

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION  
Case No.: 22-CV-00435-JSM-PRL

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

and

ERNEST HANKERSON, CYRUS HAWTHORNE,  
and JOSEPH F. HOLLIS  
Applicants for Intervention and Plaintiff,

v.

J.A. CROSON LLC,  
Defendant.

\_\_\_\_\_/

**ERNEST HANKERSON, CYRUS HAWTHORNE AND JOSEPH F. HOLLIS’  
COMPLAINT IN INTERVENTION AND DEMAND FOR JURY TRIAL**

This is an action under Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), Section 704(a)(1) of Title VII, 42 U.S.C. § 2000e-3(a)(1), 42 U.S.C. § 1981 and the Florida Civil Rights Act of 1992 (FCRA), Florida Statutes §760.10 (“FCRA”), to correct unlawful employment practices on the basis of race discrimination and retaliation and to provide appropriate relief to ERNEST HANKERSON, CYRUS HAWTHORNE and JOSEPH F. HOLLIS who were adversely affected by such practices. Intervenor and HANKERSON and HAWTHORNE and Plaintiff HOLLIS allege that Defendant, J.A. CROSON LLC subjected Intervenor Plaintiffs HANKERSON, HAWTHORNE and HOLLIS, to an unlawful hostile work environment and discriminated against them by terminating or forcing them to quit their employment based upon race discrimination and retaliation.

### **JURISDICTION AND VENUE**

1. This action is brought to remedy violations of law that occurred in violation of 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §§ 2000e-2 and 2000e-3. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331. This Court has jurisdiction to grant declaratory and further relief pursuant to 28 U.S.C. §§ 2201 and 2202. This Court has supplementary jurisdiction for questions of state law pursuant to 28 U.S.C. § 1367.

2. Venue is proper in this Court because all facts material to all claims set forth herein occurred in Marion County, Florida.

### **PARTIES**

3. Plaintiff EEOC is the agency of the United States of America charged with the administration, interpretation and enforcement of the Title VII, and was expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), and § 12203.

4. HANKERSON is a resident of Volusia County, Florida.

5. HAWTHORNE is a resident of Orange County, Florida.

6. HOLLIS is a resident of Orange County, Florida.

7. At all relevant times, Defendant has continuously been a corporation doing business in Lake County, Florida and has continuously had at least fifteen (15) employees. Defendant is an “employer” under Title VII and the FCRA.

8. At all relevant times, Defendant has continuously been an employer engaged in

an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

### **ADMINISTRATIVE PROCEEDINGS**

9. More than thirty days prior to the institution of this lawsuit, HANKERSON and HAWTHORNE each filed a charge with the Commission alleging Defendant violated 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and Section 704(a)(1) of Title VII, 42 U.S.C. § 2000e-3(a)(1), Florida Civil Rights Act of 1992 and Florida Statutes §760.10 (“FCRA”). (Ex. A). Those charges described some of the acts of harassment at issue in the instant lawsuit. *Id.*

10. Prior to the institution of this lawsuit, the Commission investigated the charge and issued a Letter of Determination finding that Defendant had discriminated against HANKERSON and HAWTHORNE because Defendant terminated their employment due to HANKERSON and HAWTHORNE’s complaints about racial harassment and discrimination. (Ex. B).

11. Prior to instituting this lawsuit, the EEOC attempted to eliminate the unlawful employment practices alleged herein and to effect voluntary compliance the Title VII through informal methods of conciliation, conference, and persuasion, to no avail.

12. Intervenors HANKERSON and HAWTHORNE each timely dual filed Charges of Discrimination with the Florida Commission on Human Relations (“FCHR”), and the Equal Employment Opportunity Commission (“EEOC”). A copy of the Charge is attached as Exhibit “A”. More than 180 days has elapsed since filing of the same.

13. All administrative prerequisite and conditions precedent to the institution of this lawsuit have been fulfilled.

**GENERAL ALLEGATIONS**

14. HANKERSON, HAWTHORNE and HOLLIS, were employed as Plumbers' helpers by J.A. CROSON, a plumbing and HVAC contracting company business based in Sorrento, Florida that services Florida, Alabama, Georgia, North Carolina, South Carolina, Tennessee, and Virginia.

15. HANKERSON worked for Defendant from July 29, 2019 until his termination on December 7, 2020.

16. HAWTHORNE worked for Defendant from August 15, 2016 until his termination on December 8, 2020.

17. HOLLIS worked for Defendant in or about or about 2013 until he resigned in or about 2021.

18. J.A. CROSON offers a plumbing apprenticeship program to its employees.

19. Plumbers and Plumber's Helpers are supervised by a Foreman. In turn, the Foreman has the authority to delegate assignments, issue disciplinary action, and terminate his subordinates.

20. On or around August 15, 2016, J.A. CROSON hired HAWTHORNE as a Plumber's Helper to work at its Central Florida construction projects.

21. On or around July 29, 2019, J.A. CROSON hired HANKERSON as a Plumber's Helper to work at its Central Florida construction projects.

22. Throughout their respective employments with J.A. CROSON, HANKERSON, HAWTHORNE and HOLLIS personally heard, and learned about, racially and ethnically offensive language in the workplace. Racial epithets and comments that were disparaging of the race of African American employees were common in the workplace.

23. For example, Foreman Heath Mercer used racial slurs such as “nigger” (hereafter “n\*\*\*er”) on at least a weekly basis. Mercer supervised HANKERSON and HAWTHORNE.

24. Other foremen such as Robby Champion, Matt (or Mike) McCoy, and “Jerry the Russian,” similarly used racial slurs such as “n\*\*\*er” while in the workplace at least on a weekly basis.

25. Project Manager Calvin Christian repeatedly referred to Black employees as “biscuit lips,” “fucking bitches,” “bubba,” “boy,” and “motherfuckers.”

26. Plaintiffs heard Piecework Plumber Gennadiy Burkatovsky (a/k/a “Jerry the Russian”) use racial and ethnic slurs, such as “n\*\*\*er” and “wetback,” in the workplace at least on a weekly basis.

27. These racial and ethnic slurs were used by several managers out in the open, within earshot of nonmanagerial and managerial employees. For instance, Buratkovsky remarked “fuck that n\*\*\*er!” in reference to HOLLIS in front of several employees. Managers spewed racist comments to employees even outside of the workplace. As an example, manager Calvin Christian once remarked to HAWTHORNE “look at that n\*\*\*er loving bitch,” in reference to a White woman walking alongside a Black man on the side of the road while HAWTHORNE and Christian were driving in the same car together. Some of the managers who made such racist statements are convicted felons who were imprisoned for violations of law such as identification theft, illegal drugs, and accessory to murder.

