

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISCTRICK OF ALABAMA  
NORTHWESTERN DIVISION**

**THADIOUS HALL** )  
**Plaintiff,** )  
**v.** ) **CV**\_\_\_\_\_ )  
**CITY OF FLORENCE** ) **JURY TRIAL REQUESTED** )  
**Defendant.** )

**COMPLAINT**

**I. PRELIMINARY STATEMENT**

1. This is an action seeking declaratory, injunctive and equitable relief, as well as monetary damages, to redress Defendant’s unlawful employment practices against Plaintiff, specifically Defendant’s discrimination against Plaintiff’s employment as a result of his race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e et. seq., (“Title VII”) and the Civil Rights Act of 1991, the Civil Rights Act of 1866, 42 U.S.C Section 1981 and 1981(a) .

2. Defendant’s unlawful conduct was knowing, malicious, willful and wanton and/or showed a reckless disregard for Plaintiff’s federally protected rights, which has caused and continues to cause Plaintiff to suffer substantial economic and non-economic damages.

## **II. JURISDICTION AND VENUE**

3. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343(4) and 28 U.S.C. §§ 2201 and 2202.

4. The unlawful employment practices alleged herein were committed and are being committed by the Defendant within the State of Alabama, Lauderdale County.

## **III. ADMINISTRATION EXHAUSTION REQUIRED BY TITLE VII**

5. Plaintiff filed his individual EEOC charge (Charge Number 420-2018-02906) within 180 days of the occurrence of the unlawful employment practices which plaintiff complains of herein against the Defendant.

After investigation by the EEOC, on August 29, 2019, the Commission filed its Letter of Determination which stated there was “reasonable cause to believe that Respondent discriminated against Charging Party because of his race, black.” An authorization to file suit was issued by the U.S. Department of Justice, Civil Rights Division, on December 13, 2019, and received by Plaintiff not more than ninety (90) days prior to the commencement of this action. Plaintiff is also filing these claims within the two (2) and four (4) year statute available under 42 U.S.C. §1981.

#### **IV. PARTIES**

6. Plaintiff, Thadious Hall, hereinafter “HALL”, is an African-American male, over the age of nineteen, (19) years, a citizen of the United States and a resident of the State of Alabama. Thadious Hall is a person aggrieved as defined by statute.

7. Defendant, City of Florence, hereinafter “THE CITY”, is a municipal corporation located within Lauderdale County, Alabama. At all times relevant to this cause of action the Defendant, City of Florence, was the employer of the Plaintiff, Thadious Hall. As a result of the actions taken by Defendant, City of Florence, Plaintiff, Thadious Hall was subjected to an adverse employment action when he was denied a job position, for which he was qualified, based on his race and in retaliation for having filed a previous charge of discrimination with the EEOC and a complaint alleging racial discrimination in Federal Court, Case No. 3:18-cv-02001-CLS.

#### **STATEMENT OF FACTS**

8. Plaintiff, HALL, is an African American male who has been employed with the City of Florence as a Full Time Meter Reader since June 2011.

9. In June of 2017, THE CITY posted a job bulletin for the position of Apprentice Wireman.

10. Plaintiff applied for the position and despite being one of the most

qualified, he was denied the position. Throughout his employment HALL has applied for various promotions, but never received a promotion. Promotional decisions are made by an all white decision making body. The Defendant's have an EEO policy, however they do not train their management personnel on EEO policy and procedure.

11. Plaintiff filed an EEOC charge against THE CITY for denying him the position of Apprentice Wireman.

12. On April 23, 2018, THE CITY of Florence posted a position opening for "Apprentice Lineman."

13. The job bulletin was for any City employee who met the minimal requirements.

14. Upon Plaintiff's submission of his application for the "Apprentice Lineman" position, the Department Head for the Linemen told Plaintiff, "we have our pool in which we hire from and that pool is the tree crew and if you want to be considered to get a lineman job, then you need to take a demotion and cut in pay and get in the tree crew."

15. Plaintiff asserts that he was already qualified for the position and there was no reason for him to have to demote himself and take a cut in pay in order to be considered for the position of "Apprentice Lineman".

16. At the time Plaintiff applied for the position of "Apprentice Lineman",

his EEOC charge against THE CITY for discriminatorily denying him the “Apprentice Wireman” position was pending.

17.HALL not only met the minimum qualifications for the position of “Apprentice Lineman” but was equally or more qualified than the candidates chosen for hire into the Apprentice Lineman position.

18.HALL had previous employment history that was equal or exceeded the history of the candidates chosen.

19. All the individuals on the interview panel were white males.

20. THE CITY does not provide diversity training.

21.THE CITY does not provide EEO training.

22.THE CITY of Florence has a system set up that does not allow for any type of meaningful review of its hiring practices because the individuals who make the hiring decisions are the same people who are in charge of determining if an adverse employment decision was made!

23. The entire process by which an individual is chosen for promotion within THE CITY is discriminatory.

24. The panel of employees making the hiring decisions, which predominately always include Richard Morrissey, the Electricity Department Manager for THE CITY and Chip Rasch, the Director of Engineering for THE CITY are all white males.

