

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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WALTER E. CLARK, III, )

*Plaintiff,* )

vs. )

ELECTRIC POWER BOARD OF )  
METROPOLITAN NASHVILLE AND )  
DAVIDSON COUNTY d/b/a NASHVILLE )  
ELECTRIC SERVICE, )

*Defendant.* )

CIVIL ACTION NO. )

JURY DEMAND )

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**COMPLAINT**

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Plaintiff, WALTER E. CLARK, III (hereinafter referred to as “Plaintiff” or “Clark”), files his Complaint against Defendant, ELECTRIC POWER BOARD OF METROPOLITAN NASHVILLE AND DAVIDSON COUNTY d/b/a NASHVILLE ELECTRIC SERVICE (hereinafter referred to as “Defendant” or “NES”), and alleges as follows:

**NATURE OF COMPLAINT**

1. This action is brought by Plaintiff against Defendant for discrimination against him because of his race, color, and origin in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq. (“Title VII”), The Civil Rights Act of 1991, 42 U.S.C. §§ 1981, and 1983 and The Tennessee Human Rights Act (“THRA”) Tenn. Code Ann. § 4-21-101, *et seq.*

## **JURISDICTION AND VENUE**

2. This Court has jurisdiction pursuant to 28 U.S.C. §1331, §1343(4), and §1367 as the Plaintiff brings this action for damages under Title VII, 42 U.S.C. §2000 et. seq., as amended, 42 U.S.C. §1981, §1983 and THRA Tenn. Code Ann. § 4-21-101, *et seq.*

3. The venue is proper in the Middle District of Tennessee, Nashville, Division pursuant to under 28 U.S.C. 1391 as the alleged violations occurred in this judicial district.

## **PARTIES**

4. Plaintiff is an African American male born in 1977.

5. Plaintiff is a member of a protected class based on race and color within the meaning of Title VII and 42 U.S.C. §§ 1981 and 1983.

6. Plaintiff is a resident of Tennessee. At all times material to this action, Plaintiff was and is an employee of Defendant NES as defined in 42 U.S.C. § 2000 et seq and 42 U.S.C. §§ 1981 and 1983.

7. Defendant NES is a quasi-governmental entity doing business in the state of Tennessee.

8. NES is an employer as defined by 42 U.S.C. §§ 1981, §1983, and 2000e(b), employing more than 15 individuals and under THRA § 4-21-102(5) and (14).

## **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9. Plaintiff has fulfilled all conditions necessary to the institution of this action under Title VII of the Civil Rights act of 1964, as amended and THRA.

10. Plaintiff filed a discrimination Complaint against Defendant NES with the Tennessee Human Rights Commission (“THRC”) and got it closed due to receiving a Right to Sue from the United States Equal Employment Opportunity Commission (“EEOC”).

11. On November 23, 2021, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) against Defendant for discrimination based on Race, Color, Origin, and Retaliation (Charge No.: 25A-2022-00143).

12. On November 2, 2022, a Notice of Right to Sue was issued from the EEOC to the Plaintiff. A true and correct copy of the Notice of Right to Sue is attached hereto as **Exhibit “A”** and fully incorporated herein by reference.

13. Accordingly, this lawsuit is properly and timely filed within ninety (90) days of issuance of Plaintiff’s Notice of Right to Sue Letter by EEOC.

#### **FACTS RELEVANT TO ALL CAUSES OF ACTION**

14. In or about September 2001, Plaintiff was hired and has been working with NES since then.

15. Plaintiff worked as Storekeeper for over four years.

16. For the last 16 years, Plaintiff has been working as an Electrician in NES Construction and Maintenance (C&M) department.

17. Plaintiff, over these years, has worked in three different sections of the C&M department, i.e., he worked over ten years in the Maintenance section, three years in the Switchboard section, and in the last months of 2020, he moved to the Transformer section, where he is still working.

