones to her position or otherwise rectify the wrong done to her.

1240. Plaintiff Diane Jones was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1241. By reason of such racial discrimination in employment by Amtrak, Plaintiff Diane Jones has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1242. Plaintiff Douglas Jones is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1243. Plaintiff Douglas Jones worked for Amtrak from 1987 until 2015.

1244. During such employment, Plaintiff Douglas Jones was represented by a labor union for purposes of collective bargaining with Amtrak.

1245. Plaintiff Douglas Jones was a Chef in Los Angeles, CA until 2005 and worked in Seattle, WA as a Cook until 2015.

1246. Plaintiff Douglas Jones experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, and other terms and conditions of employment.

1247. Plaintiff Douglas Jones faced racial harassment from, and a hostile work environment created by, white supervisors Matt Calhoun and Pat Gallagher.

1248. Both Calhoun and Gallagher manufactured false accusations against Plaintiff Douglas Jones that resulted in him losing hours and being denied his pay.

1249. Both Calhoun and Gallagher looked for reasons to fire him and would deny his timesheets.

1250. The work environment became so racially hostile for Plaintiff Douglas Jones that he transferred to Seattle, WA and took a demotion and accompanying pay cut as a Cook.

1251. Plaintiff Henry Jones is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1252. Plaintiff Henry Jones was employed at Amtrak for over twenty years, most recently working as a Machinist Inspector.

1253. During such employment, Plaintiff Henry Jones was represented by the IAM, a labor union, for purposes of collective bargaining with Amtrak.

1254. Plaintiff Henry Jones experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, job assignments, work assignments, furlough and recall from furlough, and other terms and conditions of employment.

1255. In 2002, Plaintiff Henry Jones applied a bid for a job that was placed on the board; when jobs are placed on the board, they are given to those based on seniority. Plaintiff Henry Jones would have been the most senior person for the position.
1256. The job was given to a non-black employee who was on probation.
1257. In or around October 2008, Plaintiff Henry Jones applied for other open positions.
1258. In or around December 2008, Plaintiff Henry Jones was informed that he was not selected for any of these position, and non-black individuals were selected.
1259. In August 2008, Plaintiff Henry Jones was furloughed to Chicago and applied for positions in order to get back to Indianapolis.
1260. Plaintiff Henry Jones filed a complaint with both the EEOC and Amtrak dispute Resolution, but nothing happened as a result.
1261. In or around February 2014, due to his seniority, Plaintiff Henry Jones requested a particular job for the day (removing flingers) because the other two employees had less seniority. Plaintiff Henry Jones's supervisor gave the job to two white employees, Jay Shutz and James Gillen, who were not trained to do the work.
1262. On December 23, 2014, Tom Gray, Machinist and Acting Supervisor was assigning employees to a variety of jobs. During the meeting, Plaintiff Henry Jones requested the job of indicating gears on the U Tube Axels. Gray placed Clark, a white Machinist, who was less qualified than Jones, to do the job. Clark was not trained to do the job.
1263. Plaintiff Henry Jones reported this to the EEOC and VP of Operations at Amtrak, but nothing happened.

1264. Plaintiff Henry Jones was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1265. By reason of such racial discrimination in employment by Amtrak, Plaintiff Henry Jones has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1266. Plaintiff Joseph Jones is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1267. During such employment, Plaintiff Joseph Jones was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.

1268. Plaintiff Joseph Jones experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, and denial of testing opportunities, training, job assignments, work assignments, scheduling of work hours and other terms and conditions of employment.

1269. Plaintiff Joseph Jones was denied several times to take the test that white employees can take to become a Conductor.

1270. Plaintiff Joseph Jones was barred from qualifying to be "yard-qualified," with the qualifications instead going to Rick Peeau and Ron Anderson, two white employees who had less experience than Jones.

1271. Denise Sargent, a white employee, denied Plaintiff Joseph Jones the job of Trainmaster in 1998, even though he met all of the qualifications. They said he needed more experience, which was not a part of the requirements listed in the posting.

1272. Tom Oughton, a white employee, has blocked Plaintiff Joseph Jones from advancing. Oughton told people that Plaintiff Joseph Jones had been fired, when he had only been transferred to Los Angeles.
1273. Oughton's discrimination against Plaintiff Joseph Jones because of Jones' race also deprived Jones of money-earning opportunities on a regular basis. There is a department whose function is to assign a train job, *i.e.*, to work on a particular train on a particular route at a particular time, on a fill-in basis, to conductors who are essentially on standby. This is generally known as the "extra board."
1274. The procedure is to call approximately three hours before the train was to leave the station. These extra board assignments are supposed to be based on seniority, so that if the senior conductor answers the call, he or she gets the job; if not, the next most-senior conductor is called, and so forth.
1275. As time went on Plaintiff Joseph Jones noticed that he was not receiving extra board assignments as would be expected based on his seniority.
1276. Jones inquired with the staff from the extra board assigning department and learned that he was getting bumped off extra board assignments intentionally in favor of white conductors with less seniority. Upon information and belief, this intentional deprivation of extra board assignments was orchestrated by white Trainmaster Tom Oughton.
1277. Plaintiff Joseph Jones was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1278. By reason of such racial discrimination in employment by Amtrak, Plaintiff Joseph Jones has suffered the loss of compensation, wages, back pay and front pay, other

employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1279. Plaintiff Cheryl Kyler is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1280. During such employment, Plaintiff Cheryl Kyler was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1281. Plaintiff Cheryl Kyler experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1282. Kyler started working at Amtrak in March 1994 as a block operator at Pennsylvania Station in New York City.

1283. Kyler wanted to advance her career, and she resigned based on a misunderstanding of the rules regarding changing crafts, but she sought to return thereafter. Eventually she was rehired into the Commissary.

1284. In the late 1990's, Plaintiff Cheryl Kyler applied for numerous conductor and locomotive engineer jobs posted between 1997 and 2000. Kyler applied for 57 such jobs in all. She was trying hard to advance in her career to a more responsible and better paid position than the Commissary.

1285. Kyler was qualified for these positions, but she was never selected. She was repeatedly told that she was not qualified for these types of better paying, more responsible

positions. Yet Amtrak was hiring white people in many of those jobs who had less qualifications than she did.

1286. Upon information and belief, many of the employees that were selected for these jobs were white and less qualified than her.

1287. Plaintiff Cheryl Kyler was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1288. By reason of such racial discrimination in employment by Amtrak, Plaintiff Cheryl Kyler has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1289. Plaintiff Gilbert J. Landry is an African-American citizen of the United States and a resident of the State of Texas.

1290. Plaintiff Gilbert Landry experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, job assignments, work assignments, discipline, discharge, and other terms and conditions of employment.

1291. Plaintiff Gilbert Landry was employed by Amtrak on the Extra Board at the San Antonio and, later, the Fort Worth, Texas crew bases from 1999 until 2002.

1292. Throughout his employment by Amtrak, Plaintiff Gilbert Landry was represented for purposes of collective bargaining by the UTU.

1293. Plaintiff Gilbert Landry filed a charge of race discrimination against Amtrak with the EEOC on December 26, 2001, and he may have received a Notice of Right To Sue sometime in the next few years, during the pendency of the *Campbell* class allegations.

1294. Plaintiff Gilbert Landry was discriminated against by Amtrak during his employment when he attempted to bid on “road jobs” while on the Extra Board in San Antonio, and later in Fort Worth, Texas.

1295. “Road jobs” paid more money than “yard jobs.”

1296. The white managers, in conjunction with the white union representatives, manipulated job postings in order to benefit favored white employees, including family members of white managers and the white union representative.

1297. Plaintiff Gilbert Landry bid on a posted job and received it because he was the senior qualified bidder.

1298. Sometime after midnight, the posting was taken down, even though Landry had already been awarded the position, because, it was explained later, two persons who had wanted to bid on the position had not done so. Those two persons were the white union representative’s son-in-law and a friend.

1299. After the job was reposted, the position was awarded to the son-in-law of the white union representative.

1300. Later, the white managers and the white union representative began bullying Plaintiff Gilbert Landry and bragging that they could do whatever they want regarding the posting of jobs.

1301. After Landry complained to more senior management, fewer extra board jobs that Landry was eligible to bid on were posted in retaliation and/or to deny him the opportunity to advance.
1302. Landry was the only, or one of the very few, African-Americans on the Extra Board in San Antonio at that time.
1303. Subsequently, Plaintiff Gilbert Landry relocated to Amtrak's Fort Worth crew base, leaving his family behind in San Antonio, in order to try to advance and earn more money.
1304. The same process was repeated in Fort Worth, with white managers manipulating the awards of jobs on the Extra Board to prevent Landry from obtaining better jobs.
1305. Subsequently, after Plaintiff Gilbert Landry moved back to San Antonio, management and the union representative began to cut the number of jobs on the Extra Board for which Landry could bid.
1306. Meanwhile, Amtrak management in the crew base a nephew of a white manager was being groomed for advancement and awarded jobs on the Extra Board.
1307. Plaintiff Gilbert Landry was subjected to a racially hostile work environment at Amtrak. He was constantly berated and bullied and made fun of by white supervisors, managers, and their cronies.
1308. On one occasion, Plaintiff Gilbert Landry observed a conductor taking illegal payments. Thinking, correctly, he had been seen, the white conductor got others in the crew base, including managers, to bully and intimidate Landry so that he would not report what he saw.

1309. White Managers and their cronies also ridiculed and bullied Plaintiff Gilbert Landry after a fatal accident in which a truck driver was killed when his truck was hit by a train. The managers and their cronies made fun of Landry's compassion toward the victim and held him up to general ridicule. They did not do this toward white employees.

1310. Plaintiff Gilbert Landry was subject to discriminatory discipline when a train on which he was working ran a red signal.

1311. Landry was the conductor on the train, but he was far back in the passenger cars attending to the passengers at the time. He was not in any position to see or do anything about the running of the red signal, but he was disciplined for the incident by being taken out of service and docked fifteen days' pay.

1312. Other white conductors were not disciplined at all, or received less discipline, for similar incidents.

1313. Subsequently, Plaintiff Gilbert Landry was again widely ridiculed in the crew base by the white managers and their cronies.

1314. After months of such ridicule, intimidation, and bullying, Plaintiff Gilbert Landry severed his employment, which amounted to a constructive termination.

1315. In San Antonio and in Fort Worth, there was a general, pervasive, persistent, and severe atmosphere of racial hostility and animosity toward me and other black employees, as the white supervisors, managers, and rank-and-file employees all made it abundantly clear that they did not want to see any African-Americans advance their careers at Amtrak or enjoy and peaceable and prosperous employment condition.

1316. While in San Antonio, Plaintiff Gilbert Landry was called in to work as assistant conductor with Gary Morris, a white male. In front of a mechanic named Marvin, and the

locomotive engineer, Alan Daniels, Morris told Landry, “I don’t give a damn what you do. You can sit in the crew room. You won’t be working with me.”

1317. Landry called Tom Oughton about this. Oughton was the supervisor at the crew base. He said he would take care of it. After a month of nothing happening, Landry called the Amtrak Diversity Department. Diversity said it will look into it, but shortly thereafter, Landry received a letter from the Diversity Department. saying it had no finding of anything wrong at all.

1318. Plaintiff Gilbert Landry was refused service at a San Antonio area restaurant. He reported this to Amtrak management. Not only was nothing done, but it also became a running joke among the white managers, supervisors, and employees at the Crew Base.

1319. As a result of Amtrak's discriminatory actions, Plaintiff Gilbert Landry has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1320. Plaintiff John Laners is an African-American citizen of the United States and is, and has been, employed at Amtrak during the former class liability period alleged in *Campbell*.

1321. Plaintiff John Laners is, and has been for more than 33 years, employed by Amtrak in the Material Control Department at its Beech Grove facility in Indiana.

1322. During such employment, Plaintiff John Laners is, and has been, represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1323. Plaintiff John Laners experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, job assignments, and other terms and conditions of employment.

1324. From 1993 through 2009, Plaintiff Laners numerous times filled in for the Foremen Supervisors Bruce Samm and Don Smith, as well as Manager Frank Jackson.

1325. In 2006-07, Foreman Supervisor Bruce Samm took a medical leave of absence, and a temporary job vacancy announcement for the position was posted. Plaintiff Laners was interviewed and received the appointment.

1326. Plaintiff Laners then served as the temporary Supervisor of Materials Control for about six months.

1327. Plaintiff Laners applied for position number 900003588 Supervisor of Materials Control, but he was not selected even though he had about a half year of experience doing the actual job immediately prior. A white male from outside of Amtrak was selected for the position.

1328. Thereafter, the white male relied heavily on Plaintiff Laners for help in performing the duties of the job.

1329. Plaintiff Laners filed a complaint with Amtrak's Diversity Department challenging his non-selection for the position. His union did not assist him.

1330. Before delivering a decision, Diversity telephoned Plaintiff Laners to state that she had interview the two white decision makers and said that there appeared to be nothing racist about his non-selection. However, she declined to answer Laners' questions about what were the purported reason(s) for the selection. Then she asked if Plaintiff Laners

wanted to participate in a facilitate discussion with the decision makers, which he declined because it was clear that she had already made up her mind.

1331. Diversity’s written decision revealed that Plaintiff Laners was right: she had already made up her mind. The purported investigation consisted of nothing more than interviewing the decision makers and “researching the job files.” Diversity said it did not find any evidence that Plaintiff Laners’ race played a role in the decision. Diversity did not even cite the fact that the successful candidate had been suspended for racist actions, and that the decision makers knew this to be the case.

1332. Diversity merely accepted the decision makers’ obviously flawed and biased rationale: that “they felt [Laners] did not possess the supervisory experience necessary” and “they wanted a to select a candidate who would be able to hit the ground running,” and that [Laners] “did not show that [Laners] possess[ed] a demonstrated understanding of the material control process.”

1333. This flimsy rationale is directly contraindicated by Plaintiff Laners actual experience and work record. Further, the Diversity Department did not address a single aspect of Laners’ own experience or work record, nor any of the information that Plaintiff Laners cited to the investigator, and, previously, to the decision makers, but it did cite Laners having declined to participate in a facilitated discussion with the decision makers.

1334. Plaintiff John Laners has been subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

1335. For example, Plaintiff Laners observed a noose displayed at the Beech Grove facility. Also, the n-word was written on the men’s room wall. Management did nothing to discourage or investigate these matters, to Plaintiff Laners’ knowledge.

1336. A white supervisor called a black male the n-word during work hours in front of other employees, and he had other reported incidents of using similar racial epithets. Despite this being common knowledge, this white supervisor was encouraged to apply for the above-referenced position vacancy 900003588. Even though he was suspended for 30 days for his racist actions, during his suspension he was nevertheless promoted to that position vacancy as Foreman Supervisory Material Control.

1337. By reason of such racial discrimination in employment by Amtrak, Plaintiff John Laners has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1338. Plaintiff Christopher Larkett is an African-American citizen of the United States and was employed at Amtrak in or about July 1999, and continued working for Amtrak during the former class liability period alleged in *Campbell*, until he was terminated on or about August 16, 2000

1339. During such employment, Plaintiff Christopher Larkett was represented by a labor union for purposes of collective bargaining with Amtrak.

1340. Plaintiff Christopher Larkett experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, training, job assignments, work assignments, discipline, discharge, and other terms and conditions of employment.

1341. Plaintiff Christopher Larkett was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1342. In April, 2000, Plaintiff Larkett applied for a “Deggs” position, in which position he would be responsible for reporting train delays. This would have been a promotion with higher pay and a more desirable work environment.

1343. Plaintiff Larkett bid for the job by filling out paperwork and handing it to a white service manager, Paul LaClair.

1344. Larkett also spoke to white manager Vickie Blynt and his union representative, Stephanie Rebus, about the position.

1345. Plaintiff Larkett was never contacted about the position again. It was awarded to a white counterpart who had less seniority.

1346. Plaintiff Larkett complained to his union representative and to his manager, and both said there was no reason why Larkett should not have received the promotion, but it was denied by his white manager Paul LeClair.

1347. On numerous occasions Larkett was denied opportunities to train for better jobs and assignments. Blynt, Larkett’s manager, generally did not allow blacks to train but did allow whites to train for those same jobs. Team leader jobs and jobs requiring skill and less hard physical labor necessitate some training and tend to pave the way to higher positions, but blacks like Larkett are usually left out of this training.

1348. Larkett was aware that, on numerous occasions, blacks asked why Andy Greenly, who was often the only white male working outside, was the only person allowed to scan. Blynt’s answer was that she chose him to do it, and he was the only person she wanted to do it.

1349. Connie Crawl, who is white, was another employee outside given preferential treatment with extra training. Crawl was Blynt’s roommate. Crawl is not required to do the

same jobs as blacks are, and she acts as Blynt's personal secretary even though that is not a position that managers are even supposed to have.

1350. One on occasion on or about May 30, 2000, Larkett got into an argument with Crawl, which made Blynt very upset. Blynt tried to fire Larkett for the altercation, and Larkett was brought up on charges, although they were then suddenly dropped after he contacted his union representative.

1351. Larkett also angered Connie in a subsequent incident, and a week later Larkett was put into an unassigned position with no guaranteed hours. Whenever Crawl was working, Larkett would not be given work to do.

1352. When Black employees like Larkett asked to be assigned to do paperwork in order to train on skills that would lead to jobs that did not consist of constant heavy lifting and manual labor, they, and he, were denied the opportunity to do this. Whites were being given opportunities to take on these non-physical roles, but blacks were not. Every time Larkett asked to be able to train on non-physical skills and tasks, he was denied and usually just told management already had someone to do it.

1353. As a ticket agent in Detroit Plaintiff Larkett came up short \$91. White Manager Ted Craig accused Larkett of stealing and terminated him. It was actually an accounting error and Larkett voluntarily paid back the money. Craig said he terminated Larkett because he did not pay them back in a timely manner. Larkett had never had a shortage before.

1354. Plaintiff Larkett was able to regain a position at Amtrak, and he went back to work in Toledo. He maintained that he had made a mistake and the incident was

determined to be an accounting error. Still, Larkett was banned from being a ticket agent for one year.

1355. On or about August 16, 2000, in Toledo, Ohio, an incident occurred which led to Larkett's permanent termination.

1356. His union failed to deduct his dues out of his paycheck and union officials told Larkett they wanted the dues up front as opposed to taking them out of his wages. He owed \$400 dollars, then \$700 dollars. Larkett was then fired for failure to pay union dues. White employees who were behind on dues were put on payment plans, but this option was not available to Larkett. The union dues of black males were frequently not taken out of their checks.

1357. By reason of such racial discrimination in employment by Amtrak, Plaintiff Christopher Larkett has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1358. Plaintiff Arthur Logan is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1359. Plaintiff Arthur Logan was employed by Amtrak for ten years, most recently serving as a Yard Conductor in the Train & Engine Services.

1360. During such employment, Plaintiff Arthur Logan was represented by the UTU, a labor union, for purposes of collective bargaining with Amtrak.

1361. Plaintiff Arthur Logan experienced intentional racial discrimination by Amtrak in regard to some or all of the following: discipline, discharge, and other terms and conditions of employment.

1362. In 2008, Plaintiff Arthur Logan was informed by an engineer that the track was clear. Plaintiff Arthur Logan informed the engineer to proceed south. The train engine derailed.

1363. Mr. Hibbert, a white transportation manager, came out on the night that the accident happened, talked to his supervisor, and did the paperwork in regard to the incident.

1364. Hibbert received orders from his supervisor to fire people.

1365. Hibbert fired Plaintiff Arthur Logan, a black conductor, but did not fire another conductor, Mark Claussen, who is white.

1366. By contrast, on February 6, 2008, there was a much more severe accident involving a white crew where there was more than \$1 million in damages and twelve to fourteen passengers injured.

1367. In the February 6, 2008 incident, the white crew received much lighter discipline, even though their accident was more severe and costly.

1368. The white conductor, William Dempsey, was given “informal handling” where management and a local union official meet and talk about the incident rather than going to court. William Dempsey accepted a 30-day suspension and admitted fault and did not go to trial.

1369. The white engineer, Bill Costello, received no suspension and no discipline. Bill Costello refused the informal handling, refused to admit fault, and went to trial and as a result received no discipline at all.

1370. This “informal handling” option was never given to Plaintiff Arthur Logan in regard to the incident.

1371. There was a trial regarding the incident. However, conductor Mark Claussen told Plaintiff Sam Cox, his union representative, Fritz Edler, and the Plaintiff Arthur Logan that he, Claussen, had overheard Amtrak supervisors say that they had already decided to fire Plaintiffs Sam Cox and Arthur Logan even prior to the trial.

