

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

RONNIE ROYAL,

Plaintiff,

v.

GORBEL INC.,

Defendant.

)
)
)
)
)
)
)
)
)
)

Case No.:

JURY DEMANDED

COMPLAINT

COMES NOW the Plaintiff, Ronnie Royal (“Mr. Royal” or “Plaintiff”), by and through his undersigned counsel, and files this Complaint against the Defendant, Gorbel Inc. (“Gorbel” or “Defendant”). As grounds for this Complaint, Plaintiff states the following:

JURISDICTION AND VENUE

1. This is a suit authorized and brought to secure protection of and to redress the deprivation of rights secured by the Title VII of the Act of Congress known as the “Civil Rights Act of 1964,” codified at 42 U.S.C. § 2000e *et seq.*, as amended by the “Civil Rights Act of 1991,” (“Title VII”) and 42 U.S.C. § 1981.

2. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331 and 1343.

3. The unlawful employment practices alleged in this Complaint were committed in St. Clair County, in the Northern District of Alabama; therefore, venue lies within the Northern District of Alabama, pursuant to 28 U.S.C. § 1391.

ADMINISTRATIVE EXHAUSTION

4. Plaintiff filed a Charge of discrimination with the United States Equal Employment Opportunity Commission (“EEOC”) on or about November 8, 2018. (See Exhibit “A”). Charge No. 420-2019-00474 (the “First Charge”) alleged that Plaintiff was being subjected to a hostile work environment and disparate terms and conditions of employment based on his race, in violation of Title VII, and to retaliation for opposing conduct made unlawful by the same.

5. The EEOC issued a Dismissal and Notice of Rights (the “First RTS Notice”) for the First Charge on May 8, 2019. (See Exhibit “B”).

6. This Complaint is filed within ninety (90) days of Plaintiff’s receipt of the First RTS Notice.

7. Plaintiff has thus exhausted all administrative remedies available prior to filing this Complaint.

8. Plaintiff filed Charge No. 420-2019-02207 (the “Second Charge”) on or about May 17, 2019. (See Exhibit “C”).

9. The Second Charge alleges that Defendant continued to subject Plaintiff to a hostile work environment and disparate terms and conditions of

employment based on his race and that Defendant retaliated against Plaintiff for filing the First Charge when it terminated his employment.

10. The EEOC has yet to issue a Dismissal and Notice of Rights to Plaintiff for the Second Charge¹.

PARTIES

11. Plaintiff is a citizen of the United States of America, who currently resides in Calhoun County, Alabama.

12. Plaintiff is over the age of nineteen (19) years.

13. Defendant is an employer in the State of Alabama within the meaning of 42 U.S.C. § 2000e(b), in that it engages in an industry affecting commerce and employed fifteen (15) or more employees for the requisite duration under Title VII.

14. Defendant was Plaintiff's employer during all times relevant to this Complaint.

15. Defendant does substantial business at its location in St. Clair County, Alabama, located at 600 Ed Gardner Drive, Pell City, AL 35125.

¹ Plaintiff will amend this Complaint upon receipt of the Dismissal and Notice of Rights for the Second Charge to incorporate Plaintiff's claims of Defendant's continued discrimination and retaliation.

FACTUAL ALLEGATIONS

16. Plaintiff re-alleges and incorporates by reference paragraphs one (1) through fifteen (15) above with the same force and effect as if fully set out in specific detail herein below.

17. Plaintiff is African American.

18. On or about February 13, 2017, Gorbel hired Plaintiff as an Aluminum Saw Machine Operator at its Pell City, Alabama, location.

19. Plaintiff worked on Defendant's second shift, which runs Monday through Thursday from approximately 2:30 p.m. to 1:30 a.m.

20. On or about April 16, 2018, Defendant promoted Caucasian employee, Jeremy Wilson ("Mr. Wilson"), to its Second Shift Production Supervisor.

21. Mr. Wilson began supervising approximately fifteen (15) employees, including Plaintiff.

22. Plaintiff was the only African American employee reporting directly to Mr. Wilson on the second shift.

23. Mr. Wilson would frequently refer to Plaintiff as "boy" to belittle him.

24. On one (1) occasion, after Mr. Wilson witnessed Plaintiff's Caucasian girlfriend pick Plaintiff up from work, he stated, "Most of us don't approve of that interracial shit around here."

25. Additionally, Mr. Wilson did not approve of Plaintiff working overtime.

26. Mr. Wilson, on many occasions, would not authorize Plaintiff to work overtime and/or informed Plaintiff that no overtime was available.

27. However, Mr. Wilson consistently allowed Plaintiff's Caucasian co-workers to get overtime hours.

28. In or around early August 2018, Marcus Anderson ("Mr. Anderson"), another Second Shift Production Supervisor, approved Plaintiff to work overtime.