28. J.A. CROSON managers also harassed Black employees by, among other things, hindering their progress in the apprenticeship program. For example, Black employees were disproportionately assigned manual labor assignments that did not count as work credit towards the apprenticeship program. In addition, unfavorable work assignments that required hard manual

labor such as digging holes approximately eighteen feet wide and ten to twelve feet in depth with nothing more than a shovel, or using a jackhammer for days at a time were assigned to Black employees more often than Whites. HOLLIS heard one supervisor state “let the n\*\*\*ers dig” in reference to Blacks given such assignments.

29. HOLLIS was ordered to haul literally hundreds of toilets on his own with no assistance and no motorized tools of any kind from the roof of a building to the first floor.

30. HANKERSON and HAWTHORNE complained to Project Manager Christian about the ongoing racial harassment, perpetrated by Mercer, during their respective employments with J.A. CROSON. Likewise, HANKERSON complained about the racial harassment directly to J.A. CROSON’s corporate office by phone call. HAWTHORNE complained to human resources. J.A. CROSON at times sent Black employees who complained to unfavorable job assignments.

31. HOLLIS complained to a supervisor about the workload he was given. He had to upload trucks by himself while others were sitting. HOLLIS complained about having to move about six hundred (600) toilets and tanks by himself.

32. HOLLIS also asked one manager if he was racist and objected to the manager’s display of the Confederate flag in the workplace. One manager removed the Confederate flag on his truck for a few days as a result of the complaint but then resumed his display of the Confederate flag.

33. In retaliation for his complaint(s) and because of his race, HAWTHORNE received an unwarranted disciplinary action; was assigned disproportionate and less desirable work assignments; and was terminated on December 8, 2020.

34. In retaliation for his complaint(s) and because of his race, J.A. CROSON terminated HANKERSON’s employment on December 7, 2020.

35. HOLLIS quit his employ as a result of the harassment in or about 2021.

36. Mercer stated that people were complaining to J.A. CROSON, and that J.A. CROSON decided to “get rid of the cancer.”

37. Prior to their respective terminations, neither HANKERSON nor HAWTHORNE had been written up for poor job performance.

38. Because of J.A. CROSON’s unlawful conduct, HANKERSON, HAWTHORNE and HOLLIS were harmed and suffered damages.

39. Managers used racial slurs, such as “n\*\*\*er,” in the presence of Black and other employees in the workplace on at least a weekly basis.

40. Managers and employees alike subjected Black and Hispanic employees in Florida to intimidating and hostile treatment. Mercer and Christian often yelled at and berated Black employees in an aggressive and unprofessional manner. Mercer and Christian did not treat white employees in this manner.

41. Several J.A. CROSON managers were known to openly display Confederate flags on their personal vehicles. Team meetings were held in the parking lots in view of the Confederate flags.

42. In addition to subjecting employees to racially and ethnically inflammatory language, J.A. CROSON managers perpetuated a hostile work environment by purposefully delegating assignments based on race to the detriment of African-American employees.

43. White employees were generally assigned favorable tasks, such as plumbing, pipe work, and piecework, while Black employees generally received laborious tasks such as digging ditches.

44. On multiple occasions, J.A. CROSON's managers did not permit Black employees to access the company trailers while allowing white employees to do so.

45. J.A. CROSON's managers also purposefully disadvantaged Black employees enrolled in J.A. CROSON's apprenticeship program.

46. J.A. CROSON regularly impeded Black employees from completing the apprenticeship program.

47. J.A. CROSON's managers also actively impeded Black employees from receiving managerial opportunities thus ensuring the unlawfully hostile work environment would persist.

### **COUNT I**

#### **COUNT I – VIOLATION OF FLORIDA CIVIL RIGHTS ACT (Hankerson - Hostile Work Environment)**

48. J.A. CROSON was motivated in its unequal treatment of HANKERSON because of his race (Black) in violation of Fla. Stat. § 760.10(1).

49. J.A. CROSON, through the actions of their agents, affected HANKERSON in the "compensation, terms, conditions and privileges of employment" as envisioned by Fla. Stat. § 760.10(1).

50. J.A. CROSON, acting through its agents, subjected HANKERSON to a work environment that was fraught with unwelcome conduct and comments offensive to HANKERSON's race. The harassment was so severe and pervasive that it became a term and condition of employment.

51. The effects of the unlawful employment practices complained of in paragraphs 45 to 47 has been to deprive HANKERSON of equal employment opportunities because of his race.

52. J.A. CROSON's actions were intentional or were taken with reckless disregard of



HANKERSON's rights under the Florida Civil Rights Act.

WHEREFORE, HANKERSON ask this Court to grant the following relief:

- a. Issue a declaratory judgment finding that J.A. CROSON's conduct toward HANKERSON violated the Florida Civil Rights Act;
- b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of HANKERSON and against J.A. CROSON for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that HANKERSON has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations;
- d. Enter judgment in favor of HANKERSON and against J.A. CROSON for compensatory damages (pecuniary and non-pecuniary damages, pain and suffering, etc.) together with pre-judgment interest;
- e. Award HANKERSON punitive damages pursuant to Fla. Stat. § 760.11;
- f. Award HANKERSON a reasonable attorney's fee, pursuant to Fla. Stat. § 760.11 together with costs of this action; and
- g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of HANKERSON's rights, to prevent reoccurrence of similar acts in the future and to protect J.A. CROSON's other employees from such unlawful behavior.

## COUNT II

### **COUNT II – VIOLATION OF FLORIDA CIVIL RIGHTS ACT (Hawthorne - Hostile Work Environment)**

53. HAWTHORNE, re-alleges and adopts as if fully set forth in Count II the allegations

of paragraphs 1 through 47.

54. J.A. CROSON was motivated in its unequal treatment of HAWTHORNE because of his race (Black) in violation of Fla. Stat. § 760.10(1).

55. J.A. CROSON, through the actions of their agents, affected HAWTHORNE in the “compensation, terms, conditions and privileges of employment” as envisioned by Fla. Stat. § 760.10(1).

56. J.A. CROSON, acting through its agents, subjected HAWTHORNE to a work environment that was fraught with unwelcome conduct and comments to HAWTHORNE’s race. The harassment was so severe and pervasive that it became a term and condition of employment.

57. The effects of the unlawful employment practices complained of in paragraphs 45 to 47 has been to deprive HAWTHORNE of equal employment opportunities because of his race.

58. J.A. CROSON’s actions were intentional or were taken with reckless disregard of HAWTHORNE’s rights under the Florida Civil Rights Act.