1372. Plaintiff Arthur Logan was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

1373. By reason of such racial discrimination in employment by Amtrak, Plaintiff Arthur Logan has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1374. Plaintiff Juanita Macomson is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1375. During such employment, Plaintiff Juanita Macomson was represented by a labor union for purposes of collective bargaining with Amtrak.

1376. Plaintiff Juanita Macomson experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and

processes, including promotions, discipline, discharge, and other terms and conditions of employment.

1377. In 1993, Amtrak terminated Plaintiff Juanita Macomson's employment as Crew Base Supervisor based on reports by her subordinates that she "acted against the corporation's goals and acceptable supervisory roles."

1378. Amtrak would not let her see any of the documents allegedly supporting this decision to terminate her.

1379. Plaintiff Juanita Macomson never got a hearing for her termination.

1380. To her knowledge, no other Amtrak supervisor had been removed without a hearing or a probation period.

1381. Plaintiff Juanita Macomson returned to Amtrak a few years later as a Secretary.

1382. In about 1996, when Joe Deely was promoted to General Manager, he wanted to promote Plaintiff Juanita Macomson to the job of Crew Base manager, and he offered it to her.

1383. Lee Bullock, how was a top official of Amtrak on the West coast, stepped in and blocked this decision. Instead, the job was given to a white male who was unqualified for the job and was later removed after only six months.

1384. Plaintiff Juanita Macomson remained as the only black Secretary in her department. The other three Secretaries were eventually made Administrators, but not Plaintiff Juanita Macomson, despite her having the most seniority of the four Secretaries.

1385. When Plaintiff Juanita Macomson requested to be promoted to Administrator, she was told by management that the union would not let them, but that was not true.

1386. Plaintiff Juanita Macomson was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1387. By reason of such racial discrimination in employment by Amtrak, Plaintiff Juanita Macomson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1388. Plaintiff Jacqueline Renee Martin is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1389. Plaintiff Jacqueline Renee Martin was hired in approximately 2000 as a Train Attendant in the Los Angeles division.
1390. During such employment, Plaintiff Jacqueline Renee Martin was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.
1391. Plaintiff Jacqueline Renee Martin experienced intentional racial discrimination by Amtrak in regard to some or all of the following: drug testing, discipline, discharge, and other terms and conditions of employment.
1392. After disembarking from a trip from Los Angeles to Chicago in May 2001, Plaintiff Jacqueline Renee Martin was escorted from the train and told by management that someone had said that, when her train car was examined, it was "filthy."
1393. Martin knew immediately that this was not true, as she regularly keeps a neat workspace.

1394. Martin escorted management to her car, and it was as neat as she had left it.

Nevertheless, Martin was told that she would have to return to Los Angeles and would be unable to work due to this false accusation.

1395. Plaintiff Jacqueline Renee Martin spent five days out of service until she received a letter from Amtrak, claiming that she had given bad service to customers and that Patsy Hall, her white train manager, had claimed that her train had not been properly prepared.

1396. At a hearing regarding this disciplinary action, only three passengers out of the 26 on the car that day testified that Martin had given bad service and that the train had not been properly prepared. These witnesses were not truthful. During the appeal, Martin spoke up for herself, showing letters that she had received over the past year commending her for good service. Martin was reinstated, but without back pay for the wages she lost while she was out of service.

1397. A second discriminatory disciplinary action was taken against Plaintiff Jacqueline Renee Martin for an incident in December 2002. At the start of a trip, Martin found that the usual supplies were missing. She immediately undertook to locate the missing supplies, but she began to receive conflicting orders and demands from two train managers, the onboard supervisor, and the “ready crew.” Each wanted her to do something different, but her first priority was what she was pursuing, specifically, locating the necessary supplies. One of the train managers, Elicio Nora, menaced her, stuck his finger in her face, and threatened her job if she did not start helping passengers board the train.

1398. After the trip, she received a notice of intent to discipline for supposedly failing to obey Nora’s orders, failing to perform her duties, and failing to help the ready crew. She was taken out of service without pay for a long time pending a hearing.

1399. Subsequently, there was three different meetings and hearings, in Los Angeles, in Washington, D.C., and in North Carolina. In North Carolina, the result was that Plaintiff Jacqueline Renee Martin was terminated.

1400. Martin received notice that Amtrak found traces of a banned substance in her urine test, which could not have been true because she did not use the controlled substance at all. The result was a total shock to Martin and there was no way the test could have been accurate or authentic. But it cost Plaintiff Jacqueline Renee Martin her career at Amtrak.

1401. Plaintiff Jacqueline Renee Martin was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1402. By reason of such racial discrimination in employment by Amtrak, Plaintiff Jacqueline Renee Martin has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1403. Plaintiff Brenda Matthews is an African-American citizen of the United States and a resident of the State of Maryland.

1404. Plaintiff Brenda Matthews has been employed by Amtrak as a Clerk in various capacities in the Washington, D.C. area from 1977 through her retirement on May 31, 2013.

1405. Plaintiff Brenda Matthews experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, training, work assignments, and other terms and conditions of employment.

1406. Throughout her employment by Amtrak, Plaintiff Brenda Matthews has been represented for purposes of collective bargaining by the TCU.

1407. Plaintiff Brenda Matthews filed a charge of discrimination with the EEOC in December 1997, and she received a Notice of Right To Sue from the EEOC in June 1998, during the pendency of the class allegations in the *Campbell* case.

1408. Plaintiff Brenda Matthews was discriminated against by Amtrak during her employment by her employer denying Matthews promotions to better and higher paying positions which are traditionally held by white employees and from which she could have had better opportunities for promotion to still higher positions.

1409. Plaintiff Brenda Matthews was passed over for opportunities to be promoted despite her expressed interest in and/or applications for such promotions.

1410. Instead, management has awarded the positions to favored white employees who were not better qualified.

1411. Plaintiff Brenda Matthews was subjected to discriminatory treatment in regard to work assignments and in the terms and conditions of employment in the Washington D.C. crew base and headquarters, including, but not limited to the Corporate Payroll Department, wherein black employees are marginalized and subjected to demeaning treatment with regard to matters such as the dress code, working hours, changes in job assignments and job duties, removal of responsibilities, and other employment matters, while whites and other non-black employees are treated better and groomed for promotion, and their violations of policy ignored.

1412. Plaintiff Brenda Matthews reported these violations to upper management and the Diversity Office, but no meaningful action was taken.

1413. Plaintiff Brenda Matthews was subjected to racial harassment and a racially hostile work environment in the Washington crew base and headquarters.

1414. As a result of Amtrak's discriminatory actions, Plaintiff Brenda Matthews has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1415. Plaintiff Hilry McNealey is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1416. Plaintiff Hilry McNealey was employed by Amtrak for 25 years, most recently as a Coach Cleaner.

1417. During such employment, Plaintiff Hilry McNealey was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1418. Plaintiff Hilry McNealey was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1419. Throughout his employment, Plaintiff Hilry McNealey has been subjected to racial harassment by Ilene Lara and General Foreman Pablo, his non-black supervisors. Even as a supervisor, Lara and Pablo and other white supervisors would override his decisions for his employees.

1420. Plaintiff Hilry McNealey was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1421. By reason of such racial discrimination in employment by Amtrak, Plaintiff Hilry McNealey has suffered the loss of compensation, wages, back pay and front pay, other

employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1422. Plaintiff Sabrina McCrae is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1423. Plaintiff Sabrina McCrae worked for Amtrak until 1995, most recently as a Craft worker.

1424. During such employment, Plaintiff Sabrina McCrae was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1425. Plaintiff Sabrina McCrae experienced intentional racial discrimination by Amtrak in regard to some or all of the following: job assignments, work assignments, scheduling of work hours and time off for family, discipline, discharge, and other terms and conditions of employment.

1426. While working in the Baltimore office as part of the National Crew Management Rep group, she was subjected to racial harassment. When Plaintiff Sabrina McCrae and a group of twelve African-American and six white individuals showed up, Mr. Paul Bellows, the white supervisor, stated, "oh I didn't think all of them would take this job." Plaintiff Sabrina McCrae took this to mean all of the black employees.

1427. Plaintiff Sabrina McCrae complained about this discrimination directly to Bellows, and he began to discriminate against her more. He would make her job tasks more difficult and allege that she had no completed certain tasks when she had.

1428. Mr. Bellows would often tell Plaintiff Sabrina McCrae and her black coworkers that they "sounded black" and that they needed to go to speech class.

1429. Plaintiff Sabrina McCrae had a difficult time getting time off to spend with her children, especially as a single parent. However, another white employee was given extensive time off on weekends and in the evening to spend with her son.
1430. Plaintiff Sabrina McCrae was terminated in 1995 with no reason given. White employees were not summarily terminated in this manner.
1431. Plaintiff Sabrina McCrae was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1432. By reason of such racial discrimination in employment by Amtrak, Plaintiff Sabrina McCrae has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1433. Plaintiff Anthony Mellerson is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1434. During such employment, Plaintiff Anthony Mellerson was represented by a labor union for purposes of collective bargaining with Amtrak.
1435. Plaintiff Anthony Mellerson experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1436. Plaintiff Anthony Mellerson applied for various positions of Carman Helper, Pipefitter, and Electrician Helper. Plaintiff Anthony Mellerson had over a decade of service and several wards and certificates. However, white individuals less qualified than him were selected from outside of the company.

1437. Plaintiff Anthony Mellerson was wrongfully terminated for violating Amtrak's Standards of Excellence, and Amtrak failed to properly follow any of its own procedures.

1438. Plaintiff Anthony Mellerson was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1439. By reason of such racial discrimination in employment by Amtrak, Plaintiff Anthony Mellerson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1440. Plaintiff Pamela Michaux is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1441. Pamela Michaux worked for Amtrak for 38 years, most recently as an Usher.

1442. During such employment, Plaintiff Pamela Michaux was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1443. Plaintiff Pamela Michaux experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1444. Plaintiff Pamela Michaux was harassed by John Quigley, a white supervisor at Amtrak. John Quigley has numerous racial harassment claims alleged against him.

1445. One night while she was working on shift in 1994, Plaintiff Pamela Michaux and a white employee named Brent were in the office area, sweeping and mopping. Brent started to kick the broom around and called her a “black whore.” Brent continued to harass her, saying he deserved her position and that black basketball players were likely paying for her car. Brent threatened to hurt her and get her fired.

1446. John Askew, a white transportation manager, routinely threw Plaintiff Pamela Michaux’s work in the trash can, requiring her to have to redo her work. When she asked Askew why he did this, he told her that it was because she should “not be in that job” and that he was going to do all he could to get her out of there.

1447. Plaintiff Pamela Michaux reported this incident and Brett admitted to harassing her, but nothing else was done.

1448. Plaintiff Pamela Michaux was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

1449. By reason of such racial discrimination in employment by Amtrak, Plaintiff Pamela Michaux has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1450. Plaintiff Estate of Timothy Murphy is the estate of Timothy Murphy, deceased, who was an African-American citizen of the United States and herein asserts employment discrimination claims of Timothy Murphy against Amtrak. Timothy Murphy was employed at Amtrak during the former class liability period alleged in *Campbell*.

1451. During such employment, Timothy Murphy was represented by UTU and another labor union for purposes of collective bargaining with Amtrak.

1452. Timothy Murphy experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, training, job assignments, work assignments, discipline, discharge, and other terms and conditions of employment.

1453. Plaintiff Timothy Murphy applied several times between 1993 and 1999 for the Engineer position at Union Station. Plaintiff Timothy Murphy was well qualified for the position because he had previously worked as the first African-American locomotive engineer at Amtrak from 1975 until 1979, during which time he also attended Engineering School at Amtrak's Union Station facility.

1454. Although he had previously worked in this position without accident or injury, Plaintiff Timothy Murphy was only offered one interview in the multiple times that he applied.

1455. Plaintiff Timothy Murphy was told that he could not get the position because he did not have any experience with Amtrak. However, there were several white Engineers who were hired to this position at Union Station who were outside hires and had not worked for Amtrak. Some of them did not even have any prior Train Engineer experience.

1456. Harry Hibbert, a white man, was hired off the street with no Amtrak or engineering experience.
1457. During the time he applied for the Engineer position, about 40 white employees who were less qualified than Plaintiff Timothy Murphy were selected for the position.
1458. In 1999 or 2000, while working as an Assistant Conductor, Plaintiff Timothy Murphy was scheduled to take the exam to become a conductor. Plaintiff Timothy Murphy rigorously prepared for the exam and was drilled by Bill Broudous, an African-American road foreman who had previously served as a Rules Examiner. Broudous asked Plaintiff Timothy Murphy 70 questions and only two answers were incorrect.
1459. However, Plaintiff Timothy Murphy was given a different exam than the white employees in his testing room. There are multiple versions of the exam, marked “A”, “B”, and “C.” At the same time that he was taking the test, a white employee named Gigi was also taking the test. While it took Plaintiff Timothy Murphy three to four hours to complete the test, it only took Gigi forty minutes – the expected amount of time that Plaintiff Timothy Murphy was told would be needed to complete the test.
1460. Upon knowledge and information, another African-American employee named Kevin Marshall also took about three hours to complete the test while a white employee who took the alleged same test completed it in thirty-five minutes.
1461. Both Plaintiff Timothy Murphy and Kevin Marshall were given the version “C” exam.
1462. Plaintiff Timothy Murphy had to take the test a second time after he failed the first time, and he failed it again. As a result of his second failed test, he was automatically terminated from the Assistant Conductor position and had to go back to being a laborer.

1463. A year later, Plaintiff Timothy Murphy had run into John Faith, a Conductor who worked at Amtrak. The conductor informed Plaintiff Timothy Murphy that he had overheard Tony Kopechni, the Rules Examiner, say that he had “fixed” Plaintiff Timothy Murphy’s test to prevent him from getting the promotion.

1464. Plaintiff Timothy Murphy filed for medical leave in 2001 and had submitted the paperwork to hire Foreman, Bob Frank, who is white. He also had taken the necessary documents to Jackie Coleman in Personnel, and he had watched her prepare and send the faxes for the paperwork. Plaintiff Timothy Murphy had been out about four months when the Human Resources Department claimed that he had never filled out any paperwork and that he was considered AWOL. As a result, Plaintiff Timothy Murphy was terminated in June 2001 from his Utility Worker position. White employees are not summarily terminated in this fashion on such grounds.

1465. Timothy Murphy was subjected to racial harassment and a racially hostile work environment during his employment at Amtrak.

1466. By reason of such racial discrimination in employment by Amtrak, Timothy Murphy suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1467. Plaintiff Donald Murray is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1468. During such employment, Plaintiff Donald Murray was represented by IBEW, a labor union, for purposes of collective bargaining with Amtrak.

1469. Plaintiff Donald Murray experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, testing, and denial of testing opportunities, and other terms and conditions of employment.

1470. Plaintiff Donald Murray was an Electrician. After working for several years at Amtrak, he began applying for supervisor positions given his experience. He never received an interview, and white applicants who were less qualified than him were selected.

1471. Plaintiff Donald Murray, as well as other employees in his division, had to take a placement test for the new Acela system that was being put in place. Plaintiff Donald Murray passed all of the necessary requirements. However, when certain white personnel did not pass the requirements, the testing was scrapped, and people were chosen without those scores.

1472. Plaintiff Donald Murray was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1473. By reason of such racial discrimination in employment by Amtrak, Plaintiff Donald Murray has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1474. Plaintiff Michael Neal is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1475. Plaintiff Michael Neal was employed by Amtrak as an Assistant Conductor for four years, from 1992 to 1996.
1476. During such employment, Plaintiff Michael Neal was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.
1477. Plaintiff Michael Neal experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, discipline, discharge, and other terms and conditions of employment.
1478. Plaintiff Michael Neal applied for an Engineering position, but they said he did not have enough experience, but they hired Georgia (full name unknown), a white employee who had less experience than him.
1479. Plaintiff Michael Neal was denied a transfer from NY/Philadelphia area to Jacksonville because they said he had been in the craft for less than one year, but white employees with less experience were allowed to do so.
1480. In April 1996, Plaintiff Michael Neal was falsely accused of stealing money on a train. Michael McArdle, a white employee, was the only witness on behalf of Amtrak and admitted that he did not have evidence to support his claim. Despite the fact that Plaintiff Michael Neal had letters from employees and a former supervisor in support of him, he was terminated.
1481. Plaintiff Michael Neal was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1482. By reason of such racial discrimination in employment by Amtrak, Plaintiff Michael Neal has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1483. Plaintiff James Overton is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1484. Plaintiff James Overton was employed by Amtrak for twenty years, and most recently worked as a Mechanical Laborer.

1485. During such employment, Plaintiff James Overton was represented by a labor union for purposes of collective bargaining with Amtrak.

1486. Plaintiff James Overton experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, and other terms and conditions of employment.

1487. Plaintiff James Overton applied for several positions but was denied for white applicants who are less qualified. Plaintiff James Overton informed his supervisor, Darryl Lyle, that he was going to bid on an Engineer job. Darryl Lyle, who is white, told Plaintiff James Overton that he was not going to recommend him because Amtrak was not hiring black engineers at the time.

1488. Plaintiff James Overton was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1489. By reason of such racial discrimination in employment by Amtrak, Plaintiff James Overton has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1490. Plaintiff Robert Parris is an African-American citizen of the United States and was an applicant at Amtrak during the former class liability period alleged in *Campbell*.

1491. Had he been hired, Plaintiff Robert Parris would have been represented by a labor union for purposes of collective bargaining with Amtrak.

1492. Plaintiff Robert Parris applied for employment at Amtrak in 2002. He applied for bag handler position.

1493. Amtrak discarded his application.

1494. Plaintiff Robert Parris inquired with Amtrak about the status of his application, and Amtrak stated that all positions were filled – yet a number of positions were available.

1495. By reason of such racial discrimination in his application for employment by Amtrak, Plaintiff Robert Parris has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1496. Plaintiff Joseph Peden is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1497. Plaintiff Joseph Peden worked for Amtrak from 1974 until 2009.

1498. During such employment, Plaintiff Joseph Peden was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1499. Plaintiff Joseph Peden experienced intentional racial discrimination by Amtrak in regard to some or all of the following: job assignments, work assignments, and other terms and conditions of employment.

1500. Plaintiff Joseph Peden worked as an On Board Sleeping Car Attendant (Porter).

1501. Plaintiff Joseph Peden was not treated as fairly as white employees were in connection with benefits and compensation from the two derailment incidents – one in 2008 near Houston, TX; and one later outside of Palm Springs, FL.

1502. Plaintiff Joseph Peden also encountered discrimination in job assignments and work assignments. Plaintiff Joseph Peden had supervisors who would pull the black employees' cars out and make the black workers turn them around quickly to rush the cleaning of the cars. White employees in similarly situated positions were not facing this kind of rushed tasks in a hostile work environment.

1503. Plaintiff Joseph Peden was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1504. Plaintiff Joseph Peden encountered many forms of race harassment in New Orleans, Texas, Florida, and other places he worked in. Racial epithets, slurs, derogatory comments and jokes, racist graffiti in employee areas and men's restrooms were frequently encountered by Plaintiff Joseph Peden. There was a general and pervasive atmosphere of disrespect and hostility toward African-Americans in these Amtrak workplaces, which Plaintiff Joseph Peden and his black co-workers were plainly able to see, hear, and observe, and be affected by.

1505. By reason of such racial discrimination in employment by Amtrak, Plaintiff Joseph Peden has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1506. Plaintiff James Peoples is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1507. Plaintiff James Peoples was employed at Amtrak for 24 years, most recently working as the Chief of On-Board Services beginning in 2000.

1508. During such employment, Plaintiff James Peoples was represented by a labor union for purposes of collective bargaining with Amtrak.

1509. Plaintiff James Peoples experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, training, job assignments, work assignments, furlough and recall from furlough, and other terms and conditions of employment.

1510. Plaintiff James Peoples was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1511. In approximately, 1996 or 1997, Plaintiff James Peoples was laid off with 6 or 7 employees out of the NYC office. They were all supposed to be given seniority for new positions within Amtrak, with priority over outside applicants.

1512. Plaintiff James Peoples interviewed for a position in Washington, DC, and was offered the job. However, he did one train trip and was immediately told that he had been laid off again.

1513. Mr. Butler, a white man who was the Service Manager, rehired another white person to take Peoples' new position.

1514. Peoples sought a position on the Auto-Train. Butler told him that he would need to have further training in order to be qualified for the position.

