

CAUSE NO. _____

GEORGE A. PRICE,	§	IN THE DISTRICT COURT OF
	§	
Plaintiff,	§	
	§	
	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
	§	
KBR, INC. DBA KELLOGG BROWN & ROOT, INC. AND SERVICES EMPLOYEES INTERNATIONAL INC.,	§	
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

PLAINTIFF’S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, GEORGE A. PRICE (“Price” or “Plaintiff”), complaining of KBR, Inc. d/b/a Kellogg Brown & Root, Inc. and Services Employees International Inc. (collectively referred to as “KBR” or “Defendant”), and for cause of action would respectfully show unto the Court the following:

I.

PARTIES

1. Plaintiff George A. Price is an individual, a resident of Harris County, Texas and citizen of the State of Texas.

2. Defendant KBR, Inc. d/b/a Kellogg Brown & Root, Inc. is a corporation organized and existing under the laws of the State of Delaware whose principal offices

are located in Houston, Harris County, Texas. Defendant maintains an agent for receiving service of process in the State of Texas, and may be served with citation by serving its registered agent for service of process, CT Corporation System, 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201, a true copy of the citation with a copy of Plaintiff's Original Petition attached thereto, pursuant to the Texas Rules of Civil Procedure.

3. Defendant Services Employees International Inc. is a corporation owned by KBR, Inc. d/b/a Kellogg Brown & Root, Inc. corporation, whose state of formation is unknown to Plaintiff at this time. It conducts business in the State of Texas on an ongoing and systematic basis, and upon information and belief, has its principal office in Houston, Harris County, Texas. Services Employees International Inc. does not maintain an agent for receiving service of process in the State of Texas, accordingly, said Defendant may be cited by serving the Secretary of State of Texas provided that the citation and petition are also forwarded to said Defendant's above-referenced parent company's Registered Agent, at 350 N. St. Paul Street, Suite 2900, Dallas, Texas 75201, a true copy of the citation with a copy of Plaintiff's Original Petition attached thereto by certified mail, return receipt requested.

II.

INTRODUCTION AND FACTS

4. This is an action for damages, including but not limited to, back pay and benefits, front pay and benefits, statutory damages, special damages, exemplary damages, damages for mental anguish, costs, pre and post-judgment interest and attorneys' fees sustained by Plaintiff as a result of Defendant's violations of the Texas Commission on Human Rights Act ("TCHRA"), as codified in the Texas Labor Code 29 §21.001, *et seq.*

5. Defendant caused Plaintiff to be exposed to racial discrimination and a racially hostile work environment, and then retaliated against Plaintiff for engaging in activity protected by law – his reporting of the unlawful acts.

6. In 2007, Plaintiff was hired by Defendant to work on the Logistics Civil Augmentation Program III project in support of the U.S. Army in Iraq. He worked as a Heavy Truck Driver for the Theater Transportation Mission.

7. From the beginning of his employment, it was apparent to Plaintiff that African Americans were considered and treated as a lesser class of people by Defendant. Derogatory racial comments and slurs were common and accepted. In addition, promotions and coveted positions were the nearly exclusive domain of the Caucasian employees.

8. In February 2009, disgusted with the treatment of African Americans by Defendant, Plaintiff filed an internal complaint via email. He detailed some of the racist slurs and comments and complained about Defendant's unwillingness to treat African Americans equally when promoting employees.

9. Immediately after his written complaint, Defendant began to scrutinize Plaintiff and his work. Plaintiff was singled out and harassed by his supervisor for alleged violations of work policies.

10. Only twelve (12) days after the purported "investigation" of his complaints, Defendant placed Plaintiff on corrective action and on a path to termination.

11. Realizing he was now a target of Defendant, in a war zone thousands of miles from home, Plaintiff was constructively forced to leave the employ of Defendant and returned to the United States.

12. Defendant caused Plaintiff to be exposed to racial discrimination and a racially hostile work environment, and then retaliated against Plaintiff for engaging in activity protected by law – his reporting and complaining of the unlawful acts – in violation of the Texas Commission on Human Rights Act (“TCHRA”), as codified in the Texas Labor Code 29 §21.001, *et seq.*

III.

TCHRA VIOLATIONS

13. Plaintiff Price incorporates by reference all preceding paragraphs as if fully stated herein.

14. Defendant caused Plaintiff to be exposed to racial discrimination and a racially hostile work environment, and then retaliated against Plaintiff for engaging in activity protected by law – his reporting and complaining of the unlawful acts – in violation of the Texas Commission on Human Rights Act (“TCHRA”), as codified in the Texas Labor Code 29 §21.001, *et seq.*

15. As a direct result of Defendant’s acts, Plaintiff suffers damages in excess of the minimal jurisdictional limits of this Court for which Defendant is liable.

16. Plaintiff prays that he recover from Defendant his actual damages, statutory damages, general damages, special damages, nominal damages, punitive damages, exemplary damages, reasonable attorney fees, expenses, costs of court and all other relief, either general or special, at law or in equity, to which he may be justly entitled in an amount to be determined by a jury at trial.

IV.

CONDITIONS PRECEDENT

17. All conditions precedent have been performed or have occurred to allow Plaintiff to file her present claims.

18. Plaintiff timely filed a formal Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) and the Texas Commission on Human Rights (now known as the Texas Workforce Commission Civil Rights Division) – Charge Number 460-2010-03684. He subsequently received his Right to Sue from the EEOC and has filed his claims within sixty (60) days of such.

V.

JURY DEMAND

19. Plaintiff hereby demands a jury trial on all issues that can be submitted to a jury.

VI.

PRAYER

Plaintiff prays that:

- a. Defendant be cited to appear and answer herein;
- b. Plaintiff be granted judgment against Defendant for his damages and the monies due and owing;
- c. Plaintiff be granted judgment against Defendant for pre-judgment interest and post-judgment interest at the maximum legal rate;
- d. Plaintiff be granted judgment against Defendant for reasonable attorneys’ fee and costs of court;

- e. Plaintiff be granted such other and further relief, special or general, legal or equitable, as Plaintiff may show that he is justly entitled to receive.

Respectfully submitted,

JONES, GILLASPIA & LOYD, L.L.P.

/s/ John Bruster Loyd

John Bruster Loyd

State Bar No. 24009032

1300 Post Oak, Suite 830

Houston, Texas 77056

Telephone: 713.225.9000

Facsimile: 713.225.6126

ATTORNEYS FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this October 4, 2011

Certified Document Number: 50065612 Total Pages: 6

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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