

2. Employees at Becon have faced racial discrimination, retaliation, and a hostile work environment for several years. They have faced racial slurs, symbols and depictions such as: “Nigger,” “Nigger ain’t good for nothing,” “We don’t want no Nigger blood,” drawings of nooses hanging around the necks of Black people, racist jokes, and white supremacist symbols such as “KKK”.

3. Employees of Becon were also subjected to racist jokes, remarks, and derogatory names on a daily basis. These racially offensive names included “Nigger” and “Monkey.”

4. Upon information and belief, Defendants have continued to subject Black employees to discrimination, retaliation, and a hostile work environment in violation of the Civil Rights Act of 1871, as amended, 42 U.S.C. § 1981 et seq.; the 1991 Civil Rights Act, as amended, 42 U.S.C. § 1981a et seq.; and Title VII of the Civil Rights Act of 1964, as amended and 42 U.S.C. § 2000e et seq.

5. Plaintiffs are former hourly employees at Becon and have endured racial epithets and graffiti at the work place. In addition, unlike their similarly situated White co-workers, their job performance is under constant scrutiny. Further, they have not been afforded the same opportunities for advancement or placement as their white counterparts. Their workplaces are regularly filled with disparate treatment and derogatory slurs.

6. Some Plaintiffs attempted to meet with management in an effort to voice their concerns and have filed verbal and written internal complaints regarding severe disparate treatment, being forced to work in a pervasively racially hostile work environment, and then facing retaliation by upper management when they complained of these issues. Rather than address these concerns, management ignored their pleas for help and encouraged employees to continue their discriminatory actions.

7. As such, Defendants have failed to actively and responsibly monitor their workplace for acts of discrimination, and they have failed to take prompt and effective remedial action in response to complaints of such discrimination.

8. Plaintiffs demand a trial by jury.

JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331, which confers original jurisdiction upon this Court for actions arising under the laws of the United States, and pursuant to 28 U.S.C. §§ 1343(3) and 1343(4), which confer original jurisdiction upon this Court in a civil action to recover damages or to secure equitable relief (i) under any Act of Congress providing for the protection of civil rights; (ii) under the Declaratory Judgment Statute, 28 U.S.C. § 2201; and (iii) under 42 U.S.C. § 2000e, et seq., as amended, 42 U.S.C. § 1981 et seq., as amended and 42 U.S.C. § 1981a et seq., as amended.

10. Venue is proper in this Court pursuant to 42 U.S.C. § 2000e-5(f)(3), inasmuch as this judicial district lies in a State in which the unlawful employment practices occurred. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (c), in that the Defendant maintains offices, conducts business, and resides in this district, and a substantial portion of the acts that make up the basis of the complaint occurred within this judicial district.

PARTIES

11. Defendant Becon Construction Company, Inc. is a Texas corporation with its principal place of business located at 50 Beale Street, San Francisco, CA 94105. Becon operates facilities in Deer Park, Sherman and Temple, Texas; and New Strawn, Kansas. Upon information and belief, Becon Construction Company, Inc. has over 25,000 employees with an annual revenue of \$1 billion. Becon may be served with process by serving its registered agent,

CT Corporation System 350 N. St. Paul Street, Dallas, Texas 75201. Upon information and belief, Becon is a wholly-owned subsidiary of Defendant Bechtel Group, Inc.

12. Defendant, Bechtel Group, Inc. is a Nevada corporation with its principal place of business located at 50 Beale St., San Francisco, California 94105. Bechtel operates facilities around the world and has approximately 53,000 employees. Bechtel has an annual revenue of \$32.9 billion in 2011 and new contracts valued at \$53 billion. See <http://www.bechtel.com/overview.html>. Bechtel may be served with process by serving its registered agent, CT Corporation System 350 N. St. Paul Street, Dallas, Texas 75201. Upon information and belief, Bechtel is the parent corporation of Defendant Becon Construction Company, Inc.

13. Plaintiff Eric Thomas is a person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, an African-American male citizen of the United States of America and is a resident of the State of Texas.

14. Plaintiff John Pitre, Jr. is a person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, an African-American male citizen of the United States of America and is a resident of the State of Louisiana.

15. Plaintiff Henry Celestine is a person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, an African-American male citizen of the United States of America and is a resident of the State of Texas.