1515. After speaking with a former Auto-Train employee, Plaintiff James Peoples was informed that no additional training was necessary.
1516. Plaintiff James Peoples was also told by another supervisor on the Auto-Train that they were under a separate contract with Amtrak, and therefore he could not be offered the position. The union told Plaintiff James Peoples that that was incorrect, and they were under the same contract.
1517. By reason of such racial discrimination in employment by Amtrak, Plaintiff James Peoples has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1518. Plaintiff Gilbert Pete is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1519. Plaintiff Gilbert Pete was employed with Amtrak for 27 years, most recently working as a Laborer.
1520. During such employment, Plaintiff Gilbert Pete was represented by both the Brotherhood Railway Carmen Division and B Local #812, which are labor unions, for purposes of collective bargaining with Amtrak.
1521. Plaintiff Gilbert Pete experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, demotions, transfers, job assignments, work assignments, and other terms and conditions of employment.

1522. During his employment, Plaintiff Gilbert Pete was harassed by Maintenance Foreman Revo Galla, a non-black man. He would call the black workers, including Plaintiff Gilbert Pete, “you people” on a constant basis.
1523. Plaintiff Gilbert Pete and his black coworkers were also subjected to harsher daily work standards at their job than were whites.
1524. Plaintiff Gilbert Pete’s job as a painter was eliminated by Amtrak, even though white painters kept their jobs, and Pete was forced to take a demotion to a Laborer position.
1525. Plaintiff Gilbert Pete was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.
1526. By reason of such racial discrimination in employment by Amtrak, Plaintiff Gilbert Pete has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1527. Plaintiff Daphne Pinkey-Clark is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1528. During such employment, Plaintiff Daphne Pinkey-Clark was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.
1529. Plaintiff Daphne Pinkey-Clark experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1530. In 2001, Plaintiff Daphne Pinkey-Clark was unfairly disciplined by her white Supervisors Patty Hall and Victor Kral while working on a train heading from Chicago to Los Angeles.
1531. Kral harassed Plaintiff Daphne Pinkey-Clark during this trip by following her around the train and adjusting the temperature in her passenger cars each time she left one for the other. This caused passengers to complain.
1532. Kral later called Plaintiff Daphne Pinkey-Clark and told her that she needed to go to the dorm car for counseling and then get off the train in Galesburg, IL to meet white Amtrak Agent Gavin Pearson. Kral did not tell her why.
1533. Plaintiff Daphne Pinkey-Clark immediately called the Crew Management Center (“CMC”), which is the job dispatch system in Washington, D.C. for Amtrak employees, to inform them that she was getting off the train. When Plaintiff Daphne Pinkey-Clark called CMC, Plaintiff Daphne Pinkey-Clark learned that Kral had not notified CMC that she was ordered off the train.
1534. Once she got off the train, Kral informed her that she was suspended for 30 days and asked whether she would take a drug and alcohol test, which she agreed to do – even though there was no reason to suspect her of drug or alcohol use. She asked Kral, but he did not give her a reason for why she was being asked to take this test.
1535. Plaintiff Daphne Pinkey-Clark got off the train and met Agent Pearson, who was a white male. There were police officers and police vehicles also waiting for her. As she

approached them, she was placed in a police car in full view of Amtrak's passengers and her coworkers.

1536. One of the police officers, Michael A. Carroll, took her to St. Mary's Hospital in Galesburg, IL while Agent Pearson followed them there in their own vehicle.

1537. At the hospital, she was subjected to the MIDA 5 Drug Panel test and to the Breath Alcohol test. According to the forms completed by Agent Pearson, Plaintiff Daphne Pinkey-Clark was tested for drugs and alcohol based on a "reasonable suspicion," but was not given any other details as to why she was tested for drugs and alcohol.

1538. According to the Police General Offense Report, which Plaintiff Daphne Pinkey-Clark later requested from the police department, Supervisor Kral had told the police that she had been acting "strangely" on the train and he thought she had been under the influence of drugs.

1539. However, Officer Carroll said that she showed no signs of being under the influence of drugs or alcohol when the hospital administered the test.

1540. Furthermore, the results of the MIDA 5 Drug Panel Test and the Breath Alcohol Test confirmed that Plaintiff Daphne Pinkey-Clark had used neither drugs nor alcohol.

1541. Despite the clear evidence that Plaintiff Daphne Pinkey-Clark had not been using either drugs nor alcohol, she received a notice of formal investigation dated January 24, 2001 from Pat Gallagher, a white Charging Officer. The letter directed Plaintiff Daphne Pinkey-Clark to attend a formal investigation proceeding on February 23, 2001 at the Los Angeles Amtrak Hearing Office. She also received a notice of removal from service for thirty days pending the investigation.

1542. Supervisors Kral and Hall were present at the proceeding, as were Steve Schweitzer (a white Union Representative) and Mike Davis (white Vice General Chairman of TCU). Amtrak stated that Plaintiff Daphne Pinkey-Clark had been suspected of possible drug or alcohol use but failed to mention that she had been subjected to testing and that the results had been negative.

1543. Plaintiff Daphne Pinkey-Clark was officially charged with violating Amtrak's Standards of Excellence. In particular, Plaintiff Daphne Pinkey-Clark was accused of being loud, boisterous, and disrespectful to her supervisor, Kral, when he attempted to discuss her duties with her. She was accused of exhibiting threatening and unusual behavior towards Kral, and of generating several customer complaints. None of these accusations had any merit.

1544. On February 28, 2001, Plaintiff Daphne Pinkey-Clark received a letter from Brian Rosenwald, a white General Business Manager of Western Business Group, upholding the thirty-day suspension. Nothing in the letter indicated why Amtrak had decided to uphold the suspension.

1545. Prior to this incident, Plaintiff Daphne Pinkey-Clark had never been disciplined. Plaintiff Daphne Pinkey-Clark appealed the decision but her request for reconsideration was denied.

1546. On November 2, 2007, Plaintiff Daphne Pinkey-Clark received another notice of intent to impose discipline. The discipline was for an incident on October 8, 2007, when she purportedly did not allow passengers to de-board the train at their stop.

1547. At one of the schedules tops, the train did not stop at the platform but was on some rocks before the platform.

1548. It is against Amtrak policy to allow passengers to de-board the train when there is no platform. Plaintiff Daphne Pinkey-Clark explained this to the passengers who sought to de-board the train and she assumed the train would move forward to the platform.

However, the train never stopped and instead proceeded to the next scheduled stop.

1549. According to Amtrak's policy manual, if there is a problem with service and an employee writes a report within ten days of the incident, he or she should not be disciplined.

1550. Plaintiff Daphne Pinkey-Clark wrote up a report of the incident within this 10-day window, but she was brought up on charges anyway.

1551. At the disciplinary hearing on December 14, 2007, Plaintiff Daphne Pinkey-Clark was charged with violating Amtrak's Standards of Excellence for not opening the doors to de-board passengers, not notifying the Conductor about the incident, for being inside a room with curtains closed when the Conductor looked for her, and because Amtrak had to pay for taxi fare for those three passengers.

1552. Plaintiff Daphne Pinkey-Clark was asked to sign a waiver. She refused, because none of the charges were true.

1553. Plaintiff Daphne Pinkey-Clark eventually agreed to sign a waiver when they dismissed all charges except for not notifying the Conductor over the P.A. system of the incident.

1554. For this minor infraction, Plaintiff Daphne Pinkey-Clark was taken out of service for sixteen days from December 27, 2007 until January 11, 2008.

1555. It is a Conductor's responsibility to stop the train, not a Sleeping Car Attendant's.

1556. However, the two Conductors, one of them being James Bulova (white), were not disciplined.

1557. On December 13, 2007, Plaintiff Daphne Pinkey-Clark again was unfairly disciplined.

Plaintiff Daphne Pinkey-Clark received a formal written warning from the Manager of On-Board Services. The warning contained a vague allegation that Plaintiff Daphne Pinkey-Clark violated Amtrak Standard Operation Procedure to perform her duties and inspect cars every thirty minutes. The letter stated that unnamed passengers from a September 12, 2007 trip complained that the “only time they saw [her] was when they boarded the train, and [she] did not put their beds up. Also, they said, the next time they saw [her] is when they got off the train in Chicago.”

1558. Under Plaintiff Daphne Pinkey-Clark’s collective bargaining agreement, an employee who has been in service more than ninety calendar days from an incident may not be disciplined without a fair and impartial investigation.

1559. This warning letter came ninety-one days after the incident, yet Plaintiff Daphne Pinkey-Clark was denied a hearing or the right to see copies of the complaint letters, which should have accompanied her discipline letter.

1560. In addition, Plaintiff Daphne Pinkey-Clark had not heard any complaints from passengers on that day. Plaintiff Daphne Pinkey-Clark is always on the train and is certain she put all the beds down.

1561. Plaintiff Daphne Pinkey-Clark was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

1562. By reason of such racial discrimination in employment by Amtrak, Plaintiff Daphne Pinkey-Clark has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and

physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1563. Plaintiff Gloria Plummer is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1564. During such employment, Plaintiff Gloria Plummer was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1565. Plaintiff Gloria Plummer experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1566. Plaintiff Gloria Plummer applied for the position of Administrative Chief of On-Board Services, but she was denied the position. Instead, Kelly Barner – a white employee with less experience – got the position.

1567. Plaintiff Gloria Plummer hurt her back during a train accident in Florida, and she had to have surgery. The train lurched, and she fell out of her swivel chair, which she had repeatedly requested Amtrak to change because it was dangerous.

1568. Amtrak subsidized her pay for the first four or five months, and then stopped until her claim was settled. This denial of pay was racially discriminatory because there were other white employees who had filed claims against Amtrak when hurt on the job who were then able to keep their jobs. One such example was Cindy Martin Ziggler.

1569. Plaintiff Gloria Plummer was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1570. By reason of such racial discrimination in employment by Amtrak, Plaintiff Gloria Plummer has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1571. Plaintiff Joseph Presha is an African-American citizen of the United States and was employed for over thirty years at Amtrak, including during the former class liability period alleged in *Campbell*.

1572. During such employment, Plaintiff Joseph Presha was represented by a labor union for purposes of collective bargaining with Amtrak.

1573. Plaintiff Joseph Presha experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, transfers, training, job assignments, work assignments, and other terms and conditions of employment.

1574. During the time period 1999 to 2003, Plaintiff Joseph Presha applied for several promotions to Safety Engineer and Assistant Conductor. Despite his qualifications and excellent work record, Presha was denied the jobs, which, upon information and belief, went to white persons.

1575. Plaintiff Presha was repeatedly denied opportunities to move up to positions commensurate with his knowledge, skills, abilities, experience, and demonstrated performance.

1576. When making job assignments, Amtrak managers used terms such as “select,” “appointed,” and “special assignments” to allow unqualified whites to work in temporary positions that positioned them to enhance their credentials and advance their careers. Black workers, even longtime career employees like Plaintiff Joseph Presha, were never put into “select” positions, nor into “appointed” posts, nor given “special assignments.”

1577. The nephew of J.T. Eldridge, who is or was the Service Manager for Amtrak in Birmingham, Alabama, is Shawn Knowles. Knowles was awarded a position as a Safety Coordinator.

1578. Plaintiff Joseph Presha was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

1579. During the period 1999 to 2003, white conductor, the aforementioned Shawn Knowles, openly and frequently, in front of both Amtrak workers and even train passengers, referred to Plaintiff Joseph Presha and other black workers as “niggers.” On one notorious occasion, in front of numerous Amtrak black workers as well as passengers, Knowles openly threatened the black workers, proclaiming loudly that if they didn’t obey his directives to leave the lounge car, “You niggers better get on back there before I pull out my whip!”

1580. Numerous other similar incidents included use of the word “nigger” by Knowles and other racially derogatory language and comments directed toward Plaintiff Presha and his black co-workers and Presha’s direct reports.

1581. Plaintiff Presha, in all his years with Amtrak, never heard white employees spoken to or treated in this manner.

1582. Plaintiff Presha lodged a complaint with white train managers Carl Rose, who took no action. Amtrak took no action, either.

1583. By reason of such racial discrimination in employment by Amtrak, Plaintiff Joseph Presha has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1584. Plaintiff Larry Prince is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1585. During such employment, Plaintiff Larry Prince was represented by a labor union for purposes of collective bargaining with Amtrak.

1586. Plaintiff Larry Prince experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

1587. Plaintiff Larry Prince had had negative interactions with white manager Tom Quigley on several occasions.

1588. Quigley often targeted African-Americans for discipline and otherwise discriminated against African-American employees and was notoriously abusive to African-American employees.

1589. On one occasion, Quigley asked Plaintiff Larry Prince to do the job of the Train Attendants helping people off of the train, even though that is not a Conductor's job.

Plaintiff Larry Prince refused politely, because he was occupied with his own duties, such as handling money and checking the safety of the equipment. Quigley did not demand that white Conductors do the jobs of Train Attendants.

1590. Quigley tried unsuccessfully to have Plaintiff Larry Prince disciplined for his refusal to do an extra job, which was outside the scope of a conductor's duties.

1591. Plaintiff Larry Prince had seniority over several white Conductors, and they and Quigley did not want Plaintiff Larry Prince to be able to bid into highly desirable jobs.

1592. In 2000, Plaintiff Larry Prince was moving a train with an African-American Assistant Conductor named Alfonso Bevins, and a white Engineer named Jeff Vinson.

1593. Plaintiff Larry Prince took all the necessary precautions and pursued the correct methods while moving the train.

1594. As he began to move the train backward, his co-worker, Solomon Osana, an African-American, was driving a four-wheel Gator, which is a small tractor. Osana was looking in the other direction.

1595. When Plaintiff Larry Prince saw Osana, he gave Vinson a signal to stop, but Vinson may not have heard it because he was talking on a cell phone. Osana hit the side of his train with the Gator because he was not looking where he was going.

1596. Tom Quigley immediately took Plaintiff Larry Prince out of service and suspended him pending an investigation.

1597. Quigley charged Plaintiff Larry Prince with failing to use the "emergency mode," a signal at the back of the train that stops the train immediately.

1598. Plaintiff Larry Prince had tried to tell Vinson, the white Engineer, to try the emergency mode, but Vinson did not comply. Regardless, the train was in motion and

could not stop immediately, so even the use of the emergency mode might not have prevented the accident.

1599. Quigley also charged Prince with going two miles an hour over the correct speed.

That was untrue, however, and the evidence presented at his hearing was insufficient to establish the actual speed. The evidence indicated that this occurred at a particularly dangerous crossing; after this incident, Amtrak put up flashing lights at the crossing to warn people in the future.

1600. After two years' delay, during which Plaintiff Larry Prince was not paid, he had a hearing, and the ultimate discipline was imposed and upheld. Plaintiff Larry Prince was terminated on July 24, 2002.

1601. Vinson, the white Engineer, was not charged with any wrongdoing, and was suspended for just 30 days.

1602. Bevins, the African-American Assistant Conductor, was suspended for 60 days, even though Bevins was less at fault than Vinson because he was not responsible for stopping the train during the accident, as Vinson, the Engineer, was.

1603. White Conductors have not been disciplined at all for similar accidents. In 1994, Plaintiff Larry Prince was working on a train as an Assistant Conductor. Bill Stadefore, who is white, was the Conductor on that train when the train hit a young boy who was severely injured and unconscious after the incident. Stadefore did not stop the train or take any other appropriate action after such an incident, and yet he was not disciplined in any way.

1604. Since Plaintiff Larry Prince was terminated, the white Conductors and Engineers over whom Prince had seniority have been promoted to Foreman positions in their crafts, including Scottie Wright, who was an engineer at the time.

1605. In early 2008, Plaintiff Larry Prince went to Scottie Wright, who had been promoted to a position as a Row Foreman. Plaintiff Larry Prince asked Wright if he could get his job back, since he knew that his termination was not right. He told Plaintiff Larry Prince that “the [Ku Klux] Klan does not forgive that easily.”

1606. During Plaintiff Larry Prince ‘s employment at Amtrak, he was subjected to a racially hostile work environment.

1607. In 1998, a black stuffed animal monkey was hung by a rope in the break room. All of the employees saw the doll. Plaintiff Larry Prince suspected that Tommy Sanders, who is white, hung the doll.

1608. An African-American employee complained to management, and Amtrak investigated the incident, but no one was disciplined.

1609. In 1999, when employees were working in the yard, white employee Scottie Wright put a pillowcase from one of the trains on his head to resemble a Ku Klux Klan hood, and asked Plaintiff Larry Prince if he was afraid. Plaintiff Larry Prince did not report the incident because he felt that Amtrak would not take the complaint seriously.

1610. On another occasion, Tommy Sanders asked Plaintiff Larry Prince why he did not have respect for the Ku Klux Klan. He made reference to the music business and to wealthy African-American musicians. He said, “Those rapper boys might have millions, but the Klan has billions.”

1611. Plaintiff Larry Prince was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1612. By reason of such racial discrimination in employment by Amtrak, Plaintiff Larry Prince has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1613. Plaintiff Faye Reed is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1614. Power of attorney over the affairs of Plaintiff Faye Reed is held and, in this case, exercised by Sharon Denise Allmond.

1615. Plaintiff Faye Reed worked for Amtrak as a Lead Service Attendant for twelve years.

1616. During such employment, Plaintiff Faye Reed was represented by a labor union, TCU, for purposes of collective bargaining with Amtrak.

1617. Plaintiff Faye Reed experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, discipline, and other terms and conditions of employment.

1618. Plaintiff Faye Reed was subjected to racial harassment by her supervisor, Ric Ewing, a non-black man. For example, Ewing attempted to undermine Faye Reed's authority on her dining train, and to demean her in front of passengers and co-workers.

1619. Ewing also tried to initiate disciplinary proceedings against Plaintiff Faye Reed based on false charges.

1620. Plaintiff Faye Reed reported this racial harassment to Amtrak, but nothing ever happened.

1621. Plaintiff Faye Reed applied for a permanent chief position in 1998. The position went to one or more white employees who had less seniority than Reed. Plaintiff Faye Reed complained about these promotions, but nothing was done.

1622. Plaintiff Faye Reed was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1623. By reason of such racial discrimination in employment by Amtrak, Plaintiff Faye Reed has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1624. Plaintiff Robert Redd is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1625. Plaintiff Robert Redd was employed by Amtrak from 1998 to 2000 as a Carman Welder.

1626. During such employment, Plaintiff Robert Redd was represented by a labor union, the Transport Workers Union ("TWU") or the United Auto Workers ("UAW") for purposes of collective bargaining with Amtrak.

1627. Plaintiff Robert Redd experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including furlough and recall from furlough, and other terms and conditions of employment.

1628. Plaintiff Robert Redd was laid off in 2000. He was told he would receive a call back to return to work, but he did not get a return call. Amtrak started hiring new white applicants off the street instead.

1629. By reason of such racial discrimination in employment by Amtrak, Plaintiff Robert Redd has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1630. Plaintiff Kurt Rent is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1631. Plaintiff Kurt Rent was employed at Amtrak for 40 years, most recently working as a Machinist/Journeyman.

1632. During such employment, Plaintiff Kurt Rent was represented by a labor union, the International Association of Machinists and Aerospace Workers, for purposes of collective bargaining with Amtrak.

1633. Plaintiff Kurt Rent experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, and other terms and conditions of employment.

1634. In April 2001, Plaintiff Kurt Rent was denied a promotion to a Foreman III position, an ARSA position, in the Airbrake department, which is the same department where he worked.

1635. Plaintiff Kurt Rent was qualified for the position based on his twenty-three years of related work experience at Amtrak and he had completed federal apprenticeships in machinery.

1636. Plaintiff Kurt Rent had worked as a Lead Machinist for over two years where one of his responsibilities was to lead and supervise journeyman machinists.

1637. Despite Plaintiff Kurt Rent's qualifications and experience, Amtrak selected a less qualified and experienced white employee, Thomas Kerr, for the position.

1638. Kerr had never worked in the Air Brake Department and as a result was unfamiliar with the technical skills needed for that position, such as refurbishing air brake valves. He had not been to Air Brake school and was unfamiliar with the air brake codes.

1639. Plaintiff Kurt Rent had been to Air Brake school and therefore very familiar with the code.

1640. Plaintiff Kurt Rent was also an apprentice for about a year in the Air Brake Department in 1980 and he was at the top of his class.

1641. In addition, Kerr had only fifteen years of experience, which was eight less than Plaintiff Kurt Rent had, and he lacked the qualifications listed on the job announcement.

1642. As a result, Kerr was unprepared for his duties and often had to ask Rent many questions relating to Air Braking.

1643. Plaintiff Kurt Rent was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1644. By reason of such racial discrimination in employment by Amtrak, Plaintiff Kurt Rent has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1645. Plaintiff Derek Reuben is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1646. During such employment, Plaintiff Derek Reuben was represented by a labor union for purposes of collective bargaining with Amtrak.

1647. Plaintiff Derek Reuben experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, and other terms and conditions of employment.

1648. White Chief of On Board Services Jay Fountain often made racial slurs against blacks. Although Reuben was placed temporarily as On Board Services Chief, Fountain would not hire him permanently. Fountain said to Reuben, "It's our decision who to appoint."