29. When Mr. Wilson became aware that Plaintiff had worked overtime, he logged into Gorbel's payroll system and removed the overtime hours from Plaintiff's time card, in violation of Defendant's rules and procedures related to the editing of employee time cards.

30. In reference to Plaintiff's overtime, Mr. Wilson told Billy Hill and Brett Hyde, two (2) of Plaintiff's co-workers, that he was going to "fix this shit."

31. Mr. Wilson removed the overtime hours because he, himself, had not authorized Plaintiff to work overtime.

32. On or about August 23, 2018, Plaintiff received his paycheck with the missing overtime.

33. That same day, Plaintiff reported the incident to Defendant's Caucasian Plant Manager, Steve Tipton, and to its Human Resources Business Partner, Tiffany Reaves ("Ms. Reaves").

34. Plaintiff also reported to Ms. Reaves that he felt Mr. Wilson was subjecting him to disparate treatment and denying him the opportunity to work overtime because of his race.

35. Prior to becoming a direct report to Mr. Wilson, Plaintiff worked a minimum of forty (40) hours per week, plus overtime.

36. After Plaintiff reported Mr. Wilson's discriminatory treatment of him, Defendant would not allow Plaintiff to work any amount of overtime.

37. As a result, Plaintiff filed the First Charge with the EEOC on or about November 8, 2018.

38. Subsequently, Defendant began subjecting Plaintiff to increased scrutiny and hostility.

39. Despite no changes in his attitude or work performance, Defendant began regularly warning and counseling Plaintiff about his "behavior" and "productivity."

40. In an attempt to make Plaintiff's impending termination appear legitimate, Defendant presented Plaintiff with a final written warning on or about March 27, 2019.

41. Less than a month later, on or about April 22, 2019, Defendant terminated Plaintiff's employment.

42. As Plaintiff's supervisor, John Elmore ("Mr. Elmore") informed Plaintiff that his employment was being terminated, he said, "It's time to walk that green mile, boy," then chuckled as he escorted Plaintiff out of the building.

43. Mr. Elmore made this comment in the presence of Plaintiff's co-worker, Joshua Smart ("Mr. Smart").

44. This statement is a direct reference to the movie The Green Mile, which is about an African American prison inmate on death row who is subsequently executed.

45. Mr. Elmore's statement and actions clearly indicate the kind of racial animus and hostile environment Defendant fosters.

46. Defendant subjected Plaintiff to a hostile work environment and to disparate terms and conditions of employment because of his race, in addition to retaliating against him for opposing the racial discrimination.

COUNT I: RACE DISCRIMINATION IN VIOLATION OF TITLE VII

47. Plaintiff re-alleges and incorporates by reference paragraphs one (1) through forty-six (46) above with the same force and effect as if fully set out in specific detail herein below.

48. Plaintiff is African American and a member of a protected class.

49. Plaintiff was, and is, a qualified employee, able to perform the essential functions of his job duties.

50. Defendant subjected Plaintiff to a hostile work environment through racial slurs and derogatory comments that were abusive, degrading, and humiliating.

51. Mr. Wilson would frequently refer to Plaintiff as “boy” to belittle him.

52. On one (1) occasion, after Mr. Wilson witnessed Plaintiff’s Caucasian girlfriend pick Plaintiff up from work, he stated, “Most of us don’t approve of that interracial shit around here.”

53. On another occasion, Mr. Elmore said, “It’s time to walk that green mile, boy,” as he escorted Plaintiff out of Defendant’s building; this statement is a direct reference to the movie The Green Mile, which is about an African American prison inmate on death row who is subsequently executed.

54. Additionally, Mr. Wilson subjected Plaintiff to disparate treatment by refusing to authorize Plaintiff to work overtime and/or informing Plaintiff that no overtime was available, all while consistently allowing Plaintiff’s Caucasian co-workers to get overtime hours.

55. In or around early August 2018, Mr. Wilson logged into Defendant’s payroll system and removed overtime hours from Plaintiff’s time card, in violation of Defendant’s rules and procedures related to the editing of employee time cards.

56. Defendant subjected Plaintiff to discrimination because of his race, African American.

57. As a result of Defendant's unlawful discrimination, Plaintiff has been deprived of income. The conduct described above also causes Plaintiff emotional distress, mental anguish, loss of enjoyment of life, inconvenience, and embarrassment.

COUNT II: RACE DISCRIMINATION
IN VIOLATION OF 42 U.S.C. § 1981

58. Plaintiff re-alleges and incorporates by reference paragraphs one (1) through fifty-seven (57) above with the same force and effect as if fully set out in specific detail herein below.

59. Plaintiff is African American and a member of a protected class.

60. Plaintiff was, and is, a qualified employee, able to perform the essential functions of his job duties.

61. Defendant subjected Plaintiff to a hostile work environment through racial slurs and derogatory comments that were abusive, degrading, and humiliating.