18. Plaintiff performed his duties and fulfilled his responsibilities in a satisfactory manner. Despite Plaintiff’s long tenure and satisfactory service, he was passed over for promotions on numerous occasions like other qualified African American NES employees.

19. Since the day of his employment, Plaintiff has been subject to ongoing harassment, retaliation, racial discrimination, and a hostile work environment by his Supervisors and other

Caucasian employees of NES. At all times relevant to this lawsuit, Plaintiff was subjected to racist comments, racist displays, and an overall pervasive environment.

20. Plaintiff directly heard and/or is aware of NES Caucasian coworkers and supervisors saying racially inflammatory words such as “NIGGER,” “BOY,” “MOON,” a short term for “crickets, also known as a slave that is escaped in the moonlight,” and “Need to have slaves again to Make America Great Again.” The use of racist comments, epithets, and slurs is a common practice in the NES environment.

21. In the Maintenance section, Plaintiff’s Supervisor, Ernest Brown (“Brown”), harassed Plaintiff because he was black. Plaintiff felt unsafe working with Brown.

22. In front of coworkers, Brown used to call Plaintiff a “Boy.” Plaintiff never liked this and made it known to Brown, but he never stopped.

23. Plaintiff has also been the victim of constant bullying, being called “Nigger” and “lazy Nigger” by Bobby Martin Jr, aka Junior, a Caucasian NES employee.

24. On April 11, 2019, at 11:34 a.m. Brown pulled into the station and parked his truck across from the Plaintiff, in an unusual location, to further harass and intimidate Plaintiff even though Brown was no longer Plaintiff’s Supervisor. Plaintiff took his picture and sent it to Jeff Locke, Superintendent in the Switchboard section. Thereafter, Brown left the station. Brown came into the building several times and just stared at Plaintiff and saw his every move for absolutely no reason.

25. On April 25, 2019, when Plaintiff and his Working Foreman, Jeff Hardcastle, were in the Switchboard section and were leaving Metro Centre Station, Brown drove down the street with no business whatsoever over there, circled, came back, and slowed down near them. Brown made eye contact and smirked at Plaintiff, and then sped off.

26. On April 26, 2019, Plaintiff walked into the office to confront Brown about his continued harassment toward him. Brown and Jeff Locke were there in the office. Plaintiff asked Jeff if there was a reason Brown drove by Metro Center sub at 1:32 p.m. on 25th April, very slow with no business whatsoever, and smiled at him in a sinister way. Brown then said, why does it matter? Plaintiff answered, “It matters because you keep harassing me and showing up where I am. It’s been ongoing for years because, for some reason, you have always had it in for me (I’m black).” Willie Mills and Chris Wheeler also witnessed everything going on in the office.

27. On June 18, 2020, Plaintiff’s coworker Ray Adcock Working Foreman in the Switchboard section, said to him, “I’ll tell you how to train that son of a bitch...put a white sheet over your head and go out there beat the shit out of him until he hates all white people.”

28. On August 18, 2020, Plaintiff emailed his Manager, Eric Lewis, a complaint about Ray Adcock’s June 18<sup>th</sup> racist comment, but no action, as promised, was taken by Defendant or its Manager. The Plaintiff also reported the same to the Human Resources Department and Camille Stewart, but no action was taken, as promised.

29. Plaintiff further alleges that on several occasions, he applied for promotion but faced racial discrimination in the hiring and promotion by denying jobs and giving the jobs to other Caucasian employees.

30. Plaintiff has been at NES for the last 20 years, and he was hired with William Friedburg, aka Butch. In 2016, Butch was put up for promotion to Supervisor. He got the Working Foreman position over Plaintiff. Plaintiff and Butch started working on the same day at the NES and had the same amount of time and qualifications. Notwithstanding, Plaintiff was graded low and never promoted, even as a Foreman, for the last 16 years. Plaintiff believes that he was not promoted because of his race and color.