WHEREFORE, HAWTHORNE ask this Court to grant the following relief:

- a. Issue a declaratory judgment finding that J.A. CROSON's conduct toward HAWTHORNE violated the Florida Civil Rights Act;
- b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of HAWTHORNE and against J.A. CROSON for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that HAWTHORNE has lost as a result of J.A. CROSON’s unlawful conduct, together with prejudgment interest from the date of the violations;
- d. Enter judgment in favor of HAWTHORNE and against J.A. CROSON for

compensatory damages (pecuniary and non-pecuniary damages, pain and suffering, etc.) together with pre-judgment interest;

e. Award HAWTHORNE punitive damages pursuant to Fla. Stat. § 760.11;

f. Award HAWTHORNE a reasonable attorney's fee, pursuant to Fla. Stat. § 760.11 together with costs of this action; and

g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of HAWTHORNE's rights, to prevent reoccurrence of similar acts in the future and to protect J.A. CROSON 's other employees from such unlawful behavior.

**COUNT III**  
**VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT**  
**(Hankerson -Termination - Retaliation)**

59. HANKERSON, re-alleges and adopts as if fully set forth in Count III the allegations of paragraphs 1 through 47.

60. J.A. CROSON was motivated in its treatment of HANKERSON because of his complaints about J.A. CROSON unlawfully discriminatory practices and/or opposition (“protected activity”) to such when he was terminated.

61. J.A. CROSON was motivated in its treatment of HANKERSON because of his opposition to J.A. CROSON's discriminatory practices when he was terminated.

62. J.A. CROSON through the actions of its agents, affected HANKERSON in the "compensation, terms, conditions and privileges of employment" as envisioned by Fla. Stat. § 760.10(7).

63. J.A. CROSON's actions were intentional or were taken with reckless disregard of HANKERSON's rights under the FCRA.

WHEREFORE, HANKERSON ask this Court to grant the following relief:

- a. Issue a declaratory judgment finding that Defendant's conduct toward HANKERSON violated the Florida Civil Rights Act;
- b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of HANKERSON and against Defendant for backpay and front pay in the amount of wages and fringe benefits it is determined that HANKERSON has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;
- d. Enter judgment in favor of HANKERSON and against Defendant for compensatory damages (pecuniary and non-pecuniary damages, pain and suffering, etc.) together with pre-judgment interest;
- e. Award HANKERSON punitive damages pursuant to Fla. Stat. § 760.11;
- f. Award HANKERSON a reasonable attorney's fee, pursuant to Fla. Stat. § 760.11 together with costs of this action; and
- g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of HANKERSON's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**COUNT IV**  
**VIOLATION OF THE FLORIDA CIVIL RIGHTS ACT**  
**(Hawthorne - Termination - Retaliation)**

64. HAWTHORNE, re-alleges and adopts as if fully set forth in Count IV the allegations of paragraphs 1 through 47.

65. J.A. CROSON was motivated in its treatment of HAWTHORNE because of his complaints about J.A. CROSON's unlawfully discriminatory practices and/or opposition to such when he was terminated.

66. J.A. CROSON was motivated in its treatment of HAWTHORNE because of his opposition to J.A. CROSON's discriminatory practices when he was terminated.

67. J.A. CROSON through the actions of its agents, affected HAWTHORNE in the "compensation, terms, conditions and privileges of employment" as envisioned by Fla. Stat. § 760.10(7).

68. J.A. CROSON's actions were intentional or were taken with reckless disregard of HAWTHORNE's rights under the FCRA.

WHEREFORE, HAWTHORNE ask this Court to grant the following relief:

a. Issue a declaratory judgment finding that Defendant's conduct toward HAWTHORNE violated the Florida Civil Rights Act;

b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of HAWTHORNE and against Defendant for backpay and front pay in the amount of wages and fringe benefits it is determined that HAWTHORNE has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;

d. Enter judgment in favor of HAWTHORNE and against Defendant for compensatory damages (pecuniary and non-pecuniary damages, pain and suffering, etc.) together with pre-judgment interest;

e. Award HAWTHORNE punitive damages pursuant to Fla. Stat. § 760.11;

f. Award HAWTHORNE a reasonable attorney's fee, pursuant to Fla. Stat. § 760.11 together with costs of this action; and

g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of HAWTHORNE's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**COUNT V**  
**VIOLATION OF FLORIDA CIVIL RIGHTS ACT**  
**(Hankerson - Termination – Race Discrimination)**

69. HANKERSON re-alleges and adopts as if fully set forth in Count V the allegations of paragraphs 1 through 47.

70. J.A. CROSON, acting through its agent(s) was motivated in the unequal treatment of HANKERSON by HANKERSON's race when J.A. CROSON terminated HANKERSON from his position in violation of Fla. Stat. § 760.10(1)(a).

71. The actions of J.A. CROSON as alleged herein were intentional.

72. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HANKERSON's civil rights.

WHEREFORE, HANKERSON asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that J.A. CROSON's conduct toward HANKERSON violated the Florida Civil Rights Act;

b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of HANKERSON and against J.A. CROSON

together with prejudgment interest from the date of the violation, if available;

d. Enter judgment in favor of HANKERSON and against J.A. CROSON for compensatory (pain and suffering, pecuniary and non-pecuniary damages, mental anguish, loss of dignity and other intangible) damages, back pay, front pay and punitive damages pursuant to Fla. Stat. § 760.11 together with pre-judgment interest;

e. Award HANKERSON a reasonable attorney's fee, pursuant to the Florida Civil Rights Act, Fla. Stat. § 760.11 together with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of HANKERSON' rights, to prevent reoccurrence of similar acts in the future and to protect J.A. CROSON other employees from such unlawful behavior.

## **COUNT VI**

### **VIOLATION OF FLORIDA CIVIL RIGHTS ACT** **(Hawthorne - Termination- Race Discrimination)**

73. HAWTHORNE re-alleges and adopts as if fully set forth in Count VI the allegations of paragraphs 1 through 47.

74. J.A. CROSON, acting through its agent(s) was motivated in the unequal treatment of HAWTHORNE by HAWTHORNE's race when J.A. CROSON terminated HAWTHORNE from his position in violation of Fla. Stat. § 760.10(1).

75. The actions of J.A. CROSON as alleged herein were intentional.

76. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HAWTHORNE's civil rights.