1649. Every white person who completed the applicable training course, which was two weeks at Arthur Anderson, was made a permanent chief, except Reuben, who was not.

1650. Plaintiff Derek Reuben was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1651. White Onboard Chief Russ Settele claimed that Reuben was out of uniform merely because he did not have his hat on, then walked away and came back with an Amtrak police officer who was holding a gun. White employees were not treated in such an intimidating matter, especially for a trivial matter.

1652. By reason of such racial discrimination in employment by Amtrak, Plaintiff Derek Reuben has suffered the loss of compensation, wages, back pay and front pay, other

employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1653. Plaintiff Brian Richards was employed by Amtrak from August 1999 until December 2002, most recently working as a Station Cleaner for Amtrak.

1654. During such employment, Plaintiff Brian Richards was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1655. Plaintiff Brian Richards experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, testing, and denial of testing opportunities, training, job assignments, work assignments, discipline, discharge, and other terms and conditions of employment.

1656. In December 2000, Plaintiff Brian Richards applied for a promotion to a rate clerk position in Philadelphia. He was qualified for the position, which was similar to the reservation sales agent position that Plaintiff Brian Richards had held. Plaintiff Brian Richards also had the computer skills necessary for the position.

1657. As part of the application process, Plaintiff Brian Richards was required to take a test to demonstrate that he could locate information on the computers used by rate clerks. They had the option of using two software programs to find the answers. The rate clerk managers then graded the test and went over the results with the test-takers.

1658. Passing the test meant an automatic promotion to the rate clerk position. Although Plaintiff Brian Richards passed the test, a white male rate clerk manager told him that he did not follow the correct procedure for giving answers. This did not make sense to Plaintiff Brian Richards, and the rate clerk manager did not explain what the correct

procedure for giving answers was. Citing this, the white male rate clerk manager told Plaintiff Brian Richards he was not eligible for the promotion.

1659. Of the approximately twenty employees who took the test, only one other employee and Plaintiff Brian Richards were African-American. Only white employees were promoted to rate clerk positions during that hiring round.

1660. In early 2001, Plaintiff Brian Richards took the rate clerk test again. This time, he was the only African-American in the room of about twenty employees. He passed the test again but Marge Smitz, a white rate clerk manager, told Plaintiff Brian Richards that although he answered enough of the questions correctly, he did not pass the test because he did not reach the answers by using the correct software program. Prior to this conversation, there had been no mention of any requirement that answers be reached using a particular software program.

1661. To address this incident, Plaintiff Brian Richards had a meeting with Ms. Smitz's manager, a white male who managed the entire call center, and a representative of his union, to discuss his concerns. The manager did not apologize for Ms. Smitz's behavior. Instead, he said only that he would talk to her and "look into" the testing procedure. Upon information and belief, however, he did nothing to talk to Ms. Smitz or look into the testing procedure.

1662. Plaintiff Brian Richards was not promoted to a rate clerk position. Again, only white employees were promoted to rate clerk positions during that hiring round.

1663. In or about 2001, Plaintiff Brian Richards applied for a promotion to a "supervisor-pool" position, which was a position that filled in for call center supervisors when they were absent. Plaintiff Brian Richards's customer service and sales experience

both at Amtrak and at other jobs he held before he began working at Amtrak qualified him for the position.

1664. At Amtrak, Plaintiff Brian Richards was subjected to a racially hostile work environment. Plaintiff Brian Richards was transferred to the position of station cleaner in Philadelphia in October 2002. Upon his arrival at his new job, union representatives warned Plaintiff Brian Richards that two of his white supervisors, John Lynch and his brother-in-law, Frannie Lawler, did not like African-Americans. They mentioned that several African-American employees had filed complaints against Mr. Lynch for race discrimination. It did not appear that these complaints resulted in any disciplinary action, as Mr. Lynch continued to work at the Philadelphia station until he was transferred to a Delaware station.

1665. Although Mr. Lynch only supervised approximately three of Plaintiff Brian Richards's weekly shifts, Plaintiff Brian Richards regularly heard him make demeaning comments about African-Americans. On several occasions he heard him make racist comments and jokes in the break room, within the hearing of white and African-American employees. For example, Plaintiff Brian Richards heard him state that station cleaning jobs – which are generally perceived as lower-level with less opportunity for advancement or decent pay – are for African-Americans, and then laugh about this comment with white employees.

1666. On one occasion in December 2002, Mr. Lynch apparently attempted to call Plaintiff Brian Richards on the radio when he was in the station cleaning the platforms. Plaintiff Brian Richards did not hear him attempting to call him, but when Plaintiff Brian Richards saw him later, he asked him whether he had heard him. He then called Plaintiff

Brian Richards a “Dumb [inaudible]” and walked away. A few other times, he called Plaintiff Brian Richards a “Black [inaudible].” Each time Plaintiff Brian Richards said, “Excuse me?” but he just walked away.

1667. Upon information and belief, other African-American employees complained to Amtrak management about Lynch’s behavior and comments.

1668. Despite the racist remarks Mr. Lynch frequently made and African-American employees’ complaints, upon information and belief, he was never disciplined for his inappropriate conduct.

1669. On December 19, 2002, Plaintiff Brian Richards reported to work at 8:00 p.m. for the night shift as a station cleaner. When Plaintiff Brian Richards reported to work, Gus Bergman, who is white, was the supervisor on duty.

1670. At 11:00 p.m., Mr. Bergman’s shift ended and Mr. Lynch, who is white, the next supervisor, came on duty.

1671. At about 11:45 p.m., Plaintiff Brian Richards saw Mr. Lynch when he returned keys to his office. He signed Plaintiff Brian Richards’s timecard at that point, which showed that Plaintiff Brian Richards had come to work at 8:00 p.m.

1672. Halfway through the shift, at 12:45 a.m., Plaintiff Brian Richards decided to take a break for his lunch.

1673. Employees are allowed twenty to thirty minutes for lunch, during which time they stay on the clock.

1674. Plaintiff Brian Richards walked over to the McDonald’s in the station, bought his lunch, and then proceeded back to the break room at 12:55 a.m., when Plaintiff Brian Richards saw Mr. Lynch again. Plaintiff Brian Richards then went to the lounge to eat.

1675. Five or six other employees, four of whom were white, were napping in the break room during their lunch break. This was a common practice during the night shift, and there was no policy prohibiting napping during breaks. Like the other employees, Plaintiff Brian Richards closed his eyes for a few minutes.

1676. Mr. Lynch saw Plaintiff Brian Richards sleeping, and summoned Mr. Lawler, another supervisor who is white and also Mr. Lynch's brother-in-law, to confront him about napping when he emerged from the breakroom. Standing near the doorway and clearly visible to the employees in the breakroom, they told Plaintiff Brian Richards that he was terminated and had to leave immediately because he had been sleeping and because he had been AWOL.

1677. Mr. Lynch had falsely reported to Mr. Lawler that he had not seen Plaintiff Brian Richards at all since the beginning of his shift at 11:00 p.m., even though in fact he had seen Plaintiff Brian Richards at least twice. He had also told Mr. Lawler that Plaintiff Brian Richards had been sleeping all night, which also was untrue.

1678. Mr. Lynch and Mr. Lawler terminated Plaintiff Brian Richards without giving him a chance to refute their accusations and directed him to leave the station.

1679. Upon information and belief, white employees who had also been napping, including Dennis Morris, were neither terminated nor otherwise disciplined.

1680. At the union hearing, Amtrak sided with Mr. Lynch and Mr. Lawler.

1681. Plaintiff Brian Richards was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1682. By reason of such racial discrimination in employment by Amtrak, Plaintiff Brian Richards has suffered the loss of compensation, wages, back pay and front pay, other

employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1683. Plaintiff Tim Richardson is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1684. During such employment, Plaintiff Tim Richardson was represented by the IAM, a labor union, for purposes of collective bargaining with Amtrak.

1685. Plaintiff Tim Richardson experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, and other terms and conditions of employment.

1686. Plaintiff Tim Richardson has worked for more than twelve years at Amtrak, most recently as a Machinist in the Air Brake division.

1687. Plaintiff Tim Richardson applied for a Quality Control position, which would have been a promotion for him. He was qualified and had experience.

1688. A white applicant with less experience was selected.

1689. Plaintiff Tim Richardson was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1690. By reason of such racial discrimination in employment by Amtrak, Plaintiff Tim Richardson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1691. Plaintiff Louis Ricks III is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1692. Plaintiff Louis Ricks III was employed for twelve years at Amtrak as a Coach Cleaner/Equipment Service employee in the Mechanical Department.

1693. During such employment, Plaintiff Louis Ricks III was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1694. Plaintiff Louis Ricks III experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

1695. While he was working, a white male foreman named Bob (last name unknown) repeatedly threatened Plaintiff Louis Ricks III. However, only Ricks was suspended without pay over the incident.

1696. Plaintiff Louis Ricks III complained about this discrimination to the union and to Amtrak, but nothing happened.

1697. Plaintiff Louis Ricks III applied for a Mechanic position because his white manager was taking him away from his regular assignments in his current position to do the duties of a Mechanic, but without getting the Mechanic position and pay. Ricks figured he should apply for the job he was actually doing.

1698. However, after Plaintiff Louis Ricks III applied, he was told that he did not qualify. This did not happen to white employees who applied for Mechanic positions.

1699. Plaintiff Louis Ricks III was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1700. By reason of such racial discrimination in employment by Amtrak, Plaintiff Louis Ricks III has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1701. Plaintiff LaSonya Rivers is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1702. Plaintiff LaSonya Rivers began working for Amtrak in March 1989.

1703. During such employment, Plaintiff LaSonya Rivers was represented by a labor union for purposes of collective bargaining with Amtrak.

1704. Plaintiff LaSonya Rivers experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, testing, and denial of testing opportunities, training, job assignments, work assignments, scheduling of work hours and family leave time, discipline, and other terms and conditions of employment.

1705. Plaintiff LaSonya Rivers applied for audiovisual specialist positions. Each time she applied during that period, white employees were hired. Plaintiff LaSonya Rivers was well-qualified. She had a degree in audiovisual technology and received high performance reviews when she was doing the same work as an intern.

1706. Each time Plaintiff LaSonya Rivers applied during that period, white candidates were hired for those jobs. Amtrak hired white non-employees who had never worked the job before.

1707. In 1996, Plaintiff LaSonya Rivers applied again for an audiovisual specialist position. This time, she did not even receive an interview. Instead, she received a rejection letter. Plaintiff LaSonya Rivers found out that a white employee was selected for the job.

1708. In the summer of 2002, Plaintiff LaSonya Rivers took a qualifying test to be eligible for a promotion to email specialist in the Reservations office.

1709. Employees for this position were to be hired based on the test results, employee recommendations, and an interview. Employees were only permitted to schedule interviews after passing the test.

1710. Each candidate knew whether s/he had passed the test because those who passed received a notice for scheduling the interview.

1711. The test involved reading emails and responding to them using a pre-written script.

1712. Plaintiff LaSonya Rivers believed that the test was easy, but the white test administrator told her that Plaintiff LaSonya Rivers had failed. The administrator would not tell her what her score was or why she failed.

1713. Plaintiff LaSonya Rivers observed that all of the white people who took the test passed it and received invitations to schedule interviews.

1714. Upon information belief, of the approximately 30 or 40 email specialists, all but one or two were white.

1715. In early 2005, after Plaintiff LaSonya Rivers returned to the Reservations Office, she tried to take the test again. The Reservations Office refused to let her take the test again, relying on an alleged policy that would prevent her from retaking it.

1716. Plaintiff LaSonya Rivers complained about this undocumented policy that employees must work in the Reservations Office for one year immediately prior to taking the test to the director of the Reservations Offices for the Mid-Atlantic Region, John Miranda, who is white.

1717. Miranda told Plaintiff LaSonya Rivers that this is a “grey area” and that the Reservation Office could use its discretion to deny the test to anyone who had not worked in the office for the past year. But he could not cite any official policy.

1718. Plaintiff LaSonya Rivers had a white supervisor, Thomas Kane. He was inflexible with the schedules of his black employees. Kane refused to allow Plaintiff LaSonya Rivers to adjust her work schedule to accommodate her son’s school schedule.

1719. One day, Plaintiff LaSonya Rivers arrived at work on time after arranging for a cab to take her son home from school. When she arrived, Kane’s secretary handed her a notice of discipline, in which Kane charged her with being away without leave and proposed a disciplinary hearing.

1720. When Plaintiff LaSonya Rivers questioned Kane about the notice, he told her that he had prepared the notice because he had expected her not to show up to work.

1721. In contrast, Mr. Kane was flexible with white workers’ schedules, allowing them to come in late without discipline and freely change their hours.

1722. In March 2000, Plaintiff LaSonya Rivers became the Acting Customer Service Supervisor when the manager broke her hip.

1723. Once the manager returned, Plaintiff LaSonya Rivers continued to assume many responsibilities of the Customer Service Supervisor because the manager's condition and medical treatment left her unable to perform many of her job responsibilities.

1724. An employee in the corporate headquarters told Rivers that the current Customer Service Supervisor was ready to retire, but that the employee had received instructions from the corporate office to refrain from posting the position until a white man by the name of Walter Altman could apply.

1725. Mr. Altman had been a manager but was fired for reasons unknown to Plaintiff LaSonya Rivers. He was rehired in another Amtrak department and would have been eligible for the Customer Service Supervisor position a year after he was fired.

1726. Amtrak employees may not be promoted to management positions if they had been fired from management within the past year.

1727. When the position became available around the time Mr. Altman was eligible to apply, Plaintiff LaSonya Rivers also applied and was interviewed, but Mr. Altman was hired.

1728. Unlike Mr. Altman, Plaintiff LaSonya Rivers had been doing the job during the Supervisor's leave and she had not been fired from a management position.

1729. Plaintiff LaSonya Rivers was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1730. By reason of such racial discrimination in employment by Amtrak, Plaintiff LaSonya Rivers has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical

harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1731. Plaintiff Frederic Roane is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1732. Plaintiff Frederic Roane was employed for 29 years at Amtrak, most recently as a Red Cap in the Passenger Services Department.

1733. During such employment, Plaintiff Frederic Roane was represented by a labor union for purposes of collective bargaining with Amtrak.

1734. Plaintiff Frederic Roane experienced intentional racial discrimination by Amtrak in regard to discipline, and other terms and conditions of employment.

1735. Plaintiff Frederic Roane was told that he had to work over shift and was denied the use of a golf cart, while white employees had the golf carts and did not have to work over shift.

1736. Plaintiff Frederic Roane was told that if he was “caught” using the golf cart, then he would be taken out of service.

1737. Plaintiff Frederic Roane reported this discrimination to his union, but nothing happened.

1738. Plaintiff Frederic Roane was falsely accused of pulling a gun on an employee and taken out of service unjustly. The reports were found not to be true.

1739. Plaintiff Frederic Roane was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

1740. By reason of such racial discrimination in employment by Amtrak, Plaintiff Frederic Roane has suffered the loss of compensation, wages, back pay and front pay, other

employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1741. Plaintiff Sharon Montgomery Robinson is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*. Plaintiff Sharon Montgomery Robinson was a Reservation Sales Agent at the Call Center in Riverside, CA from 1998 to 2002.

1742. During such employment, Plaintiff Sharon Montgomery Robinson was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1743. Plaintiff Sharon Montgomery Robinson experienced intentional racial discrimination by Amtrak in regard to scheduling of work hours and family leave time, discipline, discharge, and other terms and conditions of employment.

1744. Plaintiff Sharon Montgomery Robinson was disciplined by her white supervisor, Ed Donofrio for clocking in and then going to get her car that had broken down from street.

1745. Unlike white employees who were able to take time off to be with their children, Plaintiff Sharon Montgomery Robinson often encountered resistance from Donofrio when requesting time off. As a single parent, Plaintiff Sharon Montgomery Robinson needed occasionally to take time off to take care of family issues.

1746. Donofrio responded to Plaintiff Sharon Montgomery Robinson's requests with "you have too many problems" and "You can't make it if you can't take care of this problems," and numerous other comments along the same lines.

1747. White employees with scheduling and family leave issues were not harassed by Donofrio in this manner and were allowed to make schedule adjustments and take such leave when they need to do so.

1748. Plaintiff Sharon Montgomery Robinson was wrongfully terminated by Amtrak.

1749. Plaintiff Sharon Montgomery Robinson was dealing with legal issues pertaining to her son, including appearing in person to discuss his situation with officials and courts.

1750. A meeting was held with Amtrak management to deal with Plaintiff Sharon Montgomery Robinson's status. At that time, she accepted management's suggestion that she resign in order to deal with family issues, and she was told at that meeting to see about returning after she got her family matters resolved. So she resigned.

1751. Then, a couple of weeks later, Plaintiff Sharon Montgomery Robinson received a letter from Amtrak stating that she was ineligible for rehire because she had failed to give two weeks' notice.

1752. Plaintiff Sharon Montgomery Robinson was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1753. By reason of such racial discrimination in employment by Amtrak, Plaintiff Sharon Montgomery Robinson has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1754. Plaintiff Ramona Ross is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1755. Plaintiff Ramona Ross started working for Amtrak in 1983 as a Statistical Clerk in Lorton, Virginia.

1756. During such employment, Plaintiff Ramona Ross was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1757. Plaintiff Ramona Ross experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, training, job assignments, work assignments, scheduling of work hours and family leave time, discipline, discharge, and other terms and conditions of employment.

1758. In 1996, Plaintiff Ramona Ross had the title “Statistical Clerk,” but she was actually working as an executive secretary for five white management-level employees.

1759. Douglas Varn, a new white Vice President, asked her to prepare a description of her duties. Based on this description, Varn created a new position and posted it.

1760. Plaintiff Ramona Ross applied. She was well-qualified for the position not only because she had actually been performing its duties, but also because she had worked in secretarial positions since 1983.

1761. Instead of hiring her, Varn hired a white employee named Wanda Cundy, who had never previously worked as a secretary.

1762. Shortly thereafter, Plaintiff Ramona Ross went on maternity leave. While she was on leave, Varn abolished her Statistical Clerk position because, as Varn put it, Cundy was doing all of her duties. These were the same duties she had performed before Cundy was hired.

1763. The pertinent Amtrak collective bargaining agreement rules should have allowed Plaintiff Ramona Ross to bump a less senior employee from a job Ross was qualified for when she returned from maternity leave, because her job had been abolished.

1764. Before returning from maternity leave, Plaintiff Ramona Ross successfully completed a class called Scholar Teach, which teaches the methodology for the Ticket Agent position.

1765. Her successful completion should have allowed her to bump into a Ticket Agent position in Virginia near her home in Washington, D.C.

1766. The white regional supervisor, Danny Best, refused to allow her to bump into a position. He claimed that she would need prior ticketing experience to qualify to bump another employee.

1767. After Plaintiff Ramona Ross had complained to her union and to the Amtrak Corporate office, Best claimed that she could only bump into a Baggage Handler or Extra Board position in Richmond, Virginia, which was more than one hundred miles from her home.

1768. Plaintiff Ramona Ross did not have any prior baggage experience.

1769. Although Plaintiff Ramona Ross was very concerned about having to commute to Richmond every day, she took the Extra Board position based out of Richmond.

1770. Given the extraordinarily lengthy commute, Plaintiff Ramona Ross was often five or ten minutes late to work. White regional supervisor Danny Best used this as an excuse to subject her to harassment and discriminatory discipline.

1771. Best constantly wrote Plaintiff Ramona Ross up and docked her pay for being five or ten minutes late to work as a result of her long commute from Washington, D.C. to

Richmond, Virginia. On several occasions even when Plaintiff Ramona Ross was not late, Best still wrote her up and docked her pay.

1772. When Plaintiff Ramona Ross knew she would be especially late, for example because Interstate 395 was shut down because of a serious accident, Plaintiff Ramona Ross called ahead and even brought documentation of such traffic jams. Best refused to accept her excuses and continued to write her up and dock her pay.

1773. Best's constant surveillance of her arrival time caused Plaintiff Ramona Ross great stress during her commute, and she often felt compelled to drive unsafely due to his behavior.

1774. Plaintiff Ramona Ross was the only African-American Ticket Agent at the Richmond station at that time.

1775. Best instructed her white co-workers in Richmond and later in Alexandria to report to him any time that Plaintiff Ramona Ross took breaks or stepped away from the window for any reason.

1776. Best did not monitor her white co-workers' arrival times or break times.

1777. Best began to use the parking lot time-stamp to monitor Plaintiff Ramona Ross' arrival time. When Plaintiff Ramona Ross initially arrived at the Richmond station, there was no time stamp machine to monitor employee arrival and departure times.