31. Plaintiff applied for promotion in April 2021 as a Working Foreman, whereby, Plaintiff was again rejected, and two Caucasian employees were selected for the position.

32. In October 2021, Plaintiff was moved to the Transformer shop, and a few weeks later, David Andrews (Corky) was brought to the transformer shop. On day one, Corky said that “he was going to get the next Working Foreman job.” It turned out that Corky was correct. He even knew things that were going to be on the test before the job. Black people who applied for the job were at the back of the list and did not even qualify for an interview because of unfair grading. Plaintiff is even more qualified but yet consistently overlooked.

33. When Plaintiff was at the Transformer shop, he was again subjected to harassment and discrimination when he was singled out and accused of violating the beard policy. Plaintiff was told “to go home or buy a razor and shave the beard” when Plaintiff did not have a beard in violation of the so-called policy. However, the other Caucasian Supervisor, Jim Cadin, with a beard, was just told, “you know you can’t have a beard” and no action was taken against him.

34. On November 29, 2021, when Bridgette Roberts, Supervisor, handed out daily planners for 2022 to the Working Formen Corky and Misty Reed. Corky asked Misty Reed, “When is the next time that we’re off next year so that I can start planning to be off.” Misty replied, “We have that Martin Luther King Day,” Corky continued to flip through the pages of his January calendar and said, “When is it?” Misty replied, “I don’t know, ask Walter; he will know when it is” indicating that Plaintiff would know because he is African American. These comments devastated Plaintiff because they were insensitive, singled him out as a Black employee and happened to his face. Plaintiff immediately got up and walked out of the break room, and Corky walked up to him and said, “I understand why you left; I can’t believe she said that.”

35. On December 21, 2021, Plaintiff sent a formal complaint email to Bridgette Roberts, Supervisor in the Transformer section, about the racist comment made by Misty Reed to Plaintiff.

36. On December 28, 2021, Bridgette Roberts further sent this complaint to Steve Clark, Manager of C&M, but Plaintiff did not hear anything from him.

37. On February 3, 2022, Plaintiff sent a follow-up email to Steve Clark about the Complaint, but he did not receive any response.

38. Much later, Steve Clark alleged that he referred the matter to Charles Drewery. No correction action has been taken to resolve Plaintiff's grievance.

39. Misty Reed also makes racist comments to other employees which impacts the Plaintiff. Misty Reed regularly refers to African American employee Michael Carter as her "moon cricket." There are numerous witnesses to her racist comments.

40. The hostile environment at NES is continuous and ongoing. Every time Plaintiff suffered racial comments and discrimination during his employment, he filed his grievances or reported to his Supervisors and/or Managers, but everything was in vain; no corrective action has ever been taken to resolve such grievances.

41. On several occasions, Plaintiff faced NES's racial discrimination, which includes but not limited to racial gestures, e.g., a noose hanging at work (multiple times), constantly being overlooked for jobs due to his race even though he worked harder than his fellow white coworkers, unfair treatment by supervisors as well as manipulation of the performance appraisal system and grades, being graded differently because of his race, coworkers that are favorites of the supervisors receive better grades and gain more points towards promotion (they all happen to be white).

42. Throughout his employment at the NES, Plaintiff has experienced and witnessed African American employees not being given opportunities for promotion and advancement equal to white employees.

43. There is no dearth of examples of NES's discrimination based on race, color, and national origin. Most recently, on January 9, 2023, NES Operations Manager Ty Jones changed his email profile to a "Not Equal" '≠' symbol. The use of this symbol is an attempt to claim that different races are not equal to each other and to imply that whites are superior to blacks. A true and correct copy of Ty Jones' email profile and this hate symbol's description is attached hereto as **Exhibit "B"** and fully incorporated herein by reference. Despite reports of Jones' use of this symbol to NES, no corrective action has been taken.

