

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

RYEN DELGARDO,

Plaintiff,

v.

ELECTRIC BOAT CORPORATION and  
RAYMOND OUELLETTE

Defendants.

C. A. No. \_\_\_\_\_

**COMPLAINT**

1. This Complaint arises out of allegations of employment discrimination, harassment and retaliation.

**JURISDICTION**

2. Plaintiff invokes the jurisdiction of this Court pursuant to: R.I.G.L. Section 42-112-1 *et. seq.*, the Rhode Island Civil Rights Act (hereinafter the "RICRA"), R.I.G.L. 42-87-1 *et. seq.*, the Civil Rights of People with Disabilities ("CRPD") and R.I.G.L. Section 28-50-1 *et. seq.* the Rhode Island Whistleblowers' Protection Act (hereinafter the "Whistleblowers' Act").

**PARTIES**

3. Plaintiff, Ryen Delgado, is a resident of the State of Rhode Island.

4. Defendant, Electric Boat Corporation ("Defendant EB"), is a foreign corporation doing business in the State of Rhode Island.

5. Defendant, Raymond Ouellette ("Defendant Ouellette"), is a resident of the State of Rhode Island.

**FACTS**

6. Plaintiff is black.

7. On or about March 27, 2017, Defendant EB hired Plaintiff to work as a pipefitter in North Kingstown.

8. After working as a pipefitter, Plaintiff began working as a radiographer in the Radiography Department.

9. On or about March 14, 2019, Defendant EB fired Plaintiff.

10. During the time Plaintiff worked for Defendant EB, the majority of employees, with whom Plaintiff worked, were white and not black.

11. During just about the entire time that Plaintiff worked for Defendant EB, he was continually subjected to discrimination and harassment based upon his color and race.

12. The discrimination and harassment to which Plaintiff was subjected was severe and pervasive and ultimately altered the terms and conditions of his employment.

13. Plaintiff never welcomed any of the discrimination and harassment to which he was subjected.

14. To no avail, Plaintiff complained about the discrimination and harassment.

15. After his complaints, Plaintiff was subjected to retaliation.

16. The discrimination, harassment and retaliation to which Plaintiff was subjected includes, but is not limited to, that which is set forth in the paragraphs below.

17. Defendant EB paid Plaintiff less than it paid at least one similarly situated white employee. Upon information and belief, Plaintiff was more qualified than this female employee.

18. Some of Plaintiff's supervisors, including primarily Defendant Ouellette, often unjustifiably threatened to discipline Plaintiff.

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19. Some of Plaintiff's supervisors, including primarily Defendant Ouellette, often unjustifiably yelled at Plaintiff.

20. Some of Plaintiff's supervisors, including primarily Defendant Ouellette, often unjustifiably blamed Plaintiff for doing things which he did not do.

21. Defendant Ouellette made comments to Plaintiff like "You never shut the f\*\*k up" and "you are always running your mouth."

22. Defendant Ouellette often swore at Plaintiff.

23. Defendant Ouellette mocked Plaintiff in the presence of other employees.

24. Defendant Ouellette treated Plaintiff differently than similarly situated whites.

25. In the presence of other employees, Defendant Ouellette treated Plaintiff with disrespect.

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26. Upon information and belief, Defendant Ouellette told employees that there were certain people he did not want in his department and that Plaintiff was on the top of the list.

27. In front of Plaintiff, Defendant Ouellette told another hourly worker, among other things, that his job for the day was to "keep an eye" on Plaintiff and to report back to Defendant Ouellette

anything which Plaintiff did. Defendant Ouellette explained, for example, that he wanted to know if Plaintiff was even "breathing wrong."

28. Defendant Ouellette yanked a rope out of Plaintiff's hand which resulted in Plaintiff's hand being blistered. Although he saw what he did to Plaintiff's hand, Defendant Ouellette never apologized to Plaintiff. Instead, among other things, Defendant Ouellette told Plaintiff he was a "big boy" and then he walked away.

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29. On more than one occasion, Defendant Ouellette told Plaintiff that he could do to him whatever he wanted because he was his supervisor.