1778. At that time, Plaintiff Ramona Ross had a newborn baby with serious health problems at home. For this and other family reasons, Plaintiff Ramona Ross occasionally asked for time off from work. Best denied these requests and claimed that there was no such thing as an excused absence.

1779. Beginning in 1999, Best began requiring that Plaintiff Ramona Ross open her cash drawer within ten minutes of signing in to prove that Plaintiff Ramona Ross was at work. No white employees were held to this standard. Furthermore, opening the cash drawer depended on sales and was not even an accurate measure of whether she was at work.

1780. In contrast, a white employee named Tina Motley was consistently ten to fifteen minutes late every day, and yet Best never disciplined her, wrote her up, or asked her coworkers to monitor her breaks.

1781. Motley was Plaintiff Ramona Ross's relief each day, so Ross could easily observe her lack of punctuality. Her tardiness often meant that Plaintiff Ramona Ross had to stay late. However, Motley never faced the discipline Plaintiff Ramona Ross faced.

1782. Sometime later, a union representative told Plaintiff Ramona Ross about a conversation he had about her with Best. He asked Best why there were so many problems with Plaintiff Ramona Ross, and he pointed out that it was highly unusual to write up an employee for being a few minutes late, particularly an employee with such a long commute. He then asked Best what he wanted, and Best responded that he wanted her fired.

1783. Plaintiff Ramona Ross complained to her union, to Amtrak's Labor Relations Office, and even to an Amtrak Vice President on several occasions about Best's constant harassment and discriminatory discipline. Plaintiff Ramona Ross even showed the timesheet entries of white employees who were regularly late and yet not disciplined, which showed disparate treatment.

1784. The only response Plaintiff Ramona Ross received was that she could move to another location when a job opened up. Plaintiff Ramona Ross was not offered a hearing or a dispute resolution conference for her complaints.

1785. In 2002, Plaintiff Ramona Ross applied for a Ticket Agent position in Sanford FL. She was qualified by virtue of her lengthy experience at Amtrak, including experience as a Ticket Agent, yet she was not even interviewed. Upon information and belief, whites received some or all of the available Ticket Agent positions in Sanford at that time.

1786. Plaintiff Ramona Ross was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1787. By reason of such racial discrimination in employment by Amtrak, Plaintiff Ramona Ross has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1788. Plaintiff Moses Rothchild is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1789. Plaintiff Moses Rothschild was employed by Amtrak for 32 years, most recently as a Utility Worker.

1790. During such employment, Plaintiff Moses Rothchild was represented by the International Brotherhood of Firemen and Oilers, a labor union, for purposes of collective bargaining with Amtrak.

1791. Plaintiff Moses Rothchild experienced intentional racial discrimination by Amtrak in regard to job assignments, work assignments, discipline, from furlough, and other terms and conditions of employment.

1792. During his employment, Moses Rothschild had to perform additional tasks that his white utility worker coworkers did not have to perform. For example, Cleo Ingram, the white Foreman, questioned him about the lunchroom and the trash bin not being emptied on Monday mornings even though Plaintiff Moses Rothschild did not work on the weekends. Rothschild had to perform these tasks instead.

1793. Mark Blalock, the white General Foreman, questioned Plaintiff Moses Rothschild about the lunchroom not being cleaned and the air filters not being put away. The white utility worker was the one on duty on weekends, and therefore it was his responsibility to do these specific tasks, but he never did them and was never in trouble for not doing them. Rothschild had to perform these tasks instead.

1794. Plaintiff Moses Rothschild filed an EEOC charge alleging race discrimination in March 2001. Since the filing of that charge, Plaintiff Moses Rothschild was targeted for a drug test soon after and they placed him out of service after he had an accident while driving a trackmobile.

1795. Amtrak required Plaintiff Moses Rothschild to operate the trackmobile after only two days of training because his white coworker, Tracy Atwood, refused to operate the trackmobile. Amtrak forced Plaintiff Moses Rothschild to submit him to a drug test while his white coworker, John Myers, who assisted him in the trackmobile navigation, was not required to undergo a drug test.

1796. Another accident occurred in October 2001 in the coach yard when a rail car fell into the pit. Two white employees, Leonard Bach and Johnny Alrey, were the employees involved in the accident. Amtrak did not require either man to submit to a drug test.

1797. Plaintiff Moses Rothchild observed a group of white Carmen, Pipefitters, Electricians, and Foremen who coordinated a day to wear T-shirts displaying the rebel flag. This was a blatant act of racism and feigned white superiority designed to intimidate and demonstrate to African-American Amtrak employees how those whites feel about African-American history. Amtrak management permitted the display.

1798. Plaintiff Moses Rothchild was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1799. By reason of such racial discrimination in employment by Amtrak, Plaintiff Moses Rothchild has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1800. Plaintiff Cynthia Sargent is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1801. Plaintiff Cynthia Sargent was employed Amtrak from May 1984 until early 2003.

1802. During the span of her employment, Plaintiff Cynthia Sargent held the position of Carman in the Beech Grove, IN crew base.

1803. During such employment, Plaintiff Cynthia Sargent was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1804. Plaintiff Cynthia Sargent experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, testing, discipline, discharge, furlough and recall from furlough, and other terms and conditions of employment.
1805. Plaintiff Cynthia Sargent was subject to an extended, three-year furlough in 1995. Plaintiff Cynthia Sargent returned to service in 1998 and was unjustly terminated for the first time in 1999. White employees generally do not have to endure such unjust terminations.
1806. Plaintiff Cynthia Sargent was reinstated after it was determined that the allegations against her were hastily pursued and unfounded.
1807. Plaintiff Cynthia Sargent's employment was terminated again in 2003.
1808. During Plaintiff Cynthia Sargent's time with Amtrak, she was denied multiple promotion opportunities for which she was qualified while working at Beech Grove. These jobs were awarded to white employees.
1809. In 2001, after an extensive tenure as Carman, Plaintiff Cynthia Sargent applied for a fill-in Foreman position. Plaintiff Cynthia Sargent viewed this as the essential first step in becoming a Foreman at Beech Grove.
1810. Plaintiff Cynthia Sargent applied for the fill-in Foreman position in December 2000. Though white employees are often given the position through casual recommendations, she was required to pursue the job by way of bureaucratic channels.
1811. Plaintiff Cynthia Sargent approached Ed Toll, her white supervisor, and was told by his secretary that her request would be passed along. Several months went by and she received no response.

1812. In July 2001, her immediate boss, Lee Call offered her a fill-in position for an absent Foreman in my group. Mr. Kilpatrick, the white General Manager, observed Plaintiff Cynthia Sargent working the fill in position and indicated that she should not be there.

1813. Ed Toll removed her from the fill-in position citing her disciplinary record. At that point, the only disciplinary incident Plaintiff Cynthia Sargent had endured was a wrongful termination in 1999 for which she had been reinstated.

1814. Plaintiff Cynthia Sargent is aware of multiple white employees who, despite serious disciplinary incidents, have been allowed to work as fill-in Foremen. Trolly Hight, a white co-worker, was promoted to Foremen, despite being on Rule G, 10-year probation.

1815. Management's unwillingness to acknowledge their motivations in writing further evidences that Ed Tolls' motives were rooted in racial bias.

1816. After returning from a three-year furlough in 1998, Plaintiff Cynthia Sargent submitted to a reinstatement drug test. She tested positive for marijuana. She contested the findings and waited 30 days before being re-tested. The second test was negative, though Plaintiff Cynthia Sargent agreed to be subject to random testing for the next two years.

1817. Plaintiff Cynthia Sargent was tested randomly in July 1999. The Amtrak medical review staff informed that the findings showed she was unfit to work.

1818. Plaintiff Cynthia Sargent appealed the ruling and was brought before an arbitration panel in July 2000.

1819. Plaintiff Cynthia Sargent had been held out of work for nearly a year at that point.

1820. Plaintiff Cynthia Sargent brought an attorney to the hearing and presented a letter from her physician Dr. Ford that showed how the excoriating the testing process was

flawed and expressing his disbelief that her test was held as conclusive without further analysis.

1821. Amtrak did not even bring the supposedly fraudulent sample to the arbitration hearing.

1822. Plaintiff Cynthia Sargent was reinstated in October 2000, having missed nearly 14 months of work. Though Plaintiff Cynthia Sargent was told that a negative re-test would result in receipt of back pay, she received none of the back pay or medical pay to which she was entitled.

1823. Plaintiff Cynthia Sargent was tested again in October 2001. Again, Plaintiff Sargent was deemed unfit for work. This action resulted, effectively, in an 8-week suspension until December 2001.

1824. After more testing, it was determined that other factors accounted for the results. Amtrak's medical staff had completely disregarded this possibility and had accused Plaintiff Cynthia Sargent of deception and drug abuse. White employees would not have had to endure this sort of disregard for other factors when their drug results were considered.

1825. Again, Plaintiff Cynthia Sargent returned to work having received no back pay or medical reimbursement for the time she spent unemployed between October and December of 2001.

1826. In 2001, Plaintiff Cynthia Sargent filed a charge of discrimination, based on these incidents, with the Equal Employment Opportunity Commission ("EEOC").

1827. Shortly after filing the EEOC charge, Plaintiff Cynthia Sargent was furloughed again in February 2002.

1828. In November 2002, Plaintiff Sargent was called back to work and ordered to a physical examination. Amtrak then conducted more unfair and flawed medical testing.

1829. Amtrak never gave proper consideration to the processes and analysis used and their impact on the test results. White employees were not subjected to such treatment.

1830. Plaintiff Cynthia Sargent was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1831. By reason of such racial discrimination in employment by Amtrak, Plaintiff Cynthia Sargent has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1832. Plaintiff John Scott is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1833. Plaintiff John Scott was employed for 25 years at Amtrak, most recently as a Red Cap in Passenger Services.

1834. During such employment, Plaintiff John Scott was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1835.

1836. Plaintiff John Scott experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, job assignments, work assignments, discipline, and other terms and conditions of employment.

1837. Teddy Roe, Plaintiff John Scott's non-black supervisor, hired Charlie Johnson as the foreman over Plaintiff John Scott. Plaintiff John Scott had significantly more experience. Reo subjected Plaintiff John Scott to unfair disciplinary write ups.

1838. Marty Rush, a white manager at Boston Station, wanted to fire Plaintiff John Scott and kept watching him constantly while on the job. Plaintiff John Scott was subjected to harsher and more difficult work requirements than his similarly situated white coworkers.

1839. Plaintiff John Scott was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1840. By reason of such racial discrimination in employment by Amtrak, Plaintiff John Scott has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1841. Plaintiff Shanetta Scott is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1842. Plaintiff Shanetta Scott started at Amtrak in 2012 and works for Amtrak as of the present day, as a Conductor.

1843. During such employment, Plaintiff Shanetta Scott was represented by labor union UTU for purposes of collective bargaining with Amtrak.

1844. Plaintiff Shanetta Scott experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, discipline, and other terms and conditions of employment.

1845. Plaintiff Shanetta Scott has applied for locomotive engineer positions on seven (7) occasions during the time period 2018 to 2020.
1846. Plaintiff Shanetta Scott was well qualified for the job by virtue of her experience.
1847. Only once has Plaintiff Shanetta Scott been interviewed. For her other applications, she has not been interviewed, and the one interview she received only occurred after she threatened to go to Amtrak or federal EEO.
1848. The one interview Plaintiff Shanetta Scott received was a perfunctory interview by Trey Downs, a white Assistant Supervisor.
1849. Upon information and belief, whites received all or most of the locomotive engineer positions which Scott was denied.
1850. Plaintiff Shanetta Scott was unfairly disciplined by a 5 day suspension on a charge of falsifying a time sheet. White employees are not disciplined at all, or as harshly, for similar infractions.
1851. Plaintiff Shanetta Scott was also unfairly brought up on disciplinary charges because she took more than 3 days leave within a 30-day period. This occurred despite the fact that she worked the most hours out of the crewbase. White employees are not disciplined at all, or as harshly, for similar infractions.
1852. By reason of such racial discrimination in employment by Amtrak, Plaintiff Shanetta Scott has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1853. Plaintiff Tavio Scott is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1854. Plaintiff Tavio Scott was employed by Amtrak from 1990 until April 2001

1855. During such employment, Plaintiff Tavio Scott was represented by the International Brotherhood of Electrical Workers (“IBEW”), a labor union, for purposes of collective bargaining with Amtrak.

1856. Plaintiff Tavio Scott experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, training, job assignments, work assignments, scheduling of work hours and leave time, and other terms and conditions of employment.

1857. Plaintiff Tavio Scott began his employment at Amtrak as an Electrician in Charlotte, North Carolina.

1858. In December 1999, Plaintiff Tavio Scott became a Student Engineer or Passenger Locomotive Engineer Trainee also in Charlotte, which is the position he held until his constructive discharge in 2001.

1859. In 1996 Plaintiff Tavio Scott applied for a position as an Engineer. He was qualified for the position because he had a high school diploma, the only requirement listed. He was not selected for the position, nor was he even given an interview. Upon information and belief, one or more whites were hired instead of Scott.

1860. Plaintiff Tavio Scott continued to apply for Engineer positions regularly for the next four years until he was finally given an interview in December 1999 and was selected to become a Student Engineer.

1861. He completed the two-month Engineer School program in February 2000. During the program, he passed all of the tests to qualify him as an Engineer Trainee.

1862. Following completion of Engineer School, he was assigned to the Washington, D.C. to New York City route for his training period. This training should have lasted only nine months.

1863. Because he had been with Amtrak for ten years at this time, Plaintiff Tavio Scott had the most seniority of all those in his Engineer School class. This meant that Scott should have been the first one to qualify to become a full Engineer.

1864. Instead, Amtrak promoted a white female with only four or five years of Amtrak experience.

1865. In the summer of 2001, Plaintiff Tavio Scott's mother had quadruple-bypass open heart surgery. Plaintiff Tavio Scott requested time off to care for her under the Family and Medical Leave Act.

1866. Scott's leave was initially approved by Robbie Bryant, a white Road Foreman, but was ultimately denied by Harry Hibbard, a white Road Foreman.

1867. White employees' requests for FMLA leave were not denied.

1868. Plaintiff Tavio Scott was the only African-American in his Engineer School class, and the other white engineers would often tell him that he "didn't belong," obviously a racial taunt. When he informed Robbie Bryant, a white Road Foreman, about their comments he treated it with indifference and took no actions.

1869. Plaintiff Tavio Scott was also treated unfairly by the white instructors, William Clausen and Randy Halsey. They were consistently harsher with Scott than they were with the other students, all white, in regard to his completion of tasks. For example, they would

admonish him if he was one car beyond the platform when pulling into a station, something they did not do to the white Student Engineers. Also, they would only let him run the train in situations for which he had been previously qualified. While this is the official procedure, they did not apply it to the white students, thus giving the white students more experience.

1870. Plaintiff Tavio Scott was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1871. By reason of such racial discrimination in employment by Amtrak, Plaintiff Tavio Scott has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1872. Plaintiff Leonard Seamon is an African-American citizen of the United States and applied for employment at Amtrak during the former class liability period alleged in *Campbell*.

1873. Plaintiff Leonard Seamon applied for employment with Amtrak in May 1998. Plaintiff Leonard Seamon experienced intentional racial discrimination by Amtrak in regard to hiring and position selection decisions and processes.

1874. Had he been hired by Amtrak; Plaintiff Leonard Seamon would have been represented by a labor union for purposes of collective bargaining with Amtrak.

1875. Plaintiff Leonard Seamon applied for a Culinary Arts position that required a test. Plaintiff Leonard Seamon took and passed the test, yet only white applicants were selected.

1876. By reason of such racial discrimination in employment by Amtrak, Plaintiff Leonard Seamon has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1877. Plaintiff Lillie King Shepard is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1878. During such employment, Plaintiff Lillie King Shepard was represented by a labor union for purposes of collective bargaining with Amtrak.
1879. Plaintiff Lillie King Shepard experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, training, and other terms and conditions of employment.
1880. During her employment, Gill Bruno, the Superintendent of the facility and the member of management in charge of training, trained Tammy Gipplin, a white woman, who had the same job title as Plaintiff Lillie King Shepard – Coach Cleaner — to become an Equipment Operator.
1881. Plaintiff Lillie King Shepard wanted, and requested, to be trained for that position and she was not given the opportunity. This denial hindered and prevented Shepard from advancing in her career at Amtrak.
1882. Plaintiff Lillie King Shepard complained to management and filed a written letter to the Superintendent and Union Representative.
1883. Plaintiff Lillie King Shepard was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1884. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lillie King Shepard has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1885. Plaintiff Rudy Singletary is an African-American citizen of the United States who applied for employment at Amtrak during the former class liability period alleged in *Campbell*.

1886. Had he been hired by Amtrak, Plaintiff Rudy Singletary would have been represented by a labor union for purposes of collective bargaining with Amtrak.

1887. Plaintiff Rudy Singletary experienced intentional racial discrimination by Amtrak in regard to hiring and position selection decisions and processes.

1888. Plaintiff Rudy Singletary applied for multiple positions at the National Railroad Passenger Corporation (“Amtrak”) beginning in November 1997 at the Boston, Massachusetts South Station location, but was not selected.

1889. In November 1997, Plaintiff Rudy Singletary read an advertisement in a local Boston newspaper that Amtrak was hiring Conductors, and Plaintiff Rudy Singletary applied for a Conductor position.

1890. Plaintiff Rudy Singletary was qualified for the position because he had a bachelor’s degree and he had previously worked as a general laborer for Massachusetts Bay Area Transit so he had familiarity with trains and train yards. Plaintiff Rudy Singletary was also working towards his Conductor’s license at the time.

1891. At around the same time, Plaintiff Rudy Singletary also applied for a Porter position at Amtrak. This job did not require any special skills and Plaintiff Rudy Singletary more than met the qualifications, which were simply to have a GED.

1892. At the time Plaintiff Rudy Singletary applied to these two positions, he went in-person to submit applications to South Station in Boston. He did not see any African-American employees working as porters or conductors. Because he dropped his applications off in person, he believed that Amtrak hiring officials knew that he is Black.

1893. After Plaintiff Rudy Singletary submitted his applications for these two positions, he did not receive a response.

1894. In January 1998, he contacted Leroy Ferguson (black), who was the minority liaison at Amtrak, to find out the status of his applications.

1895. Ferguson told Plaintiff Rudy Singletary that he would be able to set up an interview for Singletary for at least one of the positions, but this interview never occurred. Singletary followed up with Ferguson, but he was never able to get an interview.

1896. Ferguson encouraged Plaintiff Rudy Singletary to continue to pursue opportunities with Amtrak, and the two of them spoke several times a week. Although he was very open to helping Plaintiff Rudy Singletary, it seemed that Ferguson had no clout or power. He even spoke candidly to Plaintiff Rudy Singletary about the roadblocks he encountered in getting minorities hired at Amtrak and said he was “catching hell” for his efforts and had to “watch his back.”

1897. Ferguson also told Plaintiff Rudy Singletary that he as an African-American himself, often endured racial harassment by his supervisors, including threats, racially discriminatory language, and display of nooses.

1898. Despite these communications and his applications for union-represented positions for which he was qualified, Amtrak never contacted Plaintiff Rudy Singletary even for an interview.
1899. Finally, one day, Singletary was not able to reach Ferguson anymore.
1900. Upon information and belief, whites are hired for all the types of jobs for which Plaintiff Rudy Singletary was applying and attempting to obtain, but for which he was repeatedly rejected and denied.
1901. By reason of such racial discrimination in employment by Amtrak, Plaintiff Rudy Singletary has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1902. emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1903. Plaintiff Janet Smith-Cook is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1904. Plaintiff Janet Smith-Cook began her employment with Amtrak in 1978.
1905. During such employment, Plaintiff Janet Smith-Cook was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.
1906. Plaintiff Janet Smith-Cook experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including job selection, promotions, job assignments, and other terms and conditions of employment.