44. Plaintiff has been adversely affected by the challenged practice and pattern of racial discrimination detailed in this Complaint, including Defendant NES's subjective selection and discipline policies, practices and procedures, and unequal terms and conditions of employment, which have prevented Plaintiff from advancing into higher and better paying positions for which he was qualified, and have deprived him of the opportunity to work in an integrated environment in which African-American employees hold higher-level positions. Plaintiff has been subjected to a racially hostile working environment.

45. As a result of Defendant's acts or conduct, Plaintiff has experienced pain and suffering, racism, stress, depression, and anxiety (having to be on medication for stress and anxiety), being diagnosed because of stress, his family being ripped apart and ultimately ending in a divorce, unfair treatment and stalking, and receiving low grades.

46. Plaintiff has been deprived of employment opportunities and has otherwise been subjected to Defendant's intentional discrimination regarding his rights under Title VII and 42



U.S.C. §§ 1981 and 1983, which has caused Plaintiff to suffer economic losses, including lost wages and benefits, interest, attorney fees and costs, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and damages in violation of Title VII and 42 U.S.C. §§ 1981 and 1983 prohibiting discriminatory and retaliatory treatment.

## **CAUSES OF ACTION**

### **FIRST CAUSE OF ACTION Intentional Race Discrimination (§1983 for violations of §1981 and Title VII)**

47. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1–46 with the same force and effect as though fully set forth herein.

48. Plaintiff has been subjected to racial discrimination in violation of the Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 1981 and 1983, including, but not limited to, a pattern and practice of intentional discrimination and a battery of policies, practices, and procedures having unlawful, disparate impact on his employment opportunities. Defendant NES follows a policy and practice of restricting the employment opportunities of African American employees such as Plaintiff to lower job classifications and compensation levels. The means of accomplishing such racial discrimination include, but are not limited to, the NES's selection and promotional procedures, unequal terms and conditions of employment, and a history of tolerating and encouraging a racially hostile working environment.

49. As a protected class member, Plaintiff was discriminated against when he applied for the Working Forman position and was graded lower by NES Supervisors than other similarly situated NES's Caucasian employees.

50. Plaintiff was subjected to intentional discrimination by NES when he was denied a promotion even though he was qualified for the job; in contrast, Butch, a former Caucasian coworker, was promoted to Working Foreman.

51. Race is a motivating factor in NES's rejection of Plaintiff for the position.

52. NES intentionally discriminated against Plaintiff in the terms and conditions of Plaintiff's employment on the basis of race in violation of Title VII and §1981

53. NES treated Plaintiff differently than similarly situated Caucasian employees.

54. Due to Defendant's disparate treatment, Plaintiff has suffered both irreparable injury and compensable damage. Plaintiff has suffered, is now suffering, and will continue to suffer emotional pain, mental anguish, humiliation, embarrassment, and other damages.

55. As a direct and proximate result of Defendant's discriminatory employment practices, Plaintiff has experienced extreme harm and is entitled to recover monetary and nonmonetary relief and other relief.

**SECOND CAUSE OF ACTION**  
**Racial Harassment – Hostile Work Environment**  
**(§1983 for violations of §1981 and Title VII)**

56. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1–46 with the same force and effect as though fully set forth herein.

57. Plaintiff deserves a fair work environment free of racial animus.

58. Plaintiff was subjected to a hostile work environment within the meaning of the Title VII of the Civil Rights Act of 1964, Section 1981 and 1983 due to harassment by NES employees in administration, managerial positions, and coworkers.

59. Plaintiff was subjected to racially offensive, severe, or pervasive jokes, insults, and slurs on various occasions by NES Supervisors, Working Foremen, and other Caucasian employees.

60. Plaintiff was the victim of constant bullying and racial slur for being called “Nigger” and “Lazy Nigger” by NES Caucasian employee(s).