30. One day, Defendant Ouellette repeatedly walked by Plaintiff. While doing so, Defendant Ouellette said nothing and only stared at Plaintiff.

31. When Plaintiff asked Defendant Ouellette a work-related question, Defendant Ouellette said things like "I don't have to answer to you but you have to answer to me; you need to just do as you are told!"

32. In the presence of Plaintiff's co-workers, Defendant Ouellette would order Plaintiff to stand in the middle of the floor. He would then sit on something and stare, and smile, at Plaintiff.

33. In the presence of Plaintiff's co-workers, Defendant Ouellette ordered Plaintiff to move to the middle aisle; while doing so, Defendant Ouellette told Plaintiff that he was moving him so that he could "keep an eye" on him.

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34. Defendant Ouellette refused to hand a sign-off sheet to Plaintiff. Rather, even though Plaintiff was right there, Defendant Ouellette gave it to another co-worker and told this co-worker to hand it to Plaintiff.

35. Plaintiff saw Defendant Ouellette whisper something to a female supervisor. This female supervisor immediately turned to Plaintiff and unjustifiably reprimanded Plaintiff about the way he was wearing his dosimetry even though Plaintiff was wearing it the same way other white co-workers wore theirs.

36. Defendant Ouellette made derogatory and offensive comments about the way Plaintiff dressed. For example, he said things like fix your clothes, your clothes are not going to fly here, put your belt on your pants, look presentable, and you are not in the ghetto.

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37. Defendant Ouellette made comments about Plaintiff being from the hood and being a hoodlum.

38. On a number of days, Defendant Ouellette moved Plaintiff from where he was working to another area. Each time, Plaintiff was moved to a much colder spot. On one occasion, Plaintiff was so cold that he took a heater, which was not being used at the time, and moved it to the area he had been moved to. When Defendant Ouellette saw Plaintiff using the heater, he took it away from Plaintiff and told him that he was not getting paid to be comfortable.

39. When things were missing, Defendant Ouellette asked Plaintiff if he had taken the missing item. On one occasion, Defendant Ouellette told Plaintiff that this was never a problem before Plaintiff was hired. In fact, after one such incident, Defendant Ouellette refused to allow Plaintiff to clear any rooms out.

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40. Defendant Ouellette made comments about how lazy Plaintiff was and that this was the reason why blacks did not get the opportunities at companies like Electric Boat and, instead, ended up in jail.

41. On numerous occasions, Defendant Ouellette told Plaintiff he could not wait to get him out the door – meaning fired.

42. One day, Defendant Ouellette was with some of Plaintiff's co-workers. Plaintiff overheard them talking about the "good old days" when they could beat blacks up, put nooses around their necks, and make them do things without any consequences.

43. Defendant Ouellette told Plaintiff something like "all you do is come over here with your ghetto language."

44. One day, Plaintiff was seated in the driver's seat of a van. Suddenly and without warning, Defendant Ouellette opened the door on the driver's side of the van and started yelling at Plaintiff. Plaintiff turned the van off and then began to get out of the van. Defendant Ouellette attempted to prevent Plaintiff from getting out of the van; and, while Plaintiff's leg was already out of the van, Defendant Ouellette shut the door on Plaintiff's leg.

45. Just before the incident, referred to in Paragraph 44, another employee, who was driving a company vehicle, almost hit the van which Plaintiff was driving. Although the other employee was at fault, Defendant Ouellette – in the presence of other employees including those who had been passengers in Plaintiff's van – blamed Plaintiff for the mishap.