16. Plaintiff Zavier Green is a person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, an African-American male citizen of the United States of America and is a resident of the State of Louisiana.

17. Plaintiff Christopher Lyles is a person who has been aggrieved by Defendants' actions. He is and has been, at all relevant times, an African-American male citizen of the United States of America and is a resident of the State of Texas.

EXHAUSTION OF FEDERAL ADMINISTRATIVE REMEDIES

18. Plaintiffs who have herein alleged claims pursuant to Title VII have timely filed complaints of discrimination with the EEOC.

19. Plaintiffs who have herein alleged claims pursuant to Title VII have requested their Notice of Right to Sue letters and received their Notice of Right to Sue letters prior to the filing of this Complaint.

STATEMENT OF FACTS

A. FACTS COMMON TO ALL PLAINTIFFS

20. Black employees of Becon have been subjected to discrimination and harassment for several years. This discrimination and harassment manifested itself through the direct manner in which Becon management and co-workers treated Plaintiffs, and by the systemic atmosphere of bigotry that surrounds them at work. Upon information and belief, the discrimination and harassment continues to this day.

21. For years, Black employees have been subjected to racial slurs at Becon, including the prolific use of the word "Nigger."

22. Further, the bathrooms and other fixtures at Becon facilities were covered in racial graffiti, including phrases using the word "Nigger," "KKK," "Nigger ain't good for nothing," "We don't want no Nigger blood," as well as depictions of lynchings and nooses. Despite the open and notorious nature of this graffiti and being made aware of such graffiti,

management has failed to take prompt and effective remedial measures in response to such acts of blatant bigotry and harassment.

23. These examples are only a few of the obvious and severe indications that Becon management allowed its White and Hispanic employees to harass and degrade Black employees on a daily basis. Racial animus of this kind exists throughout the workplace and has been condoned and encouraged by Becon management.

24. Becon further discriminates against Black employees by creating a disparity in pay. White workers bearing the same title and performing the same tasks as Black employees are often paid more money than Black employees doing the same work.

25. Black workers are not given equivalent raises as their similarly situated White co-workers. Moreover, White workers with less experience and qualifications are consistently hired in favor of and/or receive promotions and wage increases over more qualified Black employees.

26. The level of discipline is also much higher for Black employees. White employees may receive little to no discipline in situations for which Black employees receive formal reprimand, are suspended or terminated.

27. When Black employees apply for work with Becon, they are often told that Becon is not hiring or that only lower paying positions are available, such as laborers and helpers. Black employees with qualifications to work as journeymen or skilled positions are routinely steered into low-level positions, for which they are over qualified. Meanwhile, White and Hispanic applicants, even those with less experience and qualifications than Black applicants, are frequently hired into higher paying positions or promoted over Black applicants applying at the same time.

28. When Black employees manifest a desire to report the aforementioned forms of discrimination to management, they are threatened with termination or demoted to lesser paying remedial positions, in retaliation.

29. Upon information and belief, Defendants are an integrated enterprise in that they have (1) interrelation of operations, (2) centralized control of labor relations, (3) common management, and (4) common ownership or financial control.

B. FACTS SPECIFIC TO EACH PLAINTIFF

Eric Thomas

30. Eric Thomas was hired as a journeyman electrician at Becon on or about April 2011. He was hired at an hourly rate of \$23.00. Thomas was part of a 15 member crew. There were two Black workers, two White workers, and the rest were Hispanic.

31. Thomas was initially hired to work for a foreman by the name of Phil. After about one and a half months of working for Phil as a journeyman electrician, Thomas was told that he was being transferred to Wire Pulling under Jesus Silva. Thomas was also told that if he refused the transfer he would be terminated, and if he complained or told anyone he was a journeyman electrician he would be fired.

32. When Thomas's White co-workers were sent to the wire pulling yard, they were given a ride so that they did not have to carry all of their tools on their own. They were also provided with a tent and water. When Thomas went to the wire pulling yard, he did not have a ride, he had to carry all his tools on his own and he was not provided with a tent or water. Thomas requested a helper from Mr. Silva, but Thomas was told that he would not be given one, and that if he kept asking for one Silva would "fire [his] god damn ass." The White and Hispanic employees were given helpers.