61. Plaintiff was subjected to and forced to endure harassment at NES, resulting in a hostile work environment.

62. Plaintiff did not welcome the harassment he endured.

63. Plaintiff found the harassment to be humiliating and intimidating, and the harassment unreasonably interfered with Plaintiff's work performance by creating an intimidating, hostile, or offensive environment.

64. The NES failed to take prompt remedial action to stop the harassment Plaintiff endured.

65. NES is liable for a racially hostile work environment under Title VII, Section 1981, which results from discriminatory practices, comments, and harassment of Plaintiff.

66. Due to such discriminatory acts, Plaintiff has suffered both irreparable injury and compensable damage. Plaintiff has suffered, is now suffering, and will continue to suffer emotional pain, mental anguish, humiliation, embarrassment, and other damages.

67. As a direct and proximate result of Defendant's discriminatory employment practices, Plaintiff has experienced extreme harm and is entitled to recover monetary and nonmonetary relief and other relief.

**THIRD CAUSE OF ACTION**  
**Racial Discrimination**  
**(Tennessee Human Rights Act § 4-21-101, Et Seq.)**

68. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1–46 with the same force and effect as though fully set forth herein.

69. Tennessee Human Rights Act § 4-21-101 (a)(1) “[p]rovide for execution within Tennessee of the policies embodied in the federal Civil Rights Acts of 1964, 1968 and 1972.....”

70. NES is an employer under THRA § 4-21-102(5) in that it is a business with eight or more employees doing business in the State of Tennessee.

71. Plaintiff has been subjected to racial discrimination in violation of the Tennessee Human Rights Act. “Discriminatory practices” means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, creed, color, religion, sex, age or national origin. THRA § 4-21-102(4).

72. Plaintiff was subjected to racial discrimination by NES’s Caucasian Supervisors.

73. NES is liable under Tennessee Human Rights Act for racial discrimination resulting from the discriminatory practices of its employees.

74. Due to such discriminatory acts, Plaintiff has suffered both irreparable injury and compensable damage. Plaintiff has suffered, is now suffering, and will continue to suffer emotional pain, mental anguish, humiliation, embarrassment, and other damages.

75. As a direct and proximate result of Defendant’s discriminatory employment practices, Plaintiff has experienced extreme harm and is entitled to recover monetary and nonmonetary relief and other relief.

**FOURTH CAUSE OF ACTION**  
**Negligence**

76. Plaintiff repeats, re-alleges, and incorporates by reference paragraphs 1–46 with the same force and effect as though fully set forth herein.

77. NES owed a duty to Plaintiff to protect him from employment discrimination and harm while at the workplace, a duty to properly supervise its employees, and correct ongoing harassment at the workplace.

78. NES had actual and constructive knowledge of the multiple incidents of racism, harassment, and racist displays and language being used by NES employees at work, as Plaintiff time to time, reported his grievance to his Supervisors and Managers. However, NES failed to take any corrective action to protect Plaintiff and other similarly situated employees from such racial discrimination and harassment.

79. NES engaged in, condoned, and ratified harassing and discriminatory conduct of its employees.

80. NES was negligent in failing to properly supervise its employees, in failing to protect Plaintiff from harm and employment discrimination at the workplace, and in failing to prevent ongoing harassment in violation of Title VII, Section 1981, and THRA.

81. NES's actions and/or inactions injured Plaintiff.

82. Due to NES's failure to prevent racial discrimination and harassment at work, Plaintiff has suffered both irreparable injury and compensable damage. Plaintiff has suffered, is now suffering, and will continue to suffer emotional pain, mental anguish, humiliation, embarrassment, and other damages.

83. As a direct and proximate result of Defendant's discriminatory employment practices, Plaintiff has experienced extreme harm and is entitled to recover monetary and nonmonetary relief and other relief.