WHEREFORE, HAWTHORNE asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that J.A. CROSON's conduct toward

HAWTHORNE violated the Florida Civil Rights Act;

b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of HAWTHORNE and against J.A. CROSON together with prejudgment interest from the date of the violation, if available;

d. Enter judgment in favor of HAWTHORNE and against J.A. CROSON for compensatory (pain and suffering, pecuniary and non-pecuniary damages, mental anguish, loss of dignity and other intangible) damages, back pay, front pay and punitive damages pursuant to Fla. Stat. § 760.11 together with pre-judgment interest;

e. Award HAWTHORNE a reasonable attorney's fee, pursuant to the Florida Civil Rights Act, Fla. Stat. § 760.11 together with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of HAWTHORNE' rights, to prevent reoccurrence of similar acts in the future and to protect J.A. CROSON other employees from such unlawful behavior.

## **COUNT VII**

### **VIOLATION OF TITLE VII (Hankerson - Hostile Work Environment)**

77. HANKERSON, re-alleges and adopts as if fully set forth in Count VII the allegations of paragraphs 1 through 47.

78. J.A. CROSON, acting through its agents, subjected HANKERSON to a work environment that was fraught with unwelcome conduct and comments offensive to HANKERSON's race. The harassment was so severe and pervasive that it became a term and



condition of employment.

79. The effects of the unlawful employment practices complained of in paragraphs 45 to 47 has been to deprive HANKERSON of equal employment opportunities because of his race.

80. J.A. CROSON's actions were intentional or were taken with reckless disregard of HANKERSON's rights under Title VII.

WHEREFORE, HANKERSON asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that: J.A. CROSON's conduct toward HANKERSON violated Title VII;

b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of HANKERSON and against J.A. CROSON for backpay and front pay in the amount of wages and fringe benefits it is determined that HANKERSON has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations

d. Enter judgment in favor of HANKERSON and against J.A. CROSON for pecuniary and non-pecuniary compensatory damages together with prejudgment interest pursuant to 42 U.S.C. § 1981a;

e. Award HANKERSON punitive damages pursuant to 42 U.S.C. § 1981a;

f. Award HANKERSON a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988 or 42 § 2000e-5(k) together with costs of this action; and

g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HANKERSON' rights, to prevent reoccurrence of similar acts in the future and to protect

- h. Defendant's other employees from such unlawful behavior.

**COUNT VIII**

**VIOLATION OF TITLE VII**  
**(Hawthorne - Hostile Work Environment)**

81. HAWTHORNE, re-alleges and adopts as if fully set forth in Count VIII the allegations of paragraphs 1 through 47.

82. J.A. CROSON, acting through its agents, subjected HAWTHORNE to a work environment that was fraught with unwelcome conduct and comments offensive to HAWTHORNE's race. The harassment was so severe and pervasive that it became a term and condition of employment.

83. The effects of the unlawful employment practices complained of in paragraphs 45 to 47 has been to deprive HAWTHORNE of equal employment opportunities because of his race.

84. J.A. CROSON's actions were intentional or were taken with reckless disregard of HAWTHORNE's rights under Title VII.

WHEREFORE, HAWTHORNE asks this Court to grant the following relief:

- a. Issue a declaratory judgment finding that: J.A. CROSON's conduct toward HAWTHORNE violated Title VII;
- b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of HAWTHORNE and against J.A. CROSON for backpay and front pay in the amount of wages and fringe benefits it is determined that HAWTHORNE has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations

- d. Enter judgment in favor of HAWTHORNE and against J.A. CROSON for pecuniary and non-pecuniary compensatory damages together with prejudgment interest pursuant to 42 U.S.C. § 1981a;
- e. Award HAWTHORNE punitive damages pursuant to 42 U.S.C. § 1981a;
- f. Award HAWTHORNE a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988 or 42 § 2000e-5(k) together with costs of this action; and
- g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HAWTHORNE's rights, to prevent reoccurrence of similar acts in the future and to protect
- h. Defendant's other employees from such unlawful behavior.

### **COUNT IX**

#### **VIOLATION OF TITLE VII** **(Hankerson - Termination - Retaliation)**

85. HANKERSON, re-alleges and adopts as if fully set forth in Count IX the allegations of paragraphs 1 through 47.

86. J.A. CROSON was motivated in its unequal treatment of HANKERSON because of his complaints or opposition to unlawful discrimination due his race in violation of Sections of Title VII, 42 U.S.C. §§ 2000e-3.

87. J.A. CROSON's actions were intentional or were taken with reckless disregard of HANKERSON's rights under Title VII.

WHEREFORE, HANKERSON asks this Court to grant the following relief:

- a. Issue a declaratory judgment finding that: J.A. CROSON's conduct toward HANKERSON violated Title VII;

- b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of HANKERSON and against J.A. CROSON for backpay and front pay in the amount of wages and fringe benefits it is determined that HANKERSON has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations
- d. Enter judgment in favor of HANKERSON and against J.A. CROSON for pecuniary and non-pecuniary compensatory damages together with prejudgment interest pursuant to 42 U.S.C. § 1981a;
- e. Award HANKERSON punitive damages pursuant to 42 U.S.C. § 1981a;
- f. Award HANKERSON a reasonable attorney's fee, pursuant to 42 U.S.C. § 1981a or 42 § 2000e-5(k) together with costs of this action; and
- g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HANKERSON' rights, to prevent reoccurrence of similar acts in the future and to protect
- h. Defendant's other employees from such unlawful behavior.

**COUNT X**

**VIOLATION OF TITLE VII**  
**(Hawthorne - Termination - Retaliation)**

88. HAWTHORNE, re-alleges and adopts as if fully set forth in Count X the allegations of paragraphs 1 through 47.

89. J.A. CROSON was motivated in its unequal treatment of HAWTHORNE because of his complaints or opposition to unlawful discrimination due his race in violation of Sections of

Title VII, 42 U.S.C. §§ 2000e-3.

90. J.A. CROSON's actions were intentional or were taken with reckless disregard of HAWTHORNE's rights under Title VII.

WHEREFORE, HAWTHORNE asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that: J.A. CROSON's conduct toward HAWTHORNE violated Title VII;

b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of HAWTHORNE and against J.A. CROSON for backpay and front pay in the amount of wages and fringe benefits it is determined that HAWTHORNE has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations

d. Enter judgment in favor of HAWTHORNE and against J.A. CROSON for pecuniary and non-pecuniary compensatory damages together with prejudgment interest pursuant to 42 U.S.C. § 1981a;

e. Award HAWTHORNE punitive damages pursuant to 42 U.S.C. § 1981a;

f. Award HAWTHORNE a reasonable attorney's fee, pursuant to 42 U.S.C. § 1981a or 42 § 2000e-5(k) together with costs of this action; and

g. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HAWTHORNE's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**COUNT XI**

**VIOLATION OF TITLE VII**  
**(Hankerson - Termination -Race discrimination)**

91. HANKERSON, re-alleges and adopts as if fully set forth in Count XI the allegations of paragraphs 1 through 47.

92. J.A. CROSON acting through its agent(s) was motivated in the unequal treatment of HANKERSON when HANKERSON was terminated based on his race in violation of Title VII., 42 U.S.C. § 2000e-2(a)(1).