33. Within one week of being employed at Becon, Thomas began to experience a hostile work environment from his co-workers and management. Employees at Becon would refer to him as a “Nigger.” Thomas’ teeth were cracked and rotted and Tony Silva would joke in front of Thomas’ co-workers that the reason his teeth were that way was because he smoked crack. Mr. Silva would call Mr. Thomas a “crack head” on a daily basis. These comments were made to Thomas because he is Black.

34. Mr. Silva also refused to let Thomas refer to himself as a journeyman.

35. Thomas and his Black co-workers were subjected to a racially hostile work environment where they were repeatedly exposed to racially offensive comments and epithets written on the bathroom walls. Specifically, one piece of graffiti even depicted a noose with the words “Hey Eric Thomas I made you a necklace you lil Black ass punk.” Thomas found this to be extremely threatening and intimidating. Thomas also saw the following comments and depictions, “Eric Thomas’s Nigger Rolex” and “Eric Thomas smokes cock.” These comments were made because of Thomas’s race. Other members of Mr. Thomas’s crew saw this offensive graffiti and commented to him, “Do you see what they are writing about you on the wall?” This graffiti was present for two to three weeks and was in a restroom, which upon information and belief, was utilized only by Becon employees..

36. Thomas complained to Mr. Silva about the graffiti and Mr. Silva responded that there is nothing he could do about it. Thomas requested to go to Human Resources and Mr. Silva told him that if he went to human resources Thomas would be fired.. Security personnel for Becon approached Thomas after seeing the graffiti, but Thomas was too fearful for his safety to point out members on his crew who may have been responsible. Once the graffiti was removed, it returned the following day, and continued on a daily basis. Thomas’s co-workers

would take pictures of the graffiti and then talk and laugh about it in front of him while on lunch break or at safety meetings.

37. Despite his complaints and the open and notorious nature of the hostile environment, Defendants failed to take any effective remedial measures as the racially charged behaviors and actions continued without fear of reprisal. For all intents and purposes, Defendants did not care.

38. Becon employees exhibited racial hostility towards Thomas in subtle ways too so as to remind him of his place. For instance, on numerous occasions, Thomas would arrive to work to find his harness was tied up with fifty or sixty tie wraps with white flags on it. Thomas would have to spend a great deal of time each day untying and unwrapping the ties and flags that were purposely put on his harness by his co-workers Thomas complained to Mr. Silva about this. Mr. Silva laughed and did nothing in response to Thomas's complaint. Mr. Silva eventually asked his crew members to stop because these actions were wasting time and supplies. Nonetheless, this behavior continued for several weeks. Because of this continuous harassment, Thomas feared for his life and was afraid of being attacked when he drove home from work each night.

39. Each time Thomas asked Mr. Silva if he could go to Human Resources to file a formal complaint, Mr. Silva responded that if he kept complaining he would be fired.

40. As the racially hostile environment began to take its toll on Thomas, he began missing more days of work. He would call in under the normal procedures, but was terminated on September 8, 2011. He was told that he had too many absences. Thomas did miss more work than expected because the hostile work environment and racial slurs towards him became so

intolerable that he did not have the strength to face it, and his complaints to his supervisor were ignored.

John Pitre, Jr.

41. John Pitre, Jr. is a Black male who began his employment with Becon in and around 2008 as a carpenter's helper earning \$17.00 per hour at the Motiva Crude Expansion Project in Port Arthur, Texas. Pitre was terminated from his position as a light equipment operator, earning \$23 .00 an hour on December 15, 2010.

42. Prior to commencing work for Defendants at the Motiva Crude Expansion Project, Mr. Pitre worked for Becon in 2007. As a helper, Pitre initially set up welding machines and later assisted pipefitters. He earned an hourly pay rate of \$21. In or around 2008, Pitre was laid off.

43. In an effort to be rehired, Pitre put in numerous applications in 2008. He called Becon's office multiple times, applied to open positions on-line and in-person, and filed physical applications; nonetheless, Pitre was continually denied employment. However, Pitre observed White and Hispanic applicants were regularly being hired during this same period of time.

44. Then, in or about 2008, Pitre was rehired as a carpenter's helper, a lower paying position, at Becon's Motiva job site earning \$17 or \$18 an hour. Later, Pitre became an equipment operator and received an hourly rate of \$21. Becon discriminates against Black employees by creating a disparity in pay. White equipment operators performing the same work as Pitre were paid an hourly rate of \$24.