#### **PRAYER FOR RELIEF**

WHEREFORE PREMISES CONSIDERED, Plaintiff, WALTER CLARK, prays:

- (i) That the Defendant be served and required to answer within the time allowed by law;
- (ii) That a jury trial be held and a judgment entered in his favor;

(iii) That Plaintiff be granted a judgment against NES for the sum of money determined by the jury to be sufficient to compensate him for the damages complained of herein, including but not limited to embarrassment and humiliation, emotional pain suffering and mental anguish, stress, depression, and anxiety loss of enjoyment of life under THRA;

(iv) That Plaintiff be granted a judgment against NES for punitive damages and compensatory damages under Title VII and 42 U.S.C. §§ 1981 and 1983;

(v) The Plaintiff be awarded “back pay” damages to be determined by the jury under Section 1981 and 1983;

(vi) That Plaintiff be granted a judgment against NES for reasonable attorney fees and costs incurred in bringing this action;

(vii) Prejudgment interest and, if applicable, post-judgment interest; and;

(viii) Such other and further legal or equitable relief to which Plaintiff may justly be entitled.

Respectfully submitted,

/s/Ashley L. Upkins  
ASHLEY L. UPKINS, ESQ.  
TN BPR No. 033598  
The Cochran Firm - Nashville, LLC  
1720 West End Avenue, Suite 320  
Nashville, TN 37203  
Office: (615) 678-6278  
Email: aupkins@cochranfirmnashville.com  
*Attorney for Plaintiff*  
WALTER E. CLARK, III

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Mr. Walter Clark III**  
**1602 Twin Ledge Court**  
**La Vergne, TN 37086**

From: **Memphis District Office**  
**1407 Union Avenue, 9th Floor**  
**Memphis, TN 38104**

EEOC Charge No.  
**25A-2022-00143**

EEOC Representative  
**Melissa Brown,**  
**melissa.brown@eoc.gov**

Telephone No.  
**6292362252**

(See also the additional information enclosed with this form.)

**NOTICE TO THE PERSON AGGRIEVED:**

**Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA):** This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

More than 180 days have passed since the filing of this charge.

The EEOC is terminating its processing of this charge.

**Equal Pay Act (EPA):** *You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.***

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Digitally Signed By: Edmond Sims  
11/02/2022

Enclosures(s)

**Edmond Sims**  
**Acting District Director**

cc: **Zan Blue**  
**Constangy**  
**SunTrust Plaza 401 Commerce Street, Suite 1010**  
**Nashville, TN 37219**

**Herbert DeBerry**  
**NASHVILLE ELECTRIC SERVICE**  
**1214 Church Street**  
**Nashville, TN 37246**

## INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

### **PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

### **PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 – *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

### **ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

### **ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)



***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***





Ty Jones

Operations Manager • Meter Services Se

 Send email  Start chat

## Hate on Display / Not Equal

General Hate Symbols



**ALTERNATE NAMES:** Unequal, Not Equal To  
Some white supremacists have adopted the mathematical sign "≠" (Not Equal or Not Equal To) as a white supremacist symbol. The use of this symbol is an attempt to claim that different races are not equal to each other (and to imply that the white race is superior).

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

Walter E. Clark, III

(b) County of Residence of First Listed Plaintiff Rutherford  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Ashley L. Upkins, Esq. (# 033598)  
The Cochran Firm - Nashville, LLC, Tel: (615) 678-6278  
1720 West End Avenue, Suite 320, Nashville, TN 37203

### DEFENDANTS

Electric Power Board of Metropolitan Nashville and Davidson County  
d/b/a Nashville Electric Service

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	FEDERAL TAX SUITS
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq., 42 U.S.C. §§ 1981 and 1983

Brief description of cause:  
Intentional Race Discrimination, Racial Harassment - Hostile Work Environment, Retaliation, Negligence

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 500,000.00 CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 01/31/2023 SIGNATURE OF ATTORNEY OF RECORD

/s/ Ashley L. Upkins

FOR OFFICE USE ONLY

RECEIPT #

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.