62. Mr. Wilson would frequently refer to Plaintiff as "boy" to belittle him.

63. On one (1) occasion, after Mr. Wilson witnessed Plaintiff's Caucasian girlfriend pick Plaintiff up from work, he stated, "Most of us don't approve of that interracial shit around here."

64. On another occasion, Mr. Elmore said, “It’s time to walk that green mile, boy,” as he escorted Plaintiff out of Defendant’s building; this statement is a direct reference to the movie *The Green Mile*, which is about an African American prison inmate on death row who is subsequently executed.

65. Mr. Wilson also subjected Plaintiff to disparate treatment by refusing to authorize Plaintiff to work overtime and/or informing Plaintiff that no overtime was available, all while consistently allowing Plaintiff’s Caucasian co-workers to get overtime hours.

66. In or around early August 2018, in violation of Defendant’s rules and procedures related to the editing of employee time cards, Mr. Wilson logged into Defendant’s payroll system and removed overtime hours from Plaintiff’s time card.

67. Defendant subjected Plaintiff to discrimination because of his race, African American.

68. As a result of Defendant’s unlawful discrimination, Plaintiff has been deprived of income. The conduct described above also causes Plaintiff emotional distress, mental anguish, loss of enjoyment of life, inconvenience, and embarrassment.

COUNT III: RETALIATION IN VIOLATION OF TITLE VII

69. Plaintiff re-alleges and incorporates by reference paragraphs one (1) through sixty-eight (68) above with the same force and effect as if fully set out in specific detail herein below.

70. Plaintiff is African American and a member of a protected class.

71. Plaintiff opposed conduct made unlawful by Title VII when he reported to Defendant that Mr. Wilson was subjecting him to disparate treatment because of his race.

72. Plaintiff exercised a protected right under Title VII when he reported Mr. Wilson's discrimination on or about August 23, 2018.

73. Plaintiff believed in good faith at the time that Mr. Wilson's conduct constituted race discrimination and that it violated Title VII.

74. Prior to his complaint, Plaintiff worked a minimum of forty (40) hours per week, plus overtime.

75. After Plaintiff reported Mr. Wilson's discriminatory treatment of him, Defendant would not allow Plaintiff to work any amount of overtime.

76. Defendant subjected Plaintiff to retaliation because he opposed, in good faith, conduct made unlawful by Title VII.

77. As a result of Defendant's retaliation, Plaintiff has been deprived of income. The conduct described above also causes Plaintiff emotional distress, mental anguish, loss of enjoyment of life, inconvenience, and embarrassment.

COUNT IV: RETALIATION IN VIOLATION OF 42 U.S.C. § 1981

78. Plaintiff re-alleges and incorporates by reference paragraphs one (1) through seventy-seven (77) above with the same force and effect as if fully set out in specific detail herein below.

79. Plaintiff is African American and a member of a protected class.

80. Plaintiff reported to Defendant that Mr. Wilson was subjecting him to disparate treatment because of his race.

81. Plaintiff exercised a protected right under 42 U.S.C. § 1981, and opposed conduct made unlawful by the same, when he reported Mr. Wilson's discrimination on or about August 23, 2018.

82. Plaintiff reported Mr. Wilson's conduct and believed, in good faith at the time, that the same constituted race discrimination and that it violated 42 U.S.C. § 1981.

83. Plaintiff worked a minimum of forty (40) hours per week, plus overtime prior to his complaint.

84. After Plaintiff reported Mr. Wilson's discriminatory treatment of him, Defendant retaliated against Plaintiff by not allowing him to work any amount of overtime.

85. Defendant subjected Plaintiff to retaliation because he opposed conduct made unlawful by 42 U.S.C. § 1981.

86. As a result of Defendant's retaliation, Plaintiff has been deprived of income. The conduct described above also causes Plaintiff emotional distress, mental anguish, loss of enjoyment of life, inconvenience, and embarrassment.

WHEREFORE premises considered, Plaintiff demands judgment against Defendant for wage damages, compensatory damages, punitive damages, consequential damages, incidental damages, the costs of this action, interest, attorney's fees, and any other, further, and different relief to which he may be entitled.

PLAINTIFF DEMANDS TRIAL BY STRUCK JURY.

Respectfully submitted,

s/ Joshua A. Wrady

Joshua A. Wrady (ASB-9617-J68W)
Attorney for Plaintiff

WRADY & MICHEL, LLC

505 20th Street North, Suite 1650

Birmingham, Alabama 35203

Joshua@wmalabamalaw.com

Tel: (205) 980-5704

Fax: (205) 994-2819

**DEFENDANT TO BE SERVED BY PROCESS SERVER AT THE
FOLLOWING ADDRESS:**

Gorbel Inc.

c/o r/a Stephen J. Bumgarner

1901 6th Avenue North, Suite 2400

Birmingham, AL 35203