45. When he was rehired in 2008, Pitre's supervisor, Rico Trejo (Mexican), and other Hispanic workers would say "Nigger" in Spanish on a regular basis. Additionally, starting in and around the end of 2009, Mr. Trejo made other comments such as, "Black workers stand

around, they're lazy." Further, Mr. Pitre was subjected to Mr. Trejo's comments about Black workers and derogatory comments about Black women. Pitre would raise his concerns to his general foreman, but the general foreman would laugh it off or tell Pitre not to worry about it.

46. Moreover, Mr. Trejo regularly spoke and held safety meetings in Spanish so that Pitre could not participate. Pitre told his superintendent, Joe LaFleur, who is African-American, about Mr. Trejo's offensive behavior. Mr. LaFleur brushed off these complaints and told Pitre not to worry. This was the common response from management about such issues.

47. Pitre and his Black co-workers were also subjected a racially hostile work environment where they were repeatedly exposed to unwelcomed and offensive racial graffiti and racially offensive depictions in the restrooms at Becon facilities. For example, Pitre saw graffiti such as, "Niggers go home," "KKK," "Whites are better than Blacks" and "Nigger ain't good for nothing." He also saw depictions of lynchings. Pitre found this graffiti to be threatening and offensive. While some of the bathrooms are shared with other companies, Becon brings in trailers with their own bathrooms that are only used by Becon employees, and these bathrooms contained racial graffiti as well. When Black employees complained about the graffiti, it was often brushed off as insignificant. The graffiti was sometimes painted over, but then returned within a couple of hours or the next day.

48. Pitre's other foreman, Vernon Fregia, a White male, followed Pitre around the facility on a daily basis and was constantly monitoring Pitre's work, despite supervising a one hundred member crew. Mr. Fregia did not follow White employees around in this manner. Pitre approached Mr. Fregia in and around May or April of 2010 and complained to him, explaining that he felt that Mr. Fregia was harassing him.

49. Throughout his employment and on repeated occasions, Pitre heard White employees using racial slurs such as, “Damn Nigger.” Terry, a White foreman, would regularly refer to Black workers as “Monkeys.” Workers would complain about Terry’s behavior, but Terry received no discipline for these acts in that his behavior and language continued. In and around the time that President Obama was elected, one White employee told other workers that he was going to “kill all the Blacks.” This employee was moved to another section in the plant rather than terminated.

50. Becon also discriminates against Black employees by promoting less qualified White employees over Black employees and impeding Black employees’ efforts to advance or gain opportunities in the workplace. Whenever a new training opportunity arises, White workers are notified first and Black workers only hear about training through their White co-workers.

51. In and around the end of 2009 or beginning of 2010, Mr. Trejo told Pitre, “You ain’t gonna get a promotion, you ain’t gonna make it.”

52. Pitre had also asked, several times, to join the PBS team, a volunteer observation team that was responsible for observing different jobs and areas of the plant and to suggest ways of improving how the jobs are carried out. While he was on Mr. Trejo’s crew. Mr. Trejo kept putting Mr. Pitre off. Other employees were allowed to join the group, but Pitre was never given this opportunity, even though the PBS crew regularly asked for new workers to join.

53. In and around December of 2010, Mr. Trejo walked by Pitre and saw that Pitre’s head was down. As a result, Mr. Trejo reported Pitre to Mr. Fregia for sleeping on the job. Pitre was never asleep on the job. Pitre was called to the IR office, which is a human resources office, and he explained that he was not asleep and that he was just leaning his head to the side. Mr. Fregia told Pitre that he would get a three-day suspension. Pitre was asked to sign a form, which

stated that he was getting a three-day suspension. Pitre wrote that he was not sleeping on the form. This act was witnessed by three employees. On December 15, 2010, Pitre was called by supervisor Joe LeFlore, and was told that he was being terminated for sleeping on the job.

Henry Celestine

54. Henry Celestine is a Black male who initially worked for Becon in 2001 as a laborer. Celestine returned to Becon in 2007 as a journeyman electrician until November or December of 2007. Celestine was again rehired in 2009 as a journeyman electrician earning \$25.00 an hour. He was laid off on or about March 23, 2012.

55. In October 2010, Mr. Celestine submitted a written complaint to IR. The crux of Celestine's complaint was that he was not being promoted to a foreman position while less qualified White employees were promoted. For example, two White employees, Mark and Mike, were promoted over Celestine. Mike was working as a helper and then became a journeyman in an unreasonably short amount of time. Celestine was already in the journeyman position.