93. The actions of J.A. CROSON as alleged herein were intentional.

94. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HANKERSON' civil rights.

WHEREFORE, Intervenor HANKERSON asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that Defendant's conduct toward HANKERSON violated Title VII;

b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of Intervenor HANKERSON and against Defendant for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HANKERSON has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;

d. Enter judgment in favor of Intervenor HANKERSON and against Defendant for compensatory and punitive damages together with pre-judgment interest;

e. Award Intervenor HANKERSON a reasonable attorney's fee, pursuant to

Title VII, or 42 § 2000e-5(k) or 42 U.S.C. § 1988 together with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HANKERSON's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

## **COUNT XII**

### **VIOLATION OF TITLE VII (Hawthorne -Termination- Race Discrimination)**

95. HAWTHORNE, re-alleges and adopts as if fully set forth in Count XII the allegations of paragraphs 1 through 47.

96. J.A. CROSON acting through its agent(s) was motivated in the unequal treatment of HAWTHORNE when HAWTHORNE was terminated based on his race in violation of Title VII., 42 U.S.C. § 2000e-2(a)(1).

97. The actions of J.A. CROSON as alleged herein were intentional.

98. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HAWTHORNE' civil rights.

WHEREFORE, Intervenor HAWTHORNE asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that Defendant's conduct toward HAWTHORNE violated Title VII;

b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of Intervenor HAWTHORNE and against Defendant for backpay and front pay in lieu of reinstatement in the amount of wages and

fringe benefits it is determined that Intervenor HAWTHORNE has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;

d. Enter judgment in favor of Intervenor HAWTHORNE and against Defendant for compensatory and punitive damages together with pre-judgment interest;

e. Award Intervenor HAWTHORNE a reasonable attorney's fee, pursuant to Title VII, or 42 § 2000e-5(k) or 42 U.S.C. § 1988 together with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HAWTHORNE's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

### **COUNT XIII**

#### **VIOLATION OF 42 U.S.C. § 1981** **(Hankerson -Hostile Work Environment)**

99. HANKERSON re-alleges and adopts as if fully set forth in Count XIII the allegations of paragraphs 1 through 38.

100. J.A. CROSON subjected HANKERSON to a work environment hostile to his race (Black) in violation of 42 U.S.C. § 1981.

101. J.A. CROSON's actions in discriminating against HANKERSON resulted in a hostile work environment due to his race (Black).

102. J.A. CROSON, acting through its agents, subjected HANKERSON to a work environment that was fraught with unwelcome conduct and comments offensive to



HANKERSON's race. The harassment was so severe and pervasive that it became a term and condition of employment.

103. The effects of the unlawful employment practices complained of in paragraphs 45 to 47 has been to deprive HANKERSON of equal employment opportunities because of his race.

104. The actions of Defendants as alleged herein were intentional or were with reckless disregard of HANKERSON's civil rights.

105. The actions of J.A. CROSON as alleged herein were taken with malice and with a reckless disregard of HANKERSON's civil rights under 42 U.S.C. § 1981.

WHEREFORE, Intervenor HANKERSON asks this Court to grant the following relief:

- a. Issue a declaratory judgment finding that J.A. CROSON's conduct toward HANKERSON violated 42 U.S.C. § 1981;
- b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of Intervenor HANKERSON and against J.A. CROSON for backpay, reinstatement or front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HANKERSON has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations;
- d. Enter judgment in favor of Intervenor HANKERSON and against J.A. CROSON for compensatory and punitive damages pursuant to federal statutes, including 42 U.S.C. § 1981a, together with pre-judgment interest;
- e. Award Intervenor HANKERSON a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988, with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HANKERSON' rights, to prevent reoccurrence of similar acts in the future and to protect J.A. CROSON's other employees from such unlawful behavior.

**COUNT XIV**

**VIOLATION OF 42 U.S.C. § 1981**  
**(Hawthorne - Hostile Work Environment)**

106. HAWTHORNE re-alleges and adopts as if fully set forth in Count XIV the allegations of paragraphs 1 through 47.

107. J.A. CROSON's actions in discriminating against HAWTHORNE resulted in a hostile work environment due to his race (Black).

108. J.A. CROSON subjected HAWTHORNE to a work environment hostile to his race (Black) in violation of 42 U.S.C. § 1981.

109. J.A. CROSON's actions in discriminating against HAWTHORNE resulted in a hostile work environment due to his race (Black).

110. J.A. CROSON, acting through its agents, subjected HAWTHORNE to a work environment that was fraught with unwelcome conduct and comments offensive to HAWTHORNE's race. The harassment was so severe and pervasive that it became a term and condition of employment.

111. The effects of the unlawful employment practices complained of in paragraphs 45 to 47 has been to deprive HAWTHORNE of equal employment opportunities because of his race.

112. The actions of Defendants as alleged herein were intentional or were with reckless disregard of HAWTHORNE's civil rights.

113. The actions of J.A. CROSON as alleged herein were taken with malice and with a reckless disregard of HAWTHORNE's civil rights under 42 U.S.C. § 1981.

WHEREFORE, Intervenor HAWTHORNE asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that J.A. CROSON's conduct toward HAWTHORNE violated 42 U.S.C. § 1981;

b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of Intervenor HAWTHORNE and against J.A. CROSON for backpay, reinstatement or front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HAWTHORNE has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations;

d. Enter judgment in favor of Intervenor HAWTHORNE and against J.A. CROSON for compensatory and punitive damages pursuant to federal statutes, including 42 U.S.C. § 1981a, together with pre-judgment interest;

e. Award Intervenor HAWTHORNE a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988, with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HAWTHORNE's rights, to prevent reoccurrence of similar acts in the future and to protect J.A. CROSON's other employees from such unlawful behavior.

**COUNT XV**

**VIOLATION OF 42 U.S.C. § 1981**  
**(HOLLIS - HOSTILE WORK ENVIRONMENT)**

114. HOLLIS re-alleges and adopts as if fully set forth in Count XV the allegations of paragraphs 1 through 47.

115. J.A. CROSON subjected HOLLIS to a work environment hostile to his race (Black) in violation of 42 U.S.C. § 1981.

116. J.A. CROSON's actions in discriminating against HOLLIS resulted in a hostile work environment due to his race (Black).