25. No persons of color are placed on the interview panels.

26. The white males making the hiring decisions have historically promoted other white males to jobs within THE CITY.

27. THE CITY, Electricity Department, employs one hundred twenty five employees (125) and only five (5) are African American.

28. The effect of the practices complained of in the paragraphs herein have been to deprive HALL of equal employment opportunities and otherwise adversely affect his status as an employee with Defendant because of his race, Black.

29. THE CITY has historically chosen to promote and hire only white males.

30. This practice has disparately impacted Black Males, including HALL.

31. THE CITY did not want to promote HALL a Black Male and the unlawful employment practices complained of in the paragraphs herein were intentional.

32. The unlawful employment practices complained of in the paragraphs herein were done with malice or with reckless indifference to the federally protected rights of HALL in violation of Title VII.

33. The unlawful employment practices complained of in the paragraphs herein were done in retaliation for having filed a previous EEOC charge for discrimination against THE CITY.

34. At all times hereto, Plaintiff was a member of a protected class and it was well established that HALL was qualified for the position and a white male, not as qualified as HALL, was placed in the position.

**COUNT I**

**RACIAL DISCRIMINATION IN VIOLATION OF**

**TITLE VII**

35. Plaintiff, HALL, re-alleges each and every allegation contained in paragraphs 1 through 30, as if set forth fully herein.

36. Plaintiff, HALL, is a member of a protected class.

37. Plaintiff, HALL, was qualified for the position.

38. Plaintiff, HALL, had previous employment history that was equal to or exceeded the history of the candidates chosen for the position.

39. Defendant knew HALL possessed greater qualifications and the experience required for the position than those chosen for hire into the Apprentice Lineman position.

40. By the conduct described above, Defendant, THE CITY, has engaged in discrimination against Plaintiff, HALL, because of Plaintiff's race and subjected Plaintiff to race-based discrimination.

41. Such discrimination was based upon the Plaintiff's race as Plaintiff

would not have been the object of discrimination for the fact that Plaintiff is Black.

42. THE CITY has a history of discrimination in employment practices based on race.

43. THE CITY's conduct complained of herein was willful and in disregard of Plaintiff's protected rights. THE CITY and its supervisory personnel were aware that discrimination based on race is unlawful but acted in reckless disregard for the law.

44. At all times material hereto, the employees exhibiting discriminatory conduct towards Plaintiff, HALL, possessed the authority to affect the terms, conditions and privileges of Plaintiff, HALL'S, employment with the Defendant.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, HALL, respectfully prays for the following relief against Defendant:

- A. Adjudge the Defendant has violated Title VII and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Adjudge the Defendant has violated Title VII and that its policies and procedures have historically prevented Black Males from employment opportunities.

- C. Enter a judgment requiring the Defendant to pay Plaintiff back pay, retroactive seniority, benefits and prejudgment interest at an amount to be proved at trial for the unlawful employment practices described herein;
- D. Enter an award against the Defendant for Punitive Damages;
- E. Require the Defendant to place Plaintiff in the position of “Apprentice Lineman” at the rate of pay and with full benefits Plaintiff would have, had Plaintiff not been discriminated against by Defendant;
- F. Enter an Award for Front Pay;
- G. Enter an Award for Back Pay;
- H. Enter an Award for Compensatory Damages against the Defendant for mental anguish, personal suffering, humiliation, inconvenience, loss of enjoyment of life and mental distress;
- I. Enter an Award to Plaintiff for the costs of this action, together with reasonable attorney fees and;
- J. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

**COUNT II**

**RACIAL DISCRIMINATION IN VIOLATION OF**

**42 U.S.C. §1981**

45. Plaintiff, HALL, re-alleges each and every allegation contained in paragraphs 1 through 44, as if set forth fully herein.

46. Plaintiff HALL is a member of a protected class under §1981.

47. At all times hereto, Plaintiff HALL was a member of a protected class and it was well established that HALL possessed the necessary experience for the job of “Apprentice Lineman” and THE CITY chose to hire White Males with less qualification and employment history.

48. THE CITY knew HALL possessed greater qualifications and the experience required for the position than the white males who were ultimately chosen for the position.

49. By the conduct described above, Defendant, THE CITY, has engaged in discrimination against Plaintiff, HALL, because of Plaintiff’s race and subjected Plaintiff to race-based animosity.

50. Such discrimination was based upon the Plaintiff’s race as Plaintiff would not have been the object of discrimination for the fact that Plaintiff is Black.

51. THE CITY, who employs at least 125 employees in the electricity department, only employs four (4) black males and one (1) black female in the electricity department.

52. THE CITY has historically denied blacks employment and has a history of discrimination in employment practices based on race in violation of §1981.

53. THE CITY's practices complained of herein were willful and in disregard of HALL's protected rights.

54. THE CITY and its supervisory personnel were aware that discrimination based on race was unlawful but acted in reckless disregard of the law.

55. At all times material hereto, the employees exhibiting discriminatory conduct towards HALL possessed the authority to affect the terms, conditions and privileges of HALL's employment with THE CITY.