46. On almost a daily basis, employees including Defendant Ouellette a person whose first name was Oscar, another employee whose last name was Neves, and others whose first and last names Plaintiff cannot recall, made racist comments or jokes in Plaintiff's presence including:

(a) they need to get rid of these f \* \* \*king niggers and spics;

(b) I am tired of f \* \* king seeing niggers when I get in the van;

- (c) black people always get divorced because black men all cheat on their girls;
  - (d) black men either end up dead or in jail for selling drugs;
  - (e) Trump's wall will get rid of all the spics and niggers and this will make our country great again;
  - (f) comments or jokes about lynching blacks;
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- (g) blacks just want to shoot people, collect food stamps and live in Section 8 housing;
  - (h) you are a typical black father who does not want to be part of your kid's life;
  - (i) spics cross the border to steal our benefits;
  - (j) the janitors are all Spanish; that is what they are good for – cleaning up after us;
  - (k) the police need to let the blacks keep killing themselves;
  - (l) blacks killing each other is doing us a favor;
  - (m) what are you going to be for Halloween – Wesley Snipes;
  - (n) what does a dark guy and a monkey have in common; they all hung from trees at some point;
  - (o) you should not eat a tootsie roll without a light on or without wearing white gloves because you might bite your finger;
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- (p) you call each other nigger and then get upset when a white person does it;
  - (q) we are so tired of all that money going to the hood;
  - (r) the police are doing a great job killing blacks and this will bring peace to the world;

(s) what projects are you from;

(t) you can't come to neighborhoods we live in because the cops will pull you over right after you get off the exit;

(u) you made it to work – the cops did not pull you over or lock you up for driving in North Kingstown where they are not used to seeing blacks unless they are up to no good;

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(v) when a black person opens his mouth, all I can hear is ignorance and talk about food stamps;

(w) blacks don't move up in companies because they don't know how to just shut the f \* \* \* k up and keep their mouths shut;

(x) sports teams hire blacks to play sports and make something of themselves and then they refuse to kneel for the National Anthem; they should be let out of their contracts and sent back to Africa for not kneeling;

(y) black people only show up for work to get their paychecks.

47. When racist comments or jokes were made, employees including Defendant Ouellette laughed.

48. Plaintiff's co-workers referred to him as Fat Albert, Big Black, Blade and Wesley Snipes -- the name of a black actor.

49. Although Plaintiff had complained to Defendant EB about the harassment and discrimination beforehand, on or about July 23, 2018, Plaintiff, through an attorney, put Defendant EB on notice that Plaintiff had been subjected to discrimination, harassment and retaliation. Upon information and belief, Defendant EB never conducted any investigation to determine if Plaintiff had been subjected to discrimination, harassment and retaliation.



50. After the incident described in Paragraph 44 in which Defendant Ouellette slammed the van door on Plaintiff's leg, Plaintiff had to seek medical treatment. In fact, Plaintiff was taken away from the job site in an ambulance.

51. After the incident described in Paragraphs 44 and 50 in which Defendant Ouellette slammed the van door on Plaintiff's leg, Plaintiff was forced to take a medical leave of absence beginning on or about January 3, 2018.

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52. In December 2018, Plaintiff began contacting Defendant EB that he wanted to return to work.

53. On or about January 4, 2019, someone from Defendant EB's Human Resources Department -- whose first name was Mary but whose last name Plaintiff cannot recall (hereinafter "HR Mary") -- left a voicemail for Plaintiff in which she, among other things, brought up the issue of Plaintiff not returning to work at Defendant EB.

54. On or about January 8, 2019, Plaintiff and HR Mary spoke. During this conversation, Plaintiff made clear he wanted to return to work at Defendant EB and asked what steps were necessary to make that happen. Among other things, HR Mary asked Plaintiff why he wanted to return to work at EB and suggested that Plaintiff and Defendant EB should part ways.

55. After the conversation as set forth in Paragraph 54, not having heard from HR Mary or anyone else from Defendant EB, Plaintiff left voicemails for HR Mary again asking what he had to do to return to work.

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56. On or about January 23, 2019, HR Mary left a voicemail for Plaintiff that she was gathering information and that, once that was done, she would let Plaintiff know what steps had to be taken to get him back to work.

57. On or about February 21, 2019, Plaintiff received a call from Dr. Susan Andrews ("Dr. Andrews") – who Plaintiff believes was an employee of Defendant EB. Dr. Andrews said that Defendant EB was still trying to gather the necessary paperwork.