117. J.A. CROSON, acting through its agents, subjected HOLLIS to a work environment that was fraught with unwelcome conduct and comments offensive to HOLLIS's race. The harassment was so severe and pervasive that it became a term and condition of employment.

118. The effects of the unlawful employment practices complained of in paragraphs 45 to 47 has been to deprive HOLLIS of equal employment opportunities because of his race.

119. The actions of Defendants as alleged herein were intentional or were with reckless disregard of HOLLIS' civil rights.

120. The actions of J.A. CROSON as alleged herein were taken with malice and with a reckless disregard of HOLLIS's civil rights under 42 U.S.C. § 1981.

WHEREFORE, Intervenor HOLLIS asks this Court to grant the following relief:

- a. Issue a declaratory judgment finding that J.A. CROSON's conduct toward HOLLIS violated 42 U.S.C. § 1981;
- b. Enjoin and restrain J.A. CROSON and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of Intervenor HOLLIS and against J.A. CROSON for

backpay, reinstatement or front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HOLLIS has lost as a result of J.A. CROSON's unlawful conduct, together with prejudgment interest from the date of the violations;

- d. Enter judgment in favor of Intervenor HOLLIS and against J.A. CROSON for compensatory and punitive damages pursuant to federal statutes, including 42 U.S.C. § 1981a, together with pre-judgment interest;
- e. Award Intervenor HOLLIS a reasonable attorney's fee, pursuant to 42 U.S.C. § 1988, with the costs of this action; and
- f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HOLLIS's rights, to prevent reoccurrence of similar acts in the future and to protect J.A. CROSON's other employees from such unlawful behavior.

### **COUNT XVI**

#### **42 USC § 1981**

#### **(Hankerson - Termination - Retaliation)**

121. HANKERSON re-alleges and adopts as if fully set forth in Count XVI the allegations of paragraphs 1 through 47.

122. J.A. CROSON acting through its agent(s) was motivated in the unequal treatment of HANKERSON due to his complaints of unlawful discrimination and/or opposition to such when HANKERSON was terminated in violation of 42 U.S.C. § 1981.

123. The actions of J.A. CROSON as alleged herein were intentional.

124. The actions of J.A. CROSON as alleged herein were taken with malice or with a

reckless disregard of HANKERSON's civil rights.

WHEREFORE, Intervenor HANKERSON asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that Defendant's conduct toward HANKERSON violated 42 U.S.C. § 1981;

b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of Intervenor HANKERSON and against Defendant for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HANKERSON has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;

d. Enter judgment in favor of Intervenor HANKERSON was and against Defendant for compensatory and punitive damages together with pre-judgment interest;

e. Award Intervenor HANKERSON was a reasonable attorney's fee, pursuant to 42 U.C.S. § 1988, with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HANKERSON's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**COUNT XVII**

**42 USC 1981**

**(Hawthorne - Termination - Retaliation)**

125. HAWTHORNE re-alleges and adopts as if fully set forth in Count XVII the

allegations of paragraphs 1 through 47.

126. J.A. CROSON acting through its agent(s) was motivated in the unequal treatment of HAWTHORNE due to his complaints of unlawful discrimination and/or opposition to such when HAWTHORNE was forced to resign in violation of 42 U.S.C. § 1981.

127. The actions of J.A. CROSON as alleged herein were intentional.

128. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HAWTHORNE's civil rights.

WHEREFORE, Intervenor HAWTHORNE asks this Court to grant the following relief:

- a. Issue a declaratory judgment finding that Defendant's conduct toward HAWTHORNE violated 42 U.S.C. § 1981;
- b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;
- c. Enter judgment in favor of Intervenor HAWTHORNE and against Defendant for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HAWTHORNE has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;
- d. Enter judgment in favor of Intervenor HAWTHORNE was and against Defendant for compensatory and punitive damages together with pre-judgment interest;
- e. Award Intervenor HAWTHORNE was a reasonable attorney's fee, pursuant to 42 U.C.S. § 1988, with the costs of this action; and
- f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HAWTHORNE's rights, to

prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**COUNT XVIII**

**42 USC 1981**

**(Hollis – Constructive Discharge -Race)**

129. HOLLIS re-alleges and adopts as if fully set forth in Count XVIII the allegations of paragraphs 1 through 47.

130. J.A. CROSON acting through its agent(s) was motivated in the unequal treatment of HOLLIS due to his race when HOLLIS was forced to resign or his resignation was a foreseeable consequence of the harassment including the disparity in work assignments in violation of 42 U.S.C. § 1981.

131. The actions of J.A. CROSON as alleged herein were intentional.

132. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HOLLIS's civil rights.

WHEREFORE, Intervenor HOLLIS asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that Defendant's conduct toward HAWTHORNE violated 42 U.S.C. § 1981;

b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of Intervenor HOLLIS and against Defendant for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HOLLIS has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;



d. Enter judgment in favor of Intervenor HOLLIS was and against Defendant for compensatory and punitive damages together with pre-judgment interest;

e. Award Intervenor HOLLIS was a reasonable attorney's fee, pursuant to 42 U.C.S. § 1988, with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HOLLIS's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**COUNT XIX**

**VIOLATION OF 42 U.S.C. § 1981**  
**(Hankerson - Termination- Race discrimination)**

133. HANKERSON re-alleges and adopts as if fully set forth in Count XIX the allegations of paragraphs 1 through 47.

134. J.A. CROSON acting through its agent(s) was motivated in the unequal treatment of HANKERSON when HANKERSON was terminated based on his race in violation of 42 U.S.C. § 1981.

135. The actions of J.A. CROSON as alleged herein were intentional.

136. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HANKERSON's civil rights.

WHEREFORE, Intervenor HANKERSON asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that Defendant's conduct toward HANKERSON violated 42 U.S.C. § 1981;

b. Enjoin and restrain Defendant and all other persons acting on behalf of, or

in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of Intervenor HANKERSON and against Defendant for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HANKERSON has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;

d. Enter judgment in favor of Intervenor HANKERSON was and against Defendant for compensatory and punitive damages together with pre-judgment interest;

e. Award Intervenor HANKERSON was a reasonable attorney's fee, pursuant to 42 U.C.S. § 1988, with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HANKERSON's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**COUNT XX**

**VIOLATION OF 42 U.S.C. § 1981**  
**(Hawthorne - Termination- Race discrimination)**

137. HAWTHORNE re-alleges and adopts as if fully set forth in Count XX the allegations of paragraphs 1 through 47.

138. J.A. CROSON acting through its agent(s) was motivated in the unequal treatment of HAWTHORNE when HAWTHORNE was terminated based on his race in violation of 42 U.S.C. § 1981.