56. In fact, Mike failed the NCCER certification test on his first try. One week later, he passed and was immediately promoted to foreman. By all accounts, Celestine was next in line for a promotion and was fully qualified to be a foreman and should have been promoted to such. Because of his race, he was not.

57. Prior to the two white employees being promoted, Celestine's foreman Woody Trichell was retiring and told Celestine that there would be an open position. Celestine had spoken to his supervisor, Alan White, about the position and specifically requested the position. Celestine also had prior foreman experience for a previous employer, and had served as a journeyman for Becon for a year and a half prior to this foreman position becoming available.

Celestine even filled in for Trichell for a few months after Trichell retired. In spite of this, Celestine was denied this opportunity.

58. Throughout his employment, Celestine and his Black co-workers were exposed to a racially hostile work environment where they were repeatedly exposed to unwelcome and offensive racial graffiti and racially offensive depictions in the restrooms. Celestine would see such things as “KKK,” and pictures of nooses. Celestine found this to be threatening and intimidating. Despite the fact that this graffiti was in the open for all to see, and the fact that Black employees complained about the constant presence of racially offensive graffiti in the bathrooms during safety meetings, the graffiti worsened and Defendants failed to take any prompt or effective remedial measures as they learned of the hostile work environment.

59. Celestine and his Black co-workers have also been subjected to racial slurs and jokes. Mr. White frequently made racist jokes. Upon information and belief, Mr. White referred to Celestine as a “Nigger.”

60. On or around October 18, 2010, Celestine brought a written complaint to Lynn Parrish in Human Resources concerning Mr. White’s racially offensive behavior and Becon’s discriminatory promotion process. Almost immediately thereafter, Mr. White approached Celestine and told Celestine that he heard about the complaint, and as a result, Celestine would be moved to the field, which is a less desirable job. Celestine’s new position required more physical labor; and further, he had been a journeyman electrician for two years just prior to being demoted.

61. This environment caused a great deal of stress for Celestine. He found it frustrating to see white employees with less experience than him being promoted to foreman positions rather than being promoted himself. Because of the extremely hostile work

environment, and knowing that there was no hope for advancement or promotional opportunities, Celestine requested to be laid off on March 23, 2012. His request was granted.

Zavier Green

62. Green applied to work as a journeyman and was initially hired to work as a journeyman at Becon's Port Author facility on June 27, 2008; but he was not cleared for hire until June 30, 2008. As a result, Green was immediately demoted and steered into a helper position making an hourly wage of \$19.75. Approximately one week later, Ryan Paton, a White male, was hired as a journeyman. The following week, another white male was hired as a journeyman. Finally, in December of 2008, Green was made a journeyman in December of 2008.

63. Becon also paid Mr. Green a lower wage on account of his race. As a Journeyman, Green earned an hourly rate of \$24. However, Denise Ferguson, a White female Journeyman, earned an hourly rate of \$25. Denise and Green had comparable skills and experience and were equally qualified. Upon information and belief, women are paid less than men in such a position at Becon, and Green believes the disparity in pay between White and Black Journeyman is even greater.

64. At Becon's facility, there were two time clocks that Green had access to, one in the warehouse and one in the office. Only White employees were allowed to use the time clock in the office. In and around 2009, Green attempted to use the time clock in the office. When Green was seen by a White worker using the office clock, he went to the general foreman and the general foreman told Green that he could not use the inside time clock. However Green observed Tymes, a white foreman, and Ms. Ferguson, a white journeyman use the time clock in the office.

65. Additionally, employees are permitted to smoke at noon each day and they are provided a smoking tent. On or about April 20, 2010, Green had to go into the tent to find some materials. He was on duty. Mr. Hill, the Warehouse Manager, passed by the tent and saw Green exiting the tent with Ms. Ferguson. Mr. Hill assumed Green was smoking when he was on duty. Immediately thereafter, Green and Ms. Ferguson were called to meet with Mr. Hill, Ed Bumps, Gerald West, a warehouse manager, and Brian Churan, a foreman. Green explained he was not smoking and had to go to the tent for materials. After the meeting, Mr. Hill told Ms. Ferguson that she was “alright,” but he told Mr. Green that he “might get fired.” Mr. Hill said he smelled cigarettes and he directed Green to go into the tent and pickup all the cigarette butts. Finally, Mr. Hill told Green that he had to accept a “write up” or be fired. Ms. Ferguson was not “written up” or fired.