1907. In 2006, there was a job opening for a Partially Exempt Cashier. Plaintiff Janet Smith-Cook had previously held this position for 14 years, from 1984-1998.
1908. In 1998, Plaintiff Janet Smith-Cook was removed from the position once it was abolished.
1909. However, in 2001, the position was reinstated and yet Plaintiff Janet Smith-Cook was not put back in the position. Instead, the position went to a lesser qualified white woman named Bev Rowan.
1910. The job opened up again in 2006, and Plaintiff Janet Smith-Cook applied. The position instead went to a white woman named Verna Trick, who is either equally or less qualified than Plaintiff Janet Smith-Cook.
1911. Trick had less than 5 years of experience in the ticket office while Plaintiff Janet Smith-Cook had over 15 years experience.
1912. Upon hearing that she did not get the position, Plaintiff Janet Smith-Cook wrote a letter to Warren Logan, a white manager, and Debbie Montgomery, a white supervisor, asking for an explanation as to why she did not get the position and how she was purportedly not “qualified” for the position. She did not receive a response.
1913. Rick Gadboy, who was the white station superintendent and also Montgomery’s boss, was involved in making hiring decisions.
1914. Plaintiff Janet Smith-Cook knew along with other employees in the station that he had been brought up on race discrimination charges in the past.
1915. Plaintiff Janet Smith-Cook was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

1916. By reason of such racial discrimination in employment by Amtrak, Plaintiff Janet Smith-Cook has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1917. Plaintiff Linda Stafford is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1918. During such employment, Plaintiff Linda Stafford was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

1919. Plaintiff Linda Stafford experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, training, job assignments, work assignments, discipline, and other terms and conditions of employment.

1920. Plaintiff Linda Stafford applied for various positions and promotions between 1994 and 2014. White applicants with equal or lesser experience were hired instead of her.

1921. In 2001, Plaintiff Linda Stafford applied for a computer technician job which was supposed to be based on seniority.

1922. Plaintiff Linda Stafford was the most senior person applying for the job, but they closed the posting instead of hiring her.

1923. White employees were hired when the work was downsized.

1924. Plaintiff Linda Stafford's pay never changed even when her job title was changed and therefore required more work.

1925. In 2000, white superintendent Lew Wood was responsible for positing available positions in her department.

1926. When a new computer program was introduced, instead of posting an open position, Wood selected Melanie Bennett, white female clerk, to be trained on the new software.
1927. Although a few others in the department were given a limited chance to learn the software, it was a quick crash course. Bennett, on the other hand, was allowed to travel specially to receive additional software training.
1928. Eventually, Bennett was promoted into a supervisor position.
1929. After Bennett's promotion, Stafford asked the assistant superintendent about the position. Wood told Stafford that Bennett was the only one with experience. The position that Bennett was promoted into has essentially the same responsibilities as her previous position, which is also Stafford's position. However, the supervisor position pays more.
1930. Plaintiff Linda Stafford received a letter on February 4, 2004 which stated that she has made many more mistakes than the other timekeepers. However, one of the other timekeepers works more than a few hours a week, while Stafford works a full-time forty-hour workweek.
1931. It is apparent that Management was singling her out, only looking at her mistakes, in order to denigrate her qualifications for promotions.
1932. Of the eight mistakes referred to, Stafford knows the first two were seen and corrected by her before the product was finished. The other six she could not verify because they were supposedly corrected by someone else. However, if they were hers, they would have been pointed out to her previously.

1933. Management only started counting mistakes 60 days prior, which was when Stafford began working at the job. She has held this position previously and has never had problems before.
1934. Plaintiff Linda Stafford was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1935. Plaintiff Linda Stafford received a racist email from a supervisor in or about November or December 2003. She contacted Amtrak's Dispute Resolution Office.
1936. DRO agreed it was racist and told Stafford that they would handle it. However, in order to protect the sender's privacy, DRO would not tell her how they would discipline him.
1937. Thereafter, the sender remained is working in the same position.
1938. By reason of such racial discrimination in employment by Amtrak, Plaintiff Linda Stafford has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1939. Plaintiff Shirley K. Taliaferro is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1940. Plaintiff Shirley K. Taliaferro was employed by Amtrak for 34 years, most recently working as a Service Attendant in the On Board Services.
1941. During such employment, Plaintiff Shirley K. Taliaferro was represented by a labor union for purposes of collective bargaining with Amtrak.

1942. Plaintiff Shirley K. Taliaferro experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including discipline, discharge, and other terms and conditions of employment.
1943. Plaintiff Shirley K. Taliaferro was wrongfully terminated for reasons that white people have not been terminated for. She would have been able to retire nine months later once she turned 60.
1944. Plaintiff Shirley K. Taliaferro was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1945. By reason of such racial discrimination in employment by Amtrak, Plaintiff Shirley K. Taliaferro has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1946. Plaintiff Bryant Thelwel is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1947. During such employment, Plaintiff Bryant Thelwel was represented by a labor union for purposes of collective bargaining with Amtrak.
1948. Plaintiff Bryant Thelwel experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including hiring.
1949. Plaintiff Bryant Thelwel applied for the positions of Coach Cleaner/Laborer and Carman/Trackman at Amtrak around March of 1998 at the Boston, Massachusetts South Station location, but was not selected.

1950. Plaintiff Bryant Thelwel applied at least four more times for these same positions between 1999 and 2002 and each time was not selected.
1951. Plaintiff Bryant Thelwel was qualified for the positions he applied for at Amtrak. They were all manual labor positions that did not require any special qualifications beyond a high school diploma, which he has. The positions did not have any requirements for years of experience.
1952. Each time Plaintiff Bryant Thelwel applied, he hand-delivered his applications to the Human Resources Department, so Amtrak Human Resources knew he is black. The Human Resources clerk confirmed that multiple positions were available.
1953. Plaintiff Bryant Thelwel also called the Human Resources Department several times to follow-up on each of his applications for several months. Each time, Plaintiff Bryant Thelwel was told that Amtrak was hiring for multiple positions but that they had not made selections yet.
1954. When Plaintiff Bryant Thelwel called several months after initially applying, he was told that the positions had been filled.
1955. Around 2000, Plaintiff Bryant Thelwel was selected for an interview as a coach cleaner and interviewed with a panel of four people, all white. At the close of the interview Plaintiff Bryant Thelwel was told he would receive notice of his status within two weeks. After two weeks, he was informed that he was not selected for the position.
1956. Plaintiff Bryant Thelwel believes he was not hired at Amtrak because of discrimination based on his race. During the time he was applying, Amtrak had many openings for positions that required minimal qualifications. However, he was not selected, and the positions remained vacant until he was eventually rejected and not told why.

1957. In addition, during that time, he saw very few minorities working anywhere at Amtrak. In all of Plaintiff Bryant Thelwel's experiences at the station, he encountered only white employees, with few exceptions.
1958. By reason of such racial discrimination in employment by Amtrak, Plaintiff Bryant Thelwel has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1959. Plaintiff Leo Thomas is an African-American citizen of the United States and has been employed at Amtrak since August 24, 1998, and continuing during the former class liability period alleged in *Campbell*.
1960. During such employment, Plaintiff Leo Thomas was represented by TWU, a labor union, for purposes of collective bargaining with Amtrak.
1961. Plaintiff Leo Thomas experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, testing, training, job assignments, and other terms and conditions of employment.
1962. Plaintiff Leo Thomas has been a coach cleaner for many years, despite experience previous to his employment at Amtrak, for three years as a machinist for the Guilford Railroad (formerly Boston & Maine Railroad), and as a laborer for the Santa Fe Railroad in Cleburne, Texas from 1977 to 1988.
1963. It took eight years for Leo Thomas to obtain a position at Amtrak. He started as a car cleaner, being told that "you're always supposed to start as a car cleaner".

1964. After a year as a coach cleaner, Plaintiff Thomas believed that he could then be trained to be qualified for another position. However, management did not offer any such training for Thomas.

1965. Thomas made requests for training to white plant manager Pete Finnegan and white former plant manager Richard Townsend, but he never received any such training, despite Townsend having told Thomas that Thomas could obtain a machinist job after one year because of his previous experience as a machinist.

1966. In February 2000, Plaintiff Leo Thomas walked into white male Plant Manager Pete Finnegan's office and was congratulated for receiving a machinist position.

1967. The next day, Thomas started the job, but at approximately noon, during the lunch break, Finnegan approached Plaintiff Leo Thomas, pulled him into Finnegan's office again, and told Thomas that he was sending Thomas back to a coach cleaner position. The position thereafter remained open.

1968. As a machinist, Thomas was supposed to make \$17.78/hour. As a coach cleaner, he makes only \$11.16/hour. Thomas wasn't even paid for the one full day that he worked as a machinist.

1969. Thomas approached union representative Malone (also a machinist) regarding this development, and Malone only said that he couldn't do anything about it and would have to go along with the plant manager's decision.

1970. The same night that he had received the promotion and then had it taken away, at midnight, Plaintiff Leo Thomas received a phone call at home. His number was unpublished and could only be located on the overtime board.

1971. A male, apparently disguising his voice to sound like a woman, said her name was “Bob James” and asked which of “his balls were bigger,” and kept repeating this question. Then, “Bob James” said that by 9 a.m. the next day, Thomas would be dead.
1972. Thomas reported the incident to the AMTRAK police.
1973. Plaintiff Leo Thomas applied for promotions at least once a year while working for Amtrak.
1974. Thomas sometimes received a letter stating that there were no positions available, but Thomas knew that there were in fact positions available based upon his talking to people and because Amtrak had placed job advertisements in the newspaper.
1975. He reported to Human Resources for information about promotions, but HR repeatedly told Thomas that he did not have enough experience.
1976. Plaintiff Thomas knows of white people who left the Guilford Railroad and received positions at Amtrak immediately, including Lenny Elwin (plant manager at Guilford), Dave Elwin (a machinist at Guilford), and Bob Talbert (a supervisor at Guilford).
1977. Plaintiff Thomas knows another black machinist at Guilford, Anthony Akins, who also applied for employment at Amtrak and was rejected.
1978. Dave Elwin started immediately with Amtrak as a machinist and was not required, like Thomas was, to start as a machinist.
1979. In 1998, Thomas checked on the status of his resume at HR and spoke with a person there who was astonished that Thomas had experienced any hiring or promotion difficulties. When Thomas finally got his job, he spoke with the same person in HR, who diverted Thomas into the coach cleaner job.

1980. Thomas was called the following day for an interview. When he went in for his interview, Thomas observed a number of young white applicants, and each of whom had received positions immediately with Amtrak. They were accompanied by their fathers, who were all Amtrak workers themselves.

1981. One, Kevin O'Brien, started as a coach cleaner and was rapidly promoted to Electrician, despite no previous experience as an electrician.

1982. In January and February, 2001, Plaintiff Thomas applied for Machinist and Pipefitter jobs, for which he was qualified, but he was rejected. Upon information and belief, whites were hired for those jobs instead.

1983. In early 2004, Plaintiff Thomas again applied for a position as a Machinist, and there were ten Machinist positions open. He was interviewed by Charles Fuller, with the HR office in Boston, who told Thomas that he did not qualify for any of those positions. Upon information and belief, whites were hired for those jobs instead.

1984. Plaintiff Leo Thomas was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

1985. By reason of such racial discrimination in employment by Amtrak, Plaintiff Leo Thomas has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

1986. Plaintiff William Thomas is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

1987. Plaintiff William Thomas has been employed for over 20 years at Amtrak, beginning in 1999, as a Material Control Clerk.
1988. During such employment, Plaintiff William Thomas was represented by a labor union for purposes of collective bargaining with Amtrak.
1989. Plaintiff William Thomas experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, and other terms and conditions of employment.
1990. Plaintiff William Thomas applied for a promotion within his department, but the white employee who was selected not only had less experience, but also had been trained by Thomas himself.
1991. Plaintiff William Thomas was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
1992. By reason of such racial discrimination in employment by Amtrak, Plaintiff William Thomas has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
1993. Plaintiff Jewell Tilghman was an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
1994. Plaintiff Jewell Tilghman died on June 16, 2020. The personal representative of her estate is her daughter, Diane Jones.
1995. Plaintiff Jewell Tilghman worked as a Crew Base Supervisor at Amtrak from 1975 until 2004.

1996. During such employment, Plaintiff Jewell Tilghman was represented by ARSA, a labor union, for purposes of collective bargaining with Amtrak.
1997. Plaintiff Jewell Tilghman experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, job assignments, work assignments, and other terms and conditions of employment.
1998. Dan Butler, a white male, was the manager of operations where Plaintiff Jewell Tilghman was working. He allowed white males to cover Chief's positions, even if they were less qualified than Plaintiff Jewell Tilghman. These white males included Gary Lowe and William Chalmers.
1999. Amtrak abolished Jewell Tilghman's position in order to create a position for Billy Ernest, a white male who had significantly less experience than Tilghman. Plaintiff Jewell Tilghman reported this matter to the EEO office.
2000. Plaintiff Jewell Tilghman was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
2001. By reason of such racial discrimination in employment by Amtrak, Plaintiff Jewell Tilghman has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
2002. Plaintiff Eileen Vyhuis is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
2003. Plaintiff Eileen Vyhuis was employed by Amtrak from June 1973 until July 12, 2005.

2004. Plaintiff Eileen Vyhuis was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.
2005. Plaintiff Eileen Vyhuis experienced intentional racial discrimination by Amtrak in regard to 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 of employment.
2006. Plaintiff Eileen Vyhuis began her employment at Amtrak as a Payroll Clerk in the Ivy City section of Washington, DC. Plaintiff Eileen Vyhuis also worked as a data entry clerk, an accounting clerk, and an information technology specialist.
2007. Plaintiff Eileen Vyhuis has been applying for promotions at Amtrak since 1973, and though she has a college degree and she is qualified for many positions, she has never received one. Instead, equal or less qualified white employees are promoted before her.
2008. Plaintiff Eileen Vyhuis was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
2009. By reason of such racial discrimination in employment by Amtrak, Plaintiff Eileen Vyhuis has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
2010. Plaintiff Everett Wair, Sr., is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2011. During such employment, Plaintiff Everett Wair, Sr., was represented by a labor union for purposes of collective bargaining with Amtrak.
2012. Plaintiff Everett Wair, Sr., experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, training, job assignments, work assignments, and other terms and conditions of employment.
2013. As of 2013, Plaintiff Everett Wair, Sr., had been working as a Coach Cleaner for eight years.
2014. That same year, Plaintiff Everett Wair, Sr., applied for the position of Carman.
2015. Plaintiff Everett Wair, Sr., passed the written test and was interviewed.
2016. Plaintiff Everett Wair, Sr., never heard about whether he passed the interview part of the process.
2017. Upon information and belief, less qualified non-black applicants were selected for the position.
2018. In late April 2015, Plaintiff Everett Wair, Sr., approached Assistant Superintendent Ilene Lara and asked her for advice on how to advance. He asked her if he could come in and shadow the Carmen so that he could gain a better understanding of the work they were doing. This request was denied.
2019. When Wair spoke with General Foreman Pablo Mendoza, a non-black man, about coming in to shadow the Carmen, he too declined Wair's request.
2020. Mendoza told Plaintiff Everett Wair, Sr., that he informed Lara that Wair's work performance was not good.

2021. Plaintiff Everett Wair, Sr., asked why he would say that, and General Foreman Pablo Mendoza responded that Wair seemed to work better with David Cook, a black coworker, than with Adam Baroni, a white coworker. Plaintiff Everett Wair, Sr., took that as a racist remark.
2022. Plaintiff Everett Wair, Sr., put a request in writing to Mendoza for documentation of their conversation about why Mendoza gave Wair a negative performance review. Wair had never been pulled out of service or written up because of his work performance.
2023. Plaintiff Everett Wair, Sr., was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
2024. By reason of such racial discrimination in employment by Amtrak, Plaintiff Everett Wair, Sr., has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
2025. Plaintiff Frederick Wall is an African-American citizen of the United States and was employed at Amtrak from May 1996 to December 1996 during the former class liability period alleged in *Campbell*.
2026. During such employment, Plaintiff Frederick Wall was represented by the labor union TCU for purposes of collective bargaining with Amtrak.
2027. Plaintiff Frederick Wall experienced intentional racial discrimination by Amtrak in regard to discipline, discharge, and other terms and conditions of employment.
2028. On October 21, 1996, Plaintiff Frederick Wall caught a Vietnamese coach cleaner breaking into a sleeping car and attempting to steal his personal items. He caught her and

immediately reported it. Once the Amtrak police finally arrived, they accused Plaintiff Wall of attacking the coach cleaner. An Amtrak manager advised Plaintiff Frederick Wall that they would pursue this matter, but nothing of substance was done.

2029. On December 7, 1996, Plaintiff Frederick Wall worked on a Chicago-bound train. While he was checking into a hotel in Chicago, he was attacked in the lobby by an unknown white male. Plaintiff Frederick Wall was still in his Amtrak uniform, and his supervisor observed the attack. Plaintiff Frederick Wall was immediately sent back to Los Angeles “out of service” on a Greyhound bus.

2030. Plaintiff Frederick Wall was terminated within days of this incident. White employees are never treated in such fashion, and certainly would not be terminated for the being the victim of a violent crime.

2031. In the ensuing investigation and grievance proceedings, Amtrak managers and supervisors and other witnesses failed to tell the truth or to characterize what they knew and what they did not know, and otherwise failed to relate truthfully what actually occurred during the incident and in the aftermath thereof. Likewise, the hearing officials did not consider or treat the evidence with integrity and impartiality.

2032. White employees of Amtrak who are accused of serious infractions are not treated with such dishonesty and duplicity.

2033. Amtrak gave the United States Post Service a negative work history report for Plaintiff Frederic Wall, which effectively barred Wall from working for the USPS.

2034. Plaintiff Frederick Wall was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

2035. By reason of such racial discrimination in employment by Amtrak, Plaintiff Frederick Wall has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2036. Plaintiff Lee Flora Wayne is an African-American citizen of the United States and applied for employment at Amtrak during the former class liability period alleged in *Campbell*.

2037. Had she been hired by Amtrak, Plaintiff Lee Flora Wayne she would have been represented by a labor union for purposes of collective bargaining with Amtrak.

2038. Plaintiff Lee Flora Wayne experienced intentional racial discrimination by Amtrak in the denial of her application or applications and refusal to hire her and/or with regard testing and/or denial of testing opportunities.

2039. Plaintiff Lee Flora Wayne experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

2040. Plaintiff Lee Flora Wayne applied for positions at Amtrak on several occasions between 1994 and 1997 at the Chicago, Illinois facility, but was not hired.

2041. From 1994 to 1997, Plaintiff Lee Flora Wayne regularly applied to Amtrak, but was never hired.

2042. At this time, Plaintiff Lee Flora Wayne worked at an insurance company two blocks away from the Amtrak Human Resources Office.

2043. She and her coworkers would often visit the Amtrak Human Resources Office and fill out applications whenever there were openings. Plaintiff Lee Flora Wayne applied dozens of times for any position for which she was qualified, including clerical positions, data entry, and a variety of other positions. These positions only required a high school diploma, which she had.

2044. Although she submitted many applications during this period, she only received one response, and she was ultimately told the position was filled.

2045. Plaintiff Lee Flora Wayne does not know of any African-Americans who worked at Amtrak's Chicago facility except for one black male acquaintance who worked in the commissary as a bartender.

2046. In December 1994, she applied in-person for a clerical position at Amtrak. While sitting down in the reception area to fill out the application, Plaintiff Lee Flora Wayne observed the white male Human Resources clerk take applications from three or four African-American men. After the applicants left, Wayne saw the same Human Resources clerk walk by a trash can, drop the applications into it, and keep walking.

2047. In February 1995, Plaintiff Lee Flora Wayne learned that there were multiple job openings at Amtrak. She went to Amtrak and handed her application to a white female Human Resources clerk. As Plaintiff Lee Flora Wayne was leaving, she decided to check the accuracy of some of the information on my application, so she went back to the clerk and asked to see the application. She told Plaintiff Lee Flora Wayne that she could not see

it is she had already put it away in the back, but Plaintiff Lee Flora Wayne looked down and saw her application in the trash.

2048. In February 1996, Plaintiff Lee Flora Wayne went with several friends who are also African-American to Amtrak to apply for jobs. The clerk told them that Amtrak was not accepting applications for any jobs at that time. Two white men were behind them, and as they were leaving, Plaintiff Lee Flora Wayne heard them ask the same clerk for applications. She gave them applications, and they proceeded to fill them out. A black man who had been standing in line challenged the clerk, saying he thought he had just heard the clerk tell Plaintiff Lee Flora Wayne and her group of friends that Amtrak was not hiring. The clerk just replied by saying that the white men were applying for a different job than Plaintiff Lee Flora Wayne and her group of friends were. When they had asked, however, the clerk had emphasized that Amtrak was not taking applications for “any jobs.”

2049. In July 1996, Plaintiff Lee Flora Wayne went to a bar with an African-American friend one Friday night and overheard a white man, who turned out to be an Amtrak employee, talking about the Amtrak Human Resources Office. Plaintiff Lee Flora Wayne told the man about her difficulties getting hired at Amtrak. He told her to stop trying, and said, “You people need to go and apply at fast food flipping burgers because that is all you are qualified to do.”

2050. In the summer of 1996, Plaintiff Lee Flora Wayne learned that Amtrak had hired several white employees, including Debra Anne Lowenski, who was a former co-worker of hers.