139. The actions of J.A. CROSON as alleged herein were intentional.

140. The actions of J.A. CROSON as alleged herein were taken with malice or with a reckless disregard of HAWTHORNE's civil rights.

WHEREFORE, Intervenor HAWTHORNE asks this Court to grant the following relief:

a. Issue a declaratory judgment finding that Defendant's conduct toward HAWTHORNE violated 42 U.S.C. § 1981;

b. Enjoin and restrain Defendant and all other persons acting on behalf of, or in concert with them, from engaging in such unlawful practices;

c. Enter judgment in favor of Intervenor HAWTHORNE and against Defendant for backpay and front pay in lieu of reinstatement in the amount of wages and fringe benefits it is determined that Intervenor HAWTHORNE has lost as a result of Defendant's unlawful conduct, together with prejudgment interest from the date of the violations;

d. Enter judgment in favor of Intervenor HAWTHORNE was and against Defendant for compensatory and punitive damages together with pre-judgment interest;

e. Award Intervenor HAWTHORNE was a reasonable attorney's fee, pursuant to 42 U.C.S. § 1988, with the costs of this action; and

f. Award such other and further legal and equitable relief as may be appropriate to redress fully the deprivation of Intervenor HAWTHORNE's rights, to prevent reoccurrence of similar acts in the future and to protect Defendant's other employees from such unlawful behavior.

**JURY DEMAND**

Intervenors demand trial by jury on all issues so triable.

Respectfully submitted,

/s Gary A. Costales

Gary A. Costales

Florida Bar No. 0948829

Law Offices of Gary A. Costales, P.A.

1533 Sunset Drive, Suite 150

Miami, FL 33143

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(786) 323-7274 (facsimile)

costalesgary@hotmail.com

**CERTIFICATE OF SERVICE**

**I hereby certify** that on March 4, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s Gary A. Costales

**SERVICE LIST**

***U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION***

***CASE No.:22-CV-00435-JSM-PRL***

**United States District Court, Southern District of Florida**

Kristyne E. Kennedy  
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Commission  
Tampa Field Office  
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Tampa, FL 33602  
(813) 710-9365  
*Notice of Electronic Filing*

# **Ex. A**

EEOC Form 5 (11/09)

<p><b>CHARGE OF DISCRIMINATION</b></p> <p>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input type="checkbox"/> FEPA</p> <p><input checked="" type="checkbox"/> EEOC <span style="float: right;"><b>510-2021-01551</b></span></p>
---	---

and EEOC

\_\_\_\_\_  
State or local Agency, if any

Name (indicate Mr., Ms., Mrs.) <b>Ernest Hankerson, Jr.</b>	Home Phone (Incl. Area Code)	Date of Birth
Street Address _____ City, State and ZIP Code _____		

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name <b>JA CROSON LLC</b>	No. Employees, Members <b>101 - 200</b>	Phone No. (Include Area Code) <b>(352) 729-7100</b>
Street Address _____ City, State and ZIP Code _____		

<p>DISCRIMINATION BASED ON (Check appropriate box(es).)</p> <p><input checked="" type="checkbox"/> RACE    <input type="checkbox"/> COLOR    <input type="checkbox"/> SEX    <input type="checkbox"/> RELIGION    <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input checked="" type="checkbox"/> RETALIATION    <input type="checkbox"/> AGE    <input type="checkbox"/> DISABILITY    <input type="checkbox"/> GENETIC INFORMATION</p> <p><input type="checkbox"/> OTHER (Specify) _____</p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <table style="width:100%;"> <tr> <td style="text-align: center;">Earliest</td> <td style="text-align: center;">Latest</td> </tr> <tr> <td style="text-align: center;"><b>2019</b></td> <td style="text-align: center;"><b>Dec 2020</b></td> </tr> <tr> <td colspan="2" style="text-align: center;"><input type="checkbox"/> CONTINUING ACTION</td> </tr> </table>	Earliest	Latest	<b>2019</b>	<b>Dec 2020</b>	<input type="checkbox"/> CONTINUING ACTION	
Earliest	Latest						
<b>2019</b>	<b>Dec 2020</b>						
<input type="checkbox"/> CONTINUING ACTION							

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I am an African American. I have been employed with the above-named employer, since November 2019, as a plumber helper. During my tenure, I have been an excellent employee with no history of disciplinary, attendance, or performance issues.

Throughout my employment, I was repeatedly subjected to disparate treatment, including racial discrimination from Foreman Mr. Jerry, who had higher authority over me. The harassment included intimidation, humiliation but not limited to derogatory verbally abusive behavior, i.e., "barking out orders rudely and unprofessionally."The management personnel is aware that Mr. Jerry is openly racist and have documented his altercations with other employees using the N-word to address them. On one occasion, Mr. Pizarro informed that Mr. Joe Cool was sick; his response was "F this N-word" when referring to him. Despite several attempts by me and other employees to resolve the issues internally by complaining to upper management, nothing has been done to effectively address or correct the working conditions. Mr. Jerry gives preferential treatment to white employees. Lastly, I was terminated in retaliation, and nothing was done to correct the racially hostile work environment.

Thus, for the reasons specified herein, I believe that I have been discriminated against and retaliated against because of my race (Black) in violation of Title VII of the Civil Rights Act of 1964, as amended.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p> <p>I declare under penalty of perjury that the above is true and correct.</p>	<p>NOTARY – When necessary for State and Local Agency Requirements</p> <p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p>  <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>
<p><u>4/16/2021</u>                      <u>Ernest Hankerson JR</u></p> <p style="text-align: center;"><small>Date                                      Charging Party Signature</small></p>	







actually written up after Mercer claimed my doctor had cleared me to return to work just 3 days later (March 22), which makes no sense because I could have had Covid, and this alleged clearance is not in the doctor's note. Mercer told me that Calvin had told him to write me up. White bosses hired White relatives (sons, nephews, etc.) and moved them up to lead men positions although I and other African Americans were much more experienced and better qualified. Heath Mercer also made comments which I felt indicated age discrimination. JA Croson got rid of three employees who were over the age of 60 the same day as me (myself, Eric Smith and Juan) and kept lesser qualified individuals who were about half of our age.