66. As further discrimination, the level of discipline is much higher for Black workers. In and around May 2010, Green was written up for not properly wearing his safety glasses while driving a forklift. White workers frequently did not wear safety glasses, but were not written up.

67. Throughout his employment, Green and his Black co-workers were subjected to a racially hostile work environment where they were repeatedly exposed to unwelcome and offensive racial graffiti and racial slurs on a weekly basis. In 2009, Becon held a blood drive and, “We don’t want no nigger blood” was written on one of the posters inside blood drive room. Mr. Hill said that he was going to conduct an investigation into this matter, but upon information and belief, no investigation took place. Additionally, “nigga” was written across a clipboard. Despite the open and notorious nature of this graffiti, and the complaints made to management,

Defendants failed to take prompt and effective remedial action in that racially offensive conduct continued. Green complained about the clipboard.

68. In or around November 10, 2010, Green and other Black workers were sitting at a table shortly before they were to get off work. One of the White forklift drivers named Ben made a racial comment and said, "You're sitting down looking like monkeys." Damon Dominique, a Black employee, recorded it and let Ben know. Ben immediately spoke to Mr. Hill, and Mr. Hill then went to the general foreman Edward Bumps. Mr. Bumps told Green and his Black co-workers that if they were caught tape recording anything they would be fired. Since this date, Black employees have been afraid to record any conversations taking place for fear of being retaliated against.

69. In and around December 20, 2010, Green and Craig Anderson, a Black coworker, were told by Bryan Churan that they were talking too much. Mr. Churan told Green that he should watch himself and stay away from the other Black worker. Mr. Churan did not approach anyone else.

70. On or about January 13, 2011, a picture was posted on Raymond McCray's door. Mr. McCray is a white warehouse foreman. The picture depicted a monkey. Mr. Green found this extremely offensive. He did not complain for fear of being retaliated against and the fact that Becon failed to take effective remedial measures in the past and threatened him and other Black employees with discipline.

71. Becon maintains a policy that when driving a vehicle, employees cannot be on the radio or cell phone. If an employee is found to be using the radio or on a cell phone, such use is grounds for immediate termination. However, on March 9, 2011, a White truck driver, Rodney,

was caught by his supervisor while on his cell phone. The foreman, Barry Hunt, was called, but Rodney was not written up and he continued his employment.

72. Green was fearful of complaining about any of these incidents because his co-workers, including Brian Churan, Ferguson, Barry Hunt, Margie Tymes, and Kenneth Budwin, had informed Green that Mr. Hill was looking for ways to get rid of him.

73. Becon also uses its lay off policies and procedures to discriminate, or they otherwise have a disparate impact on Black employees. While Green only missed a few days of work in the three years he was employed by Becon, one White employee, Corey Ray, missed a significantly higher number of days. Green was laid off on April 14, 2011, and was told that layoffs occur for the following reasons: absenteeism and lack of work performance. While Green was told that he maintained a good record and performed well, he was laid off over Mr. Ray, who is still currently employed by Becon.

Motiva Crude Expansion Project, Port Arthur, Texas § 1981

Christopher Lyles

74. Mr. Lyles worked for Becon from August 2008 to February 2009. He was hired as a journeyman, earning \$23.50 an hour. He was terminated in February 2009 as a journeyman, earning \$23.50 an hour.

75. Mr. Lyles and his Black co-workers were subjected to a racially hostile work environment where they repeatedly exposed to offensive and unwelcome slurs and epithets such as “Boy,” “Nigger,” “Bitch,” “You ain’t no good,” “I don’t know why you got your ass out here” and “Look boy, come here and do this.”

76. Becon also discriminates against Black employees in terms of pay. Becon employees would receive their paychecks at 9 a.m. During break, everyone looked at their

paystubs, and Lyles saw that some of the White employees were given overtime even though they had not actually worked the overtime.

77. Additionally, Becon would force Black employees into lower paying positions and less pay in order to save money. This was not done to the White workers. During Lyles' employment all Becon supervisor positions at the Motiva job site were filled by White employees.