2051. In late 1996, Plaintiff Lee Flora Wayne applied for a conductor position at Amtrak. This was the only time since August 1994 that she received any acknowledgment

of my application. Plaintiff Lee Flora Wayne received a letter from the Human Resources office stating that she was to be interviewed. Two days later, however, Plaintiff Lee Flora Wayne received a second letter canceling the interview and stating the position had been filled.

2052. In January 1997, Plaintiff Lee Flora Wayne tried to apply for a position at Amtrak but was told that there was a hiring freeze. Shortly thereafter, Amtrak hired Mr. Limburgh, a white male Plaintiff Lee Flora Wayne had met at the Human Resources office while turning in a job application. He did not have a high school degree – which was a job requirement – but was eventually hired as conductor.

2053. Sometime in 1996, fifteen other African-Americans and Plaintiff Lee Flora Wayne sent a letter to Amtrak's Chicago facility demanding that something be done about its racially discriminatory hiring practices. They never heard back from Amtrak.

2054. By reason of such racial discrimination in employment by Amtrak, Plaintiff Lee Flora Wayne has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2055. Plaintiff William Waytes is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2056. Plaintiff William Waytes worked at Amtrak in the Boston South Street Station from 2005 to 2006 as a coach cleaner.

2057. During such employment, Plaintiff William Waytes was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

2058. Plaintiff William Waytes experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

2059. Plaintiff William Waytes applied for promotions and transfers to better positions. He attempted to become an Acela coach cleaner but was denied. Whites were placed in these jobs instead.

2060. Plaintiff William Waytes applied for carman jobs but was denied. Whites were placed in these jobs instead.

2061. Plaintiff William Waytes applied for conductor positions but was denied. Whites were placed in these jobs instead.

2062. Plaintiff William Waytes applied for red cap positions but was denied. Whites were placed in these jobs instead.

2063. Plaintiff William Waytes tried to transfer to California when his daughter was born to be there with her, but was denied a transfer, even though he had completed a year service. At that time, he saw a document he was not supposed to see that said “no rehire” with respect to him. When he questioned it, they said it wasn’t really true and brushed it off.

2064. Further, Amtrak refused to give Waytes time off when she was born.

2065. Waytes observed that whites were consistently the favorites in the Amtrak workplace. They got favorable treatment in work assignments and other terms and conditions of employment.

2066. Waytes tried to reapply for employment at Amtrak six or seven times in the years since 2006, including last year. Each time, he was told Amtrak is not hiring.

2067. Plaintiff William Waytes was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2068. Racially derogatory remarks, jokes, and epithets were comment among the white workers, and Amtrak managers knew and were present and heard these incidents, but did not seem to care, sometimes participated, and frequently laughed under their breath.

2069. By reason of such racial discrimination in employment by Amtrak, Plaintiff William Waytes has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2070. Plaintiff Angela Weaver is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2071. Plaintiff Angela Weaver worked for Amtrak for over 25 years, most recently working in a Reservation Sales position in the Reservations Department in the Call Center.

2072. During such employment, Plaintiff Angela Weaver was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

2073. Plaintiff Angela Weaver experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, and other terms and conditions of employment.

2074. In 2003, Plaintiff Angela Weaver applied for a Systems Engineer position which requires a college degree and would have also been a promotion. Plaintiff Angela Weaver

is a college graduate with a degree in Information Systems. Plaintiff Angela Weaver was never called in for an interview. Two white males with no college education did get an interview.

2075. As of 2007, Plaintiff Angela Weaver had a white supervisor named Flo Cohen. Cohen began to confront Plaintiff Angela Weaver about her clothing that she wore at work, which was not different from what her white coworkers were wearing. Flo Cohen would tell Plaintiff Angela Weaver that she is dressing unprofessionally, showing cleavage, and dressing in a suggestive manner. Flo Cohen had also brought in a whip to work, so as to “whip her team into shape”, which upset Plaintiff Angela Weaver and the other black people in her office. Plaintiff Angela Weaver reported this to Mike Davis of Amtrak management in October 2007.

2076. Plaintiff Angela Weaver was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

2077. By reason of such racial discrimination in employment by Amtrak, Plaintiff Angela Weaver has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2078. Plaintiff Patricia Wellington is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2079. Plaintiff Patricia Wellington worked for Amtrak for 1 month, from August 15, 1998 to about September 15, 1998.

2080. During such employment, Plaintiff Patricia Wellington was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.

2081. Plaintiff Patricia Wellington experienced intentional racial discrimination by Amtrak in regard to training, discipline and discharge, and other terms and conditions of employment.

2082. Plaintiff Patricia Wellington did not receive the same treatment during training as the other new hires. She was not fitted for a uniform, as the white new hires were. In the training course, someone made a joke about how they could not fit her for a hat because of her hair. She was made to feel, by the Amtrak trainers, as if she should not have been hired at all, as if she did not fit, as if she were unwelcome. She was asked how she got hired, anyway? White new hires in the training class were not made to feel this way, to have such things said about them.

2083. The trainers did not treat Plaintiff Patricia Wellington with respect. She passed the NORAC test with a grade of 87. The passing grade 85. Wellington asked David Back, the white instructor of the class, about certain aspects of the test, specifically about parts that she felt she was marked as being incorrect on answers that she believed were correct. Bach was rude to her and embarrassed her in front of the class. He said that he could get her fired for asking him questions and said "I'm going to take you into the office and get you fired. When I tell you that's that then that's that. You don't ask me questions."

2084. White trainees in the class were not disrespected in any similar manner.

2085. After one month, Plaintiff Patricia Wellington received a letter stating that she was fired for inappropriate behavior. The letter did not elaborate on what that meant, nor

did anyone ever tell her. She wrote a letter to George Warrington (the acting president of Amtrak at the time) and complained. She received no hearing.

2086. White employees were not summarily discharged without any explanation, or for such a nebulous and unexplained reason as inappropriate behavior.

2087. Plaintiff Patricia Wellington was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2088. By reason of such racial discrimination in employment by Amtrak, Plaintiff Patricia Wellington has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2089. Plaintiff Garolyn Wells is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2090. Plaintiff Garolyn Wells began her employment with Amtrak in 1990.

2091. During such employment, Plaintiff Garolyn Wells was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

2092. Plaintiff Garolyn Wells experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, demotions, job assignments, work assignments, and other terms and conditions of employment.

2093. Plaintiff Garolyn Wells was hired as an Input Operator in September 1990 in Philadelphia, PA.

2094. After one year, she transferred to the position of Tape Librarian in the Philadelphia Data Center.
2095. In October 1994, she transferred to the 30th Street Station and spent a short time as an Usher, before moving to the Cleaning Department.
2096. Plaintiff Garolyn Wells remained in the Cleaning Department as a Station Cleaner from November 1994 until June 1999.
2097. During the summer of 1999, she moved to the Gatehouse of the Penn Coach Yard and became a Gatekeeper.
2098. Plaintiff Garolyn Wells remained as a Gatekeeper until October 2001, when her position was eliminated, and she was forced to return to the Cleaning Department as a Station Cleaner.
2099. In 2009, Plaintiff Garolyn Wells moved to the call center, where she was most recently employed.
2100. In early 2001, Plaintiff Garolyn Wells was denied a promotion to the position of 2nd Shift Foreman in the Building and Maintenance Department.
2101. This position had become available after Mr. Mitchell, the only African American Foreman, retired.
2102. The job required experience working in the Building and Maintenance Department. Plaintiff Garolyn Wells was qualified for this position, having carried out all of the necessary functions on all three shifts, during the course of the previous two years.
2103. Plaintiff Garolyn Wells interviewed twice for this position in 2001 with Bob Jones, who is a white Human Resources Representative, and white Customer Service Supervisor Bill Conidy. Plaintiff Garolyn Wells felt that the interviews went very well and

was encouraged by the fact that she had been called back for the second round of interviews. Despite being given two interviews, Plaintiff Garolyn Wells learned of her rejection after hearing from a colleague that a white, temporary employee had been given the position.

2104. Between 1999 and 2001 when she was working at the Gatehouse, her white supervisor, Dan Barone, harassed her.

2105. For example, in late June 2001, Plaintiff Garolyn Wells discovered on her time sheet that she had been charged a sick day that I had not taken. Plaintiff Garolyn Wells believed that Barone intentionally overcharged her with a sick day. Plaintiff Garolyn Wells complained about this discrepancy to Harry Bailey, a white supervisor, but never received a return call.

2106. Bailey, however, apparently spoke with Barone about her situation because on June 26, 2001, Barone berated and insulted her while she was in the Gatehouse, in full view of several customers and other employees, accusing her of manipulating the overtime pay system.

2107. Although Plaintiff Garolyn Wells's schedule indicated that she should report to work on July 3 and 4, 2001, each day when she arrived to work Barone would send her home, telling her she had not been scheduled and was not needed. He refused to let her work, which caused her to lose wages for those days. Plaintiff Garolyn Wells complained to her union representative.

2108. Barone informed her union representative that the union could feel free to file a grievance, but it would not result in Plaintiff Garolyn Wells's return to work because he would not allow it. The union did not resolve her issue.

2109. Throughout July 2001, Barone refused to put her on the regular schedule and as a consequence, Plaintiff Garolyn Wells was forced to work as a substitute Gatekeeper when others were absent or on leave. Plaintiff Garolyn Wells had to call in each day to see if she was needed. Plaintiff Garolyn Wells earned fewer wages during this time because she was not working as many hours as when she was on the regular schedule.

2110. On July 21, 2001, Plaintiff Garolyn Wells filed a complaint of employment discrimination with the Amtrak Dispute Resolution Office. To her knowledge, the DRO did not investigate, and the matter was not resolved.

2111. Plaintiff Garolyn Wells wrote to her congressional representative about the situation, including that she felt that she was experiencing race discrimination, and someone from the representative's office made an inquiry.

2112. In September 2001, after learning of her letter to the representative, Barone kicked a chair at Plaintiff Garolyn Wells in a particularly troublesome exchange. Barone's reaction was so strong because Plaintiff Garolyn Wells had told someone outside of Amtrak about his behavior.

2113. Barone's harassment continued into the fall, as he would regularly call Plaintiff Garolyn Wells up for shifts that were to start almost immediately. This is against Amtrak policy that requires a reasonable amount of advance notice for employees called to cover shifts.

2114. In October 2001, her white supervisor Dan Barone abolished her Gatekeeper position in a purported cost cutting effort. He did not give Plaintiff Garolyn Wells any reason for eliminating her position. Plaintiff Garolyn Wells's position was the only

position eliminated as a part of this purported effort, and someone did replace her in the position as she was pushed out.

2115. Plaintiff Garolyn Wells believes that Barone eliminated her position for discrimination and retaliatory reasons in that she had contacted the DRO and the representative, and because Plaintiff Garolyn Wells had used Amtrak's seniority-based "bumping" procedure to secure her position at the Penn Coach Yard Gatehouse. In doing so, Plaintiff Garolyn Wells bumped a white Gatekeeper who was less senior than her. White employees who report incidents to DRO or who use their bumping rights are not treated in this manner.

2116. After her position at the Gatehouse was abolished, Plaintiff Garolyn Wells returned to the position of Station Cleaner. This resulted in a substantial pay cut and significant financial hardship for Plaintiff Garolyn Wells and her family.

2117. Plaintiff Garolyn Wells was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2118. By reason of such racial discrimination in employment by Amtrak, Plaintiff Garolyn Wells has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2119. Plaintiff Ronald Wells is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2120. Plaintiff Ronald Wells experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, auditing, discipline, discharge, and other terms and conditions of employment.

2121. During such employment, Plaintiff Ronald Wells was represented by the UTU, a labor union, for purposes of collective bargaining with Amtrak.

2122. In January of 2003, Plaintiff Ronald Wells bid upon and was selected for a transfer as conductor from New York, NY to Washington, DC.

2123. White crew dispatcher Deborah Blackwell in Washington, D.C. insisted upon subjecting Wells to a conductor's audit, even though he had been audited without problem in New York in August of 2002.

2124. Normally, conductors are not subjected to more than one audit per year. In addition, Blackwell refused to provide Wells with qualification training for several weeks.

2125. Because Wells could not work until he received the training, he was forced to use his vacation days and pay.

2126. White conductors are not made to wait for qualification training.

2127. On or about February 24, 2003, Blackwell conducted her audit of Plaintiff Ronald Wells' conductor receipts for the previous two years and found several late remittances and three tickets missing from 2001.

2128. Shortly afterwards, Plaintiff Ronald Wells complained to the Dispute Resolution Office about Blackwell's racially discriminatory treatment.

2129. On or about February 27, 2003, white Assistant Superintendent of Road Operations Doug Adams called Plaintiff Ronald Wells into his office and said that if Plaintiff Ronald Wells hadn't liked Blackwell's audit, then Wells should see how he liked

Adams' audit. Adams then subjected Plaintiff Ronald Wells to another audit and found several additional tickets missing from 2001.

2130. Upon information and belief, Deborah Blackwell had been instructed by Doug Adams to conduct the first two audits on Plaintiff Ronald Wells in early 2003.

2131. In March of 2003, Plaintiff Ronald Wells again complained to the Dispute Resolution Office about Blackwell and Adams' racially discriminatory and retaliatory treatment. Amtrak charged Wells with disciplinary violations for alleged sales and accounting violations discovered during the audit.

2132. Amtrak held a formal hearing on or about April 4, 2003. During the hearing, Amtrak asked Plaintiff Ronald Wells about confidential information that he had disclosed to the Employee Assistance Program.

2133. As a result of the hearing, Amtrak terminated Plaintiff Ronald Wells. White conductors who are audited and found to have late remittances and missing tickets are not terminated but are given less severe forms of discipline.

2134. Plaintiff Ronald Wells experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

2135. Plaintiff Ronald Wells was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2136. By reason of such racial discrimination in employment by Amtrak, Plaintiff Ronald Wells has suffered the loss of compensation, wages, back pay and front pay, other

employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2137. Plaintiff Jimmy Lee Whitley is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2138. Plaintiff Jimmy Lee Whitley was employed with Amtrak for 30 years, most recently working as a Ticket Agent in Passenger Services in the Southeast Division.

2139. During such employment, Plaintiff Jimmy Lee Whitley was represented by TCU and BRAC, labor unions, for purposes of collective bargaining with Amtrak.

2140. Plaintiff Jimmy Lee Whitley experienced intentional racial discrimination by Amtrak in regard to position selection decisions and processes, including promotions, transfers, job assignments, and other terms and conditions of employment.

2141. Plaintiff Jimmy Lee Whitley applied for the On Board Train Supervisor Position that was based in Raleigh, NC. This position would have been a promotion for Plaintiff Jimmy Lee Whitley.

2142. Plaintiff Jimmy Lee Whitley had a bachelor's degree in business administration and more than 20 years of experience at Amtrak, which made him well qualified.

2143. Amtrak selected Jim McDaniels, a less qualified white applicant.

2144. Larry Vanover, a white supervisor, visited Plaintiff Jimmy Lee Whitley's station for a period of time. Plaintiff Jimmy Lee Whitley expressed his interest in continuing to try for management positions, and he replied with "you like your job." Plaintiff Jimmy Lee Whitley took this reply as discouraging him from trying to apply for management positions.

2145. Plaintiff Jimmy Lee Whitley was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2146. By reason of such racial discrimination in employment by Amtrak, Plaintiff Jimmy Lee Whitley has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2147. Plaintiff Evelyn Whitlow is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2148. Plaintiff Evelyn Whitlow was employed by Amtrak as a Carman in the Coach Shop 2.

2149. During such employment, Plaintiff Evelyn Whitlow was represented by TWU, a labor union, for purposes of collective bargaining with Amtrak.

2150. Plaintiff Evelyn Whitlow experienced intentional racial discrimination by Amtrak in regard to discipline, and other terms and conditions of employment.

2151. During her employment, she was subjected to harassment on the basis of her race. At one point in her employment, she struggled with her bladder issues and her white supervisor, Paul B, forced her to announce on the intercom every time she had to go to the bathroom. This happened on a daily basis, and he subjected her to humiliation because of her race.

2152. Plaintiff Evelyn Whitlow was also subjected to frivolous write-ups that affected her employment record. For example, she was written up for her umbrella being up while

having to walk outside to another building in the rain, because it could have been “used as a weapon.” White employees were not written up for using umbrellas outside.

2153. One day, she and Mike F. (last name unknown) – a white employee – went to a food truck outside to get lunch. She was written up disciplinarily for the incident, but Mike was not. This disciplinary write-up went into her employment record.

2154. Plaintiff Evelyn Whitlow was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

2155. By reason of such racial discrimination in employment by Amtrak, Plaintiff Evelyn Whitlow has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2156. Plaintiff Carolyn Williams is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2157. During such employment, Plaintiff Carolyn Williams was represented by TCU and by UTU, labor unions, for purposes of collective bargaining with Amtrak.

2158. Plaintiff Carolyn Williams worked for Amtrak for over thirty years, the last fourteen or fifteen as a conductor.

2159. Plaintiff Carolyn Williams experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

2160. In September 2004, there was a small accident on Plaintiff Carolyn Williams' train.
2161. As a conductor, part of Williams' responsibility is to work with the engineers to move the trains to their appropriate positions in the yard.
2162. The conductor is supposed to signal when to stop the train. The engineer did not see Williams' signal.
2163. When Williams tried to use the emergency lever, it broke.
2164. At the end of each of the tracks there is a steel plate to stop the train in the event that the conductor or engineer is unable to.
2165. The train bumped into this steel block and came to a stop.
2166. The train suffered no damage.
2167. After this happened, Williams was placed out of service for ten days without pay.
2168. A similar event happened to another conductor, Rocky Van Voorhis, and conductor, Loretta Gesck, both white, but they were both given a much lighter punishment. Specifically, if they had any issues within the six months following their train accident, they were to be placed out of service for three days.
2169. Plaintiff Carolyn Williams was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.
2170. By reason of such racial discrimination in employment by Amtrak, Plaintiff Carolyn Williams has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2171. Plaintiff Frank Williams is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2172. During such employment, Plaintiff Frank Williams was represented by a labor union for purposes of collective bargaining with Amtrak.

2173. Plaintiff Frank Williams experienced intentional racial discrimination by Amtrak in regard to work assignments, scheduling of work hours, discipline, and other terms and conditions of employment.

2174. In 1998, while working in the Mail Express department, Danny Miller, a white male, would frequently and incessantly call Plaintiff Frank Williams and other black employees “boy” and the n-word. Miller would often make these comments in front of the supervisor Marco Martinez, a non-black employee, without facing any reprisals.

2175. In 1998, while working in the Mail Express department, African American employees would be sent home when there were opportunities to receive overtime while white employees were allowed to stay at work. The decision makers were Marco Martinez and Henry Weller, the white manager.

2176. Plaintiff Frank Williams and other African American employees are individually and specifically singled out for harsher discipline than white employees are for the same infractions, and white employees are frequently allowed to get away with the violation altogether. This practice would affect African American employees when they bid on jobs, because these write-ups were reflected on their work records.

2177. Plaintiff Frank Williams was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.

2178. By reason of such racial discrimination in employment by Amtrak, Plaintiff Frank Williams has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2179. Plaintiff Gary Williams is an African-American citizen of the United States and a resident of the State of Georgia.

2180. Plaintiff Gary Williams experienced intentional racial discrimination by Amtrak in regard to some or all of the following: position selection decisions and processes, including promotions, training, job assignments, work assignments, discipline, discharge, and other terms and conditions of employment.

2181. Plaintiff Gary Williams was employed by Amtrak, first as a Coach Cleaner, then as a Conductor in the Transportation Department from 1990 until 2003.

2182. During such employment, Plaintiff Gary Williams was represented by TCU and later by UTU, labor unions, for purposes of collective bargaining with Amtrak.

2183. Plaintiff Gary Williams filed a charge of race discrimination with the EEOC in 2001, he received a Notice of Right To Sue from the EEOC sometime during the pendency of the class allegations in the *Campbell* case.

2184. Plaintiff Gary Williams was discriminated against by a white manager who did not allow him to be qualified on a rail route to Pittsburgh that paid more money than other routes.

2185. White conductors with less seniority than Gary Williams were allowed to qualify and get assigned that route, and, therefore, received higher pay.

2186. This discrimination also prevented Gary Williams from getting additional work shifts on the Extra Board, thereby preventing him from earning extra pay.

2187. White employees were afforded such opportunities.

2188. Plaintiff Gary Williams was subjected to discriminatory discipline while working in North Carolina. White supervisors accused Gary Williams of remitting ticket slips late. He was unable to rebut the charges because his white manager had required Williams to give the manager his pink copies of the ticket slips, which would have proven that Williams had submitted the slips in a timely fashion.