56. The position of "Apprentice Lineman" was given to a non-Black male employees with less qualifications, less experience, than HALL.

57. THE CITY has a history of discriminatory hiring practices.

58. The unlawful employment practices complained of in the foregoing paragraphs were intentional and done with malice or reckless indifference to the federally protected rights of HALL.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, HALL, respectfully prays for the following relief against Defendant:

- A. Adjudge the Defendant has violated 42 U.S.C. §1981 and has done so willfully, intentionally, and with reckless disregard for Plaintiff's rights;
- B. Enter a judgment requiring the Defendant to pay Plaintiff appropriate back pay, retroactive seniority, benefits adjustment, and pre-judgement interest at

amounts to be proved at trial for the unlawful employment practices describes herein;

- C. Enter an award to Plaintiff of Compensatory Damages for mental anguish, personal suffering, inconvenience, humiliation, loss of enjoyment of life and mental distress;
- D. Enter an award to Plaintiff of Punitive Damages against Defendant
- E. Require Defendant to place Plaintiff in the position at the rate of pay and with full benefits Plaintiff would have had Plaintiff not been discriminated against Defendant;
- F. Back Pay;
- G. Front Pay;
- H. Award Plaintiff the costs of this action, together with reasonable attorney fees;
- I. Grant Plaintiff such additional or further relief which this Court deems just and proper under the circumstances.

### **COUNT III**

#### **RETALIATION:TITLE VII §704(a)**

59.The Plaintiff re-alleges and incorporates by reference paragraphs 1-58 above with the same force and effect as if fully set out in specific detail herein below.

60. Plaintiff has been retaliated against for opposing racial discrimination in employment. Plaintiff, engaged in activity which is protected under Title VII when he filed an EEOC charge for discriminatory hiring practices against THE CITY for failing to promote him to the job of Apprentice Wireman.

61. Plaintiff's EEOC charge against THE CITY for denying him the "Apprentice Wireman" positions was pending when he applied for the position of "Apprentice Lineman" and upon making his application he was told to be considered, he would have to take a "demotion" and "cut in pay" to even be considered.

62. The effect of the Defendant's retaliation as outlined above has been to deprive the Plaintiff of the right to oppose discriminatory business practices in violation of Title VII of the Civil Rights Act of 1964, § 704(a), 42 U.S.C. Section 2000e, as amended.

63. As a further consequence and effect of the Defendant's unlawful conduct and practices, the Plaintiff was deprived of income and other compensation and benefits.

64. Plaintiff has suffered embarrassment, humiliation, mental distress, and emotional pain and anguish as a consequence of the Defendant's retaliatory, demeaning, and unlawful conduct.

65. The Plaintiff has no plain, adequate or complete remedy at law to

redress the wrongs alleged herein and this suit, and action for injunctive, declaratory and other relief, including punitive and compensatory damages, is his only means of securing adequate relief.

66. The Plaintiff is now suffering and will continue to suffer irreparable injury from the Defendant's unlawful policies and practices as set forth herein unless enjoined by this Court.

67. This malicious, reckless and willful discrimination on the part of the Defendant constitutes a violation of the Plaintiff's statutory rights pursuant to Title VII of the Civil Rights Act of 1964, § 704(a), as amended, and the Civil Rights Act of 1991.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff, HALL, respectfully prays for the following relief against Defendant:

- A. Adjudge the Defendant has violated Title VII, 704(a) and has done so willfully, intentionally and with reckless disregard for Plaintiff's rights;
- B. Adjudge the Defendant has violated Title VII and that its policies and procedures have historically prevented Black Males from employment opportunities.

- C. Enter a judgment requiring the Defendant to pay Plaintiff back pay, retroactive seniority, benefits and prejudgment interest at an amount to be proved at trial for the unlawful employment practices described herein;
- D. Enter an award against the Defendant for Punitive Damages;
- E. Require the Defendant to place Plaintiff in the position of “Apprentice Lineman” at the rate of pay and with full benefits Plaintiff would have, had Plaintiff not been discriminated against by Defendant;
- F. Enter an Award for Front Pay;
- G. Enter an Award for Back Pay;
- H. Enter an Award for Compensatory Damages against the Defendant for mental anguish, personal suffering, humiliation, inconvenience, loss of enjoyment of life and mental distress;
- I. Enter an Award to Plaintiff for the costs of this action, together with reasonable attorney fees and;
- J. Grant Plaintiff such additional relief as the Court deems just and proper under the circumstances.

**JURY DEMAND**

**PLAINTIFF DEMANDS TRIAL BY STRUCK JURY OF ALL ISSUES**

**Respectfully Submitted**

**/s Terrinell Lyons (ASB-0340-N46T)**

**/s Byron R. Perkins (ASB-0183-N75B )**

**Dated: March 5, 2020**

**OF COUNSEL**

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**Plaintiff Requests Service on Defendant by Certified Mail**

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c/o Mayor Steve Holt  
P.O. Box 98  
Florence, AL 35631