78. Lyles was not allowed to park in the parking lot that was designated for plant workers. Most black employees were not allowed to park in the designated parking lot for Becon employees; instead, black employees had to park in the lot that was located about two to three miles away from the plant. The black employees, including Lyles, were then bussed from the parking lot into the plant. Lyles complained to the front office about these conditions, but he still had to park two to three miles away.

79. Lyles was injured November 18, 2008, while on the job. His ankle was caught in a gap between the cables to the cranes, which were supposed to be down. He was taken to the nursing station and since his ankle was swelling they had to cut his boot. He had x-rays taken, and the doctors determined that he needed surgery.

80. Lyles was sent to a doctor in Houston on November 18, 2008. His doctor told him that he needed to stay off his foot for six to eight weeks. The following day, Lyles called in to work and let management know what the doctor had said. Lyles faxed over his medical paperwork. Troy Reese, the General Foreman or Superintendent, told him that he would still have to come to work so that he could get paid. Eight weeks later, he went for a follow-up visit with his doctor. His foot was still swollen and not healing. He informed his doctor that he was forced to go to work.

81. Becon also denied the brace that his doctor prescribed. Lyles was referred to another doctor, David Bloom. Bloom informed Lyles that he would need surgery. Lyles was terminated almost immediately after Lyles learned that he would be needing surgery in February 2009.

82. Lyles filed for unemployment, which was continually denied. He then applied for workman's compensation, which he was ultimately able to receive.

CAUSES OF ACTION

Title VII and 42 U.S.C. § 2000e et. seq. of the Civil Rights Act of 1964,

as amended and 42 U.S.C § 2000e et. seq.

83. Each Plaintiff repeats and re-alleges the allegations contained in the paragraphs above, as if fully set forth herein.

84. The conduct alleged herein violates Title VII and 42 U.S.C. § 2000e et. seq. as Defendant has engaged in the practice of discrimination and retaliation against the Plaintiffs named herein who have asserted such claims.

85. Plaintiffs' requests for relief are set forth below.

42. U.S.C. §1981

86. Each Plaintiff repeats and re-alleges the allegations contained in the paragraphs above, as if fully set forth herein.

87. The conduct alleged herein violates Section 1981 of the United States Code as the Defendant has engaged in the practice of discrimination and retaliation against the Plaintiffs named herein who have asserted such claims.

88. Plaintiffs' requests for relief are set forth below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against the Defendants as follows:

- Preliminary and permanent injunctions against the Defendants and their officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful practices, policies, customs, and usages set forth herein;
- A judgment declaring that the practices complained of herein are unlawful and in violation of the Civil Rights Act of 1871, as amended, 42 U.S.C. § 1981 et seq.; the 1991 Civil Rights Act, as amended, 42 U.S.C. § 1981a et seq.; Title VII of the Civil Rights Act of 1964, as amended and 42 U.S.C. § 2000e et seq.
- Granting an order restraining Defendants from any retaliation in any form against Plaintiffs for participation in this litigation;
- Plaintiffs seek injunctive relief, including but not limited to:

Training on the subject of employment discrimination for all Turner employees;

Diversity training for all Turner managers conducted by reputable outside vendors;

Hire Human Resources representative for all locations, including off site facilities;

Supervisory discipline up to and including termination for any supervisor who engages in unlawful discrimination;

Active monitoring of the work areas to ensure compliance with discrimination policies;

All promotional opportunities posted on all employee bulletin boards; and
Monitoring by the Court or a Federal Agency to ensure that Turner
complies with all injunctive relief.

- All damages which Plaintiffs have sustained as a result of Defendants' conduct, including back pay, front pay, general and special damages for lost compensation, and job benefits they would have received but for Defendants' discriminatory practices, and for emotional distress, humiliation, embarrassment, and anguish;
- Front pay to the Plaintiffs until such time as they can be placed into the same position, title and grade they would now occupy but for Defendants' discriminatory practices;
- Exemplary and punitive damages in an amount commensurate with Defendants' ability and so as to deter future malicious, reckless and/or intentional conduct;
- Awarding Plaintiffs their costs and disbursements incurred in connection with this action, including reasonable attorneys' fees, expert witness fees and other costs;
- Pre-judgment and post-judgment interest, as provided by law; and
- Granting Plaintiffs other and further relief as this Court finds necessary and proper.

Respectfully submitted,

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