2189. Plaintiff Gary Williams was then subjected to a disciplinary inquiry and, having no way to defend himself, he had no choice but to resign or be terminated.

2190. Plaintiff Gary Williams resigned, which amounted to a constructive termination.

2191. Other black conductors were similarly forced to resign in this manner, but white conductors were allowed to stay, or were reinstated. White employees in similar positions were allowed to remain in their jobs despite having committed real infractions, and worse infractions.

2192. As a result of Amtrak's discriminatory actions, Gary Williams has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2193. Plaintiff Robert Williams, III, is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2194. Plaintiff Robert Williams, III, had been employed by Amtrak since April 1979, most recently as a Carman/Welder/Airbrakeman.

2195. During such employment, Plaintiff Robert Williams, III, was represented by TWU, a labor union, for purposes of collective bargaining with Amtrak.

2196. Plaintiff Robert Williams, III, experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

2197. Between the late 1990s and 2002, Plaintiff Robert Williams, III, had applied for a promotion to a Foreman III position on three occasions. Each time he applied, he was interviewed by the same three white employees: Kathy Burke, Jim Goodlet, and a Human Resources Representative.

2198. Despite his relevant qualifications and experience – his work as a Safety Coordinator, which required him to regularly coordinate between management and workers; his pre-Amtrak work experience in crisis intervention and engineering; his certifications in drafting and welding; and his extensive work repairing train cars – he was not selected for any of the positions. Each time, Amtrak selected a less-qualified white employee.

2199. In 2001, Plaintiff Robert Williams, III, applied for and was denied a promotion to a Foreman I position in the Chemical shop.

2200. Plaintiff Robert Williams, III, was well-qualified for the position because he had his “40-hour” certification in handling hazardous chemicals, and he had regularly assisted the Foreman in the same shop and filled in for him when he was unavailable.

2201. Plaintiff Robert Williams, III, was interviewed for the position by Kathy Burke, a white Assistant Facility Manager and the white Manager of Safety, Jim Goodlet.

2202. The interview felt like a mere formality and consisted mostly of small talk having nothing to do with the job. It became clear during the interview that Amtrak had no intention of promoting him to the position.

2203. Instead, Amtrak selected a less-qualified white employee, Dave Young, for the position. Unlike Plaintiff Robert Williams, III, Young did not have the certifications required for the position.

2204. Plaintiff Robert Williams, III, was one of only two African-American employees who have ever held the Safety Coordinator position at the Beech Grove facility. The other African-American Safety Coordinator was named Donna Jackson.

2205. In February 2002, a recently hired white Facility Manager, Lou Wood, abolished his Safety Coordinator position and he was forced to return to the Carman/Welder/Airbrakeman position he had held previously.

2206. Williams had held the Safety Coordinator position for ten years, from 1992 until February 2002 and had a positive work record during that time.

2207. Wood abolished his job because he did not want an African-American employee in the position. Wood made clear his disdain for African Americans. He did not speak directly to Plaintiff Robert Williams, III, nor did he make eye contact with Williams.

2208. Wood also blamed Williams for on-the-job injuries and other safety issues that were not his responsibility.

2209. In March 2002, just one month after he abolished it, Wood re-posted the Safety Coordinator position.

2210. Plaintiff Robert Williams, III, submitted an application and was interviewed by his former supervisor in the Safety Coordinator position, white Manager of Safety Jim Goodlet.

2211. The job posting stated that selection for the position would be made after interviews conducted by a team which included a Human Resources representative, the Safety Manager, and the Local Union Chairman. However, only Goodlet interviewed Plaintiff Robert Williams, III. Rather than asking him substantive questions about the job, which he knew Williams could answer, Goodlet merely made small talk with him.

2212. Despite Plaintiff Robert Williams, III,'s qualifications and extensive experience, Amtrak selected a less-qualified white employee, Jerry Toller, for the Safety Coordinator position.

2213. Toller's background was as an Electrician and he had no known experience in safety, which was a purported requirement of the position. Toller was so unqualified that white supervisor Rick Luck instructed Plaintiff Robert Williams, III, to train Toller on how to do the job.

2214. After Plaintiff Robert Williams, III, was pushed out of the Safety Coordinator position and back into a job as a Carman/Welder/Airbrakeman, Plaintiff Robert Williams, III, injured his knee on the job.

2215. The Carman/Welder/Airbrakeman position was more dangerous than the Safety Coordinator position.

2216. The knee injury ultimately led to Williams' having to take early disability retirement.

2217. In the late 1990s, when Plaintiff Robert Williams, III, worked as a Safety Coordinator, Amtrak regularly offered recertification "train-the-trainer" courses in such topics as Blue Flag Protection and Personal Protective Equipment.

2218. Plaintiff Robert Williams, III, requested such career-enhancing training each time that the training was offered.

2219. His white supervisor, Jim Goodlet, denied his requests to attend the trainings and told Williams that, instead, Goodlet would tell Williams what he needed to know about safety.

2220. In contrast, Goodlet allowed white employee Bill Lowes to attend such trainings. Although Lowes had some safety responsibilities, these trainings were more relevant to Plaintiff Robert Williams, III,'s work than to Lowes'.

2221. Goodlet also denied Plaintiff Robert Williams, III, the opportunity to become Department of Transportation certified for transport of hazardous materials.

2222. White employee Dave Young was given such training. Although Young had some hazardous materials responsibilities, the training was more relevant to Plaintiff Robert Williams, III,'s work than to Young's.

2223. In 1999, when Plaintiff Robert Williams, III,'s First Responder certification expired, Goodlet denied him the opportunity to become recertified.

2224. A First Responder is someone who responds to emergencies at the facility while waiting for medical help to arrive.

2225. In contrast, Goodlet allowed white employee Bill Lowes to become recertified as a First Responder during this same time frame.

2226. At Amtrak, Plaintiff Robert Williams, III, was subjected to other forms of disparate treatment. During the time that he worked as a Safety Coordinator, he was not allowed to work overtime and therefore earn extra money.

2227. In contrast, the night shift Safety Coordinators, Rick Laue and Chuck Myers, who are both white, were allowed to work overtime.

2228. During Plaintiff Robert Williams, III,'s employment with Amtrak, he was subjected to a racially hostile work environment. In the mid-1990s, Lee Boyer, a white pipefitter, called him a “[n-word].” Plaintiff Robert Williams, III, reported his use of the racial slur to his white Foreman, who responded merely that “He [Boyer] didn’t mean it,” and took no action in response to his complaint.

2229. Throughout his employment, Plaintiff Robert Williams, III, saw “KKK” – which stands for “Ku Klux Klan” – written or etched in various places throughout the Beech Grove Facility. In or about 2001, Plaintiff Robert Williams, III, saw the letters “KKK” written on the bathroom wall in the Coach 2 Shop at the Beech Grove facility.

2230. White employees, including supervisors or in the presence of supervisors, would become intoxicated and tell jokes or stories containing racial epithets or refer to African-American employees as “Nigger,” “Coon,” “Spic” or “Splib.” Many of the speakers were supervisors.

2231. Part of Plaintiff Robert Williams, III, 's job as Safety Coordinator was to print and post safety posters provided by Amtrak. Many of the posters depicted Amtrak workers engaged in various tasks. Quite often, shortly after Plaintiff Robert Williams, III, posted these posters in public and employee-only areas of the facility, white coworkers would color in some or all of the faces depicted on the posters in the manner of "Blackface," a derogatory way of depicting African-Americans.

2232. Plaintiff Robert Williams, III, was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2233. By reason of such racial discrimination in employment by Amtrak, Plaintiff Robert Williams, III, has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2234. Plaintiff Theresa Williams is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2235. Plaintiff Theresa Williams was employed by Amtrak for over thirty years, most recently as a Transportation Specialist in the Freight Department.

2236. During such employment, Plaintiff Theresa Williams was represented by TCU, a labor union, for purposes of collective bargaining with Amtrak.

2237. Plaintiff Theresa Williams experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

2238. Plaintiff Theresa Williams was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2239. By reason of such racial discrimination in employment by Amtrak, Plaintiff Theresa Williams has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2240. Plaintiff Garner Willis, Jr. is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.

2241. During such employment, Plaintiff Garner Willis, Jr. was represented by a labor union for purposes of collective bargaining with Amtrak.

2242. Plaintiff Garner Willis, Jr. experienced intentional racial discrimination by Amtrak in regard to some or all of the following: 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 of employment.

2243. One of his white managers, Mattie McCabe, was known for his harsh comments to African-American employees. On a near-daily basis, he would make comments of a racial nature; for example, scolding an employee by saying "your black ass."

2244. In 1996, Mattie McCabe screamed at Plaintiff Garner Willis, Jr., at length, in front of his entire crew, using racially charged language.

2245. Plaintiff Garner Willis, Jr.'s crew manager had assigned him to walk down the tracks and watch for any oncoming trains, so he could alert the crew of any dangers. Without consulting the crew manager, McCabe assumed that Plaintiff Garner Willis, Jr. was shirking his duties and he yelled, "your black ass should have been further up the track with the rest of the crew." McCabe screamed this very closely to his face.

2246. Plaintiff Garner Willis, Jr. reported this behavior to his white supervisor, Joe McCabe – brother of Mattie.

2247. In addition to Mattie's comments, a white Signalman named William made racist comments on a near-daily basis. For example, he would joke, "How many monkeys does it take to turn a lightbulb?" William frequently made these comments in the presence of black employees.

2248. After Plaintiff Garner Willis, Jr. complained of discrimination, he was subjected to further discrimination and retaliation.

2249. In 1998, Plaintiff Garner Willis, Jr. was terminated for allegedly being dishonest with Amtrak about an injury he had sustained.

2250. In mid-1998, Plaintiff Garner Willis, Jr. had a hernia and went to the doctor to have it repaired. He was not sure what caused the hernia, but his doctor informed him that hernias are often caused by pulling and straining. It was not clear to Plaintiff Garner Willis, Jr. whether the injury was sustained on the job. The doctor told him that it would take approximately three weeks to heal, but that he would be back on his feet within one to two weeks.

2251. Plaintiff Garner Willis, Jr. was unfamiliar with Amtrak's leave policies, so he asked his white supervisor, Joe McCabe, whether he would be paid for the time it took his hernia to heal. He did not make any comments about whether he had sustained the injury on the job; he simply wanted to know the proper way to request the leave.

2252. McCabe told Plaintiff Garner Willis, Jr. that he would be paid if the injury occurred while on-the-job. He gave Plaintiff Garner Willis, Jr. a generic form to fill out. The form did not say "On-the-Job Injury Report." He filled it out to the best of his ability and returned it to McCabe.

2253. After their conversation, Plaintiff Garner Willis, Jr. heard from his coworkers that Joe McCabe interviewed about twelve of his co-workers about whether they knew how Plaintiff Garner Willis, Jr. sustained his injury. McCabe also asked his co-workers whether he was going to sue Amtrak because of his injury.

2254. Willis had not suggested to McCabe or anyone else at Amtrak that he had any intention of suing the company, nor had he told any coworkers that he had sustained the injury on the job. McCabe had apparently submitted Plaintiff Garner Willis, Jr.'s leave form as an "On-the-Job Injury" report.

2255. Within about a week of the discussion of whether Plaintiff Garner Willis, Jr. would be paid for the time he took off because of my injury, he was taken out of service for alleged "dishonesty." Amtrak alleged that he had alleged that his injury occurred on the job in order to obtain paid leave, when he had never intended to do so.

2256. Plaintiff Garner Willis, Jr. had a termination hearing and was summarily terminated.

2257. White employees are not deemed to have been dishonest and terminated summarily under such circumstances, or any similar circumstances.
2258. In subsequent attempts to get a new job at the Massachusetts Bay Transit Authority (“MBTA”), Garner Willis appeared to be about to be hired when it appeared that Amtrak intervened and either gave him a bad reference or otherwise prevented or discouraged Willis being hired by MBTA. In this manner, Amtrak continued to harm Willis in connection with his employment prospects or earn a livelihood.
2259. Amtrak does not make such efforts to deprive or block white former employees from obtaining new employment or earning a living.
2260. Plaintiff Garner Willis, Jr. was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.
2261. By reason of such racial discrimination in employment by Amtrak, Plaintiff Garner Willis, Jr. has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
2262. Plaintiff Eric Woodruff is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
2263. Plaintiff Eric Woodruff was employed with Amtrak for fifteen years, most recently as a Conductor.
2264. During such employment, Plaintiff Eric Woodruff was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.

2265. Plaintiff Eric Woodruff experienced intentional racial discrimination by Amtrak in regard to discipline, discharge, and other terms and conditions of employment.
2266. Plaintiff Eric Woodruff was wrongfully suspended in 2005 and was eventually terminated from Amtrak in 2007.
2267. Plaintiff Eric Woodruff was suspended from Amtrak for going into work 35 minutes late, on or about February 8, 2005.
2268. Plaintiff Eric Woodruff ended up being paid for that day, but he was wrongfully accused of “stealing a day’s pay” by white members of management.
2269. White employees were not suspended and were not terminated for similar minor attendance infractions.
2270. Plaintiff Eric Woodruff was subjected to racial harassment and a racially hostile work environment during Plaintiff’s employment at Amtrak.
2271. By reason of such racial discrimination in employment by Amtrak, Plaintiff Eric Woodruff has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.
2272. Plaintiff Curtis Yates is an African-American citizen of the United States and was employed at Amtrak during the former class liability period alleged in *Campbell*.
2273. Plaintiff Curtis Yates was employed by Amtrak in 1973 as a Passenger Conductor.
2274. During such employment, Plaintiff Curtis Yates was represented by UTU, a labor union, for purposes of collective bargaining with Amtrak.

2275. Plaintiff Curtis Yates experienced intentional racial discrimination by Amtrak in regard to 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 of employment.

2276. On or about August 10, 1999, Plaintiff Curtis Yates was injured in a job-related accident. As a result, Plaintiff Curtis Yates was out from work until approximately November 9, 2001, when Plaintiff Curtis Yates's doctor released him to return to work in a light duty capacity.

2277. Amtrak refused to return Plaintiff Curtis Yates to a light duty position. Amtrak routinely offered light duty to white employees in similar circumstances.

2278. After continuously refusing to return Plaintiff Curtis Yates to a light duty position, on or about December 31, 2001, Amtrak offered him a settlement package contingent upon him relinquishing any re-employment actions with the company. White employees received more substantial settlement packages than Plaintiff Curtis Yates did, in addition to job reinstatements and promotions.

2279. Plaintiff Curtis Yates was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak.

2280. By reason of such racial discrimination in employment by Amtrak, Plaintiff Curtis Yates has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

2281. Plaintiff Gary Williams is an African-American citizen of the United States and a resident of the State of Georgia.

2282. Plaintiff Gary Williams was employed by Amtrak, first as a Coach Cleaner, then as a Conductor at Washington, D.C., in the Transportation Department from 1990 until 2003.

2283. Throughout his employment by Amtrak, Gary Williams was represented for purposes of collective bargaining by the TCU or the UTU.

2284. Gary Williams filed a charge of race discrimination with the EEOC in 2001, he received a Notice of Right To Sue from the EEOC sometime during the pendency of the class allegations in the *Campbell* case.

2285. Plaintiff Gary Williams was employed by Amtrak as a Conductor working out of the Washington, D.C. crew base and, later, in North Carolina, from 1991 to 2001.

2286. Plaintiff Gary Williams was discriminated against by a white manager who did not allow him to be qualified on a rail route to Pittsburgh that paid more money than other routes. White conductors with less seniority than Gary Williams were allowed to qualify and get assigned that route, and, therefore, received higher pay.

2287. This discrimination also prevented Plaintiff Gary Williams from getting additional work shifts on the Extra Board, thereby preventing him from earning extra pay. White employees were afforded such opportunities.

2288. Plaintiff Gary Williams was subjected to discriminatory discipline while working in North Carolina.

2289. White supervisors accused Plaintiff Gary Williams of remitting ticket slips late. He was unable to rebut the charges because his white manager had required Gary Williams to give the manager his pink copies of the ticket slips, which would have proven that Gary Williams had submitted the slips in a timely fashion.

2290. Plaintiff Gary Williams was then subjected to a disciplinary inquiry and, having no way to defend himself, he had no choice but to resign or be terminated. He resigned.

2291. Other black conductors were also forced to resign in this manner, but white conductors were allowed to stay, or were reinstated. Other white employees in similar positions were allowed to remain in their jobs despite having committed real infractions, and worse infractions.

2292. As a result of Amtrak's discriminatory actions, Gary Williams has suffered the loss of compensation, wages, back pay and front pay, other employment benefits, and, further, has suffered great mental, emotional, and physical harm, including but not limited to embarrassment, emotional distress, humiliation, indignity, anxiety, and resulting injury and loss caused by such violations.

V. The Civil Rights Act of 1866, 42 U.S.C. §1981

2293. The Plaintiffs restate and reallege paragraphs 1 through 2139 as though set forth here in full.

2294. Amtrak has discriminated against the named Plaintiffs by denying them the same rights as are enjoyed by white non-exempt Amtrak employees and applicants for non-exempt employment at Amtrak in the making, performance, modification and termination of their employment relationship with Amtrak and to the enjoyment of all benefits, privileges, terms

and conditions of that relationship, in violation of the Civil Rights Act of 1866, 42 U.S.C. §1981, as amended.

2295. Amtrak's conduct has been intentional, deliberate, willful, and conducted in callous disregard of the rights of the named Plaintiffs.

2296. By reason of the continuous nature of Amtrak's discriminatory conduct, persistent throughout the employment of the named Plaintiffs, the named Plaintiffs are entitled to application of the continuing violation doctrine to all of the violations alleged herein.

2297. By reason of Amtrak's discrimination, the named Plaintiffs are entitled to all legal and equitable remedies available under §1981, including, but not limited to, damages for mental anguish and punitive damages.

VI. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e

2298. Plaintiffs Curtis Capers, Cynthia Edwards, Gilbert Landry, Brenda Matthews, and Gary Williams restate and reallege paragraphs 1 through 1493 as though set forth here in full.

2299. Amtrak has discriminated against the named Plaintiffs Curtis Capers, Cynthia Edwards, Gilbert Landry, Brenda Matthews, and Gary Williams with respect to terms and conditions of their employment because of their race in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, as amended by the Civil Rights Act of 1991.

2300. Amtrak's conduct has been disparate, intentional, deliberate, willful, and conducted in callous disregard of the rights of the named Plaintiffs Curtis Capers, Cynthia Edwards, Gilbert Landry, Brenda Matthews, and Gary Williams.

2301. Amtrak's policies and/or practices have produced a disparate impact against the named Plaintiffs and the class members with respect to the terms and conditions of employment.

2302. By reason of Amtrak's discrimination, the named Plaintiffs Curtis Capers, Cynthia Edwards, Gilbert Landry, Brenda Matthews, and Gary Williams are entitled to all legal and equitable remedies available under §2000e.

VII. PRAYER FOR RELIEF

2303. Wherefore, the named Plaintiffs Curtis Capers, Cynthia Edwards, Gilbert Landry, Brenda Mathews, and Gary Williams request, *inter alia* as set forth hereinafter, the following relief:

- A. A declaratory judgment that Amtrak's employment policies, practices and procedures challenged herein are illegal and in violation of Title VII of the Civil Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

2304. Wherefore, all of the named Plaintiffs request the following relief:

- B. A declaratory judgment that Amtrak's employment policies, practices and procedures challenged herein are illegal and in violation of 42 U.S.C. §1981;
- C. A permanent injunction against Amtrak and its partners, officers, owners, agents, successors, employees, and representatives and any and all persons acting in concert with them, from engaging in any further unlawful decisions, practices, policies, customs, usages, racial discrimination and retaliation by Amtrak as set forth herein;
- D. An Order placing or restoring the named Plaintiffs into those jobs they would now be occupying, but for Amtrak's discriminatory decisions, policies, practices, and procedures;

- E. An Order directing Amtrak to adjust the wage rates and benefits for the named Plaintiffs to the level that they would be enjoying but for Amtrak's discriminatory decisions, policies, practices and procedures;
- F. An award of back pay, front pay, compensatory damages, punitive damages, lost benefits, preferential rights to jobs, and other damages for lost compensation and job benefits suffered by the named Plaintiffs;
- G. Any other appropriate equitable relief to the named Plaintiffs;
- H. An award of litigation costs and expenses, including reasonable attorneys' fees, to the Plaintiffs;
- I. Pre-judgment interest;
- J. Such other and further relief as the Court may deem just and proper; and Retention of jurisdiction by the Court until such time as the Court is satisfied that Amtrak has remedied the practices complained of herein and is determined to be in full compliance with the law.

VIII. JURY DEMAND

The Plaintiffs demand trial by jury of all issues triable of right to a jury.

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Respectfully Submitted,

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