II. I believe it was I was retaliated against in violation of Title VII of the Civil Rights Act of 1964 as amended and subjected to race discrimination as well.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

11/10/21

*Cyrus W. Hawthorne Jr.*

Charging Party Signature

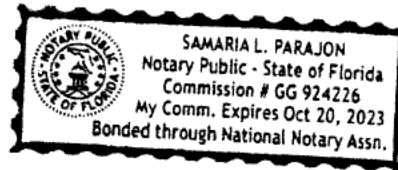
NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

*Cyrus W. Hawthorne Jr.*

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)



exp: 11/23/24

# **Ex. B**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Miami District Office**

Miami Tower  
100 S.E. 2<sup>nd</sup> Street, Suite 1500  
Miami, FL 33131  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Miami Status Line: (866) 408-8075  
Miami Direct Dial: (305) 808-1740  
TTY (305) 808-1742  
FAX (305) 808-1855

Charge No: 510-2021-01551

Ernest Hankerson Jr.

Charging Party

And

JA Crosson LLC  
Kristyne E. Kennedy  
Cole, Scott & Kissane, P.A.  
1900 Summit Tower Blvd Ste 400  
Orlando, FL 32810

Respondent

Letter of Determination

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above-cited charge, filed under Title VII of the Civil Rights Act of 1964, as amended. Timeliness and all other jurisdictional requirements for coverage have been met.

Charging Party, Ernest Hankerson is a Black male who worked as a Plumber Helper for the Respondent from July 2019 to December 7, 2020. The Charging Party alleges he was subjected to a racially discriminatory hostile work environment that included intimidation and harassment of a racial nature in the workplace by his supervisors. Charging Party further alleges that he was terminated in retaliation for complaining about discrimination.

Respondent denies the allegations of discrimination and claims it never received any complaints about the racially discriminatory conduct. The Respondent stated that Charging Party was terminated for failing to follow directions and taking an unauthorized break.

The Commission concludes that the evidence obtained in the investigation, establishes reasonable cause to believe that Respondent discriminated against the Charging Party because of his race when he was subjected to a racially discriminatory hostile work environment in violation of Title VII of the Civil Rights Act of 1964, as amended. The Commission also concludes that the evidence obtained in the investigation establishes reasonable cause to believe that the Respondent discharged the Charging Party in retaliation for his complaints of racial

discrimination in violation of Title VII. Furthermore, the Commission concludes that there is reasonable cause to believe that Respondent discriminated against a class of Black and Hispanic employees in Florida holding plumber and plumber helper positions based on their race or national origin, by subjecting them to a discriminatory hostile work environment in violation of Title VII from at least June 2020 to the present and ongoing.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during conciliation.


If you wish to participate in conciliation, please email EEOC Investigator Wigberto I. Perez Perez at [wigberto.perezperez@eoc.gov](mailto:wigberto.perezperez@eoc.gov) within seven (7) days from the date of this Letter of Determination.

When the Respondent declines to enter into conciliation discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the Commission, the Commission shall inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved person and the Commission. The confidentiality provisions of the statutes and Commission Regulation apply to information discussed or given during conciliation.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge

7/15/2022  
Date

On Behalf of the Commission,

  
Roberto Chavez, Esq  
Acting District Director

**Charging Party Representative:**

Gary A. Costales, P.A  
1200, Brickle Avenue, Suite 1440  
Miami, FL 33131



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Miami District Office**

Miami Tower  
100 S.E. 2<sup>nd</sup> Street, Suite 1500  
Miami, FL 33131  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Miami Status Line: (866) 408-8075  
Miami Direct Dial: (305) 808-1740  
TTY (305) 808-1742  
FAX (305) 808-1855

Charge No: 510-2021-01955

Cyrus W. Hawthorne, Jr.

Charging Party

And

JA Crosson LLC  
Kristyne E. Kennedy  
Cole, Scott & Kissane, P.A  
1900 Summit Tower Blvd Ste 400  
Orlando, FL 32810

Respondent

Letter of Determination

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the above-cited charge, filed under Title VII of the Civil Rights Act of 1964, as amended and Age Discrimination in Employment Act of 1967. Timeliness and all other jurisdictional requirements for coverage have been met.

Charging Party, Cyrus Hawthorne Jr. is a Black male who worked as a Plumber Helper for the Respondent from August 15, 2016 to December 8, 2020. The Charging Party alleges he was subjected to a racially discriminatory hostile work environment that included intimidation and harassment of a racial nature in the workplace by his supervisors. Charging Party further alleges that he was terminated in retaliation for complaining about discrimination.

Respondent denies the allegations of discrimination and claims it never received any complaints about the racially discriminatory conduct. The Respondent stated that the Charging Party was terminated for performance deficiencies.

The Commission concludes that the evidence obtained in the investigation, establishes reasonable cause to believe that Respondent discriminated against the Charging Party because of his race when he was subjected to a racially discriminatory hostile work environment in violation of Title VII of the Civil Rights Act of 1964, as amended. The Commissions also concludes that the evidence obtained in the investigation establishes reasonable cause to believe that the Respondent discharged the Charging Party in retaliation for his complaints of racial discrimination in violation of the Title VII. Furthermore, the Commission concludes that there is

reasonable cause to believe that Respondent discriminated against a class of Black and Hispanic employees in Florida holding plumber and plumber helper positions based on their race or national origin, by subjecting them to a discriminatory hostile work environment in violation of Title VII from at least June 2020 to the present and ongoing.

The Charging Party also makes an allegation of age discrimination under the ADEA. The Commission is unable to conclude that Respondent unlawfully discriminated against Charging Party on the basis of his age. This determination concludes the processing of that claim. This letter will be the only notice of the Charging Party's Notice of Rights to Sue for age discrimination under the ADEA. The Charging Party may only pursue the age discrimination claim further by filing suit against the Respondent within 90 days of receipt of this letter. Otherwise, Charging Party's rights to sue will be lost.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. The confidentiality provisions of Sections 706 and 709 of Title VII and the Commission Regulations apply to information obtained during conciliation.


If you wish to participate in conciliation, please email EEOC Investigator Wigberto I. Perez Perez at [wigberto.perezperez@eoc.gov](mailto:wigberto.perezperez@eoc.gov) within seven (7) days from the date of this Letter of Determination.

When the Respondent declines to enter into conciliation discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the Commission, the Commission shall inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved person and the Commission. The confidentiality provisions of the statutes and Commission Regulation apply to information discussed or given during conciliation.

You are reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

7/15/2022  
Date

On Behalf of the Commission,

  
\_\_\_\_\_  
Roberto Chavez, Esq.  
Acting District Director

**Charging Party Representative:**

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1200, Brickle Avenue, Suite 1440  
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