58. After Plaintiff received the call, as set forth in Paragraph 57, Plaintiff obtained medical documents from his doctor and sent them to Dr. Andrews.

59. After the events described in Paragraph 58, Plaintiff met with Dr. Andrews. During this meeting, Dr. Andrews asked Plaintiff why he wanted to return to Electric Boat if it was so bad. Plaintiff responded, among other things, that he needed the job. Dr. Andrews then asked Plaintiff if he was capable of doing his old job and Plaintiff responded that he was. Dr. Andrews then told Plaintiff he had to be weighed. The scale registered Plaintiff as weighing 363. Dr. Andrews told Plaintiff that his weight was going to be a problem because Defendant EB's ladders had a weight limit of 350 pounds. Plaintiff explained that he had never used a ladder while working at Defendant EB. He also informed Dr. Andrews that he had seen employees – who appeared to weigh significantly more than Plaintiff – working at Defendant EB. Dr. Andrews informed Plaintiff that she would get back to him.

60. After the events described in Paragraph 59, Defendant EB did not tell Plaintiff to lose weight. However, in the week following the meeting as described in Paragraph 59, Plaintiff took it upon himself to lose about ten (10) pounds.

61. On or about March 14, 2019, Dr. Andrews and another person from Human Resources called Plaintiff. Plaintiff was told that a decision had been made to fire him because he was overweight. Plaintiff was also told they could not understand why Plaintiff wanted to come back given all that Plaintiff had complained about. Plaintiff then responded that he had lost ten (10) pounds. He said he only had another three (3) pounds to lose and asked if he could have a few days to lose it. Plaintiff was told he could not have the additional time and that the decision was final.

62. After the events described in Paragraph 61, Plaintiff received a call informing him that he should come in the next day at 9:00 p.m. to be weighed. Plaintiff complied and weighed in at 353 pounds. He said that, if he had been weighed earlier in the day, he probably would have weighed exactly 350 because of water weight. Plaintiff then asked if he could do light duty for a period of time while he lost the remaining weight. Defendant EB told Plaintiff it would get back to him with a decision.

63. After the events described in Paragraph 62, on or about March 15, 2019, Defendant EB informed Plaintiff that he was fired for being overweight.

64. Plaintiff was fired because Defendant EB perceived Plaintiff as being disabled in that he had the physical impairment of obesity.

65. During Plaintiff's employment and up until he was fired, Plaintiff was able to perform the essential functions of his job.

66. Plaintiff was fired because Plaintiff complained that he was being harassed and discriminated against based upon his color and race.

COUNT I: RICRA (Disparate Treatment Based on Color and Race)

67. Plaintiff incorporates by reference Paragraphs 1 through 66 as if fully set forth herein.

68. By the aforesaid actions, Defendants have violated the RICRA.

69. Plaintiff has been damaged as a proximate result of Defendants' conduct.

COUNT II: RICRA (Hostile Work Environment Based on Color and Race)

70. Plaintiff incorporates by reference Paragraphs 1 through 69 as if fully set forth herein.

71. By the aforesaid actions, Defendants have violated the RICRA.

72. Plaintiff has been damaged as a proximate result of Defendants' conduct.

COUNT III: RICRA (Retaliation)

73. Plaintiff incorporates by reference Paragraphs 1 through 72 as if fully set forth herein.

74. By the aforesaid actions, Defendants have violated the RICRA.

75. Plaintiff has been damaged as a proximate result of Defendants' conduct.

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COUNT IV: Whistleblowers' Act (Retaliation)

76. Plaintiff incorporates by reference Paragraphs 1 through 75 as if fully set forth herein.

77. By the aforesaid actions, Defendants have violated the Whistleblowers' Act.

78. Plaintiff has been damaged as a proximate result of Defendants' conduct.

COUNT V: RICRA (Disability)

79. Plaintiff incorporates by reference Paragraphs 1 through 78 as if fully set forth herein.

80. By the aforesaid actions, Defendants have violated the RICRA.

81. Plaintiff has been damaged as a proximate result of Defendants' conduct.

PRAYER FOR RELIEF

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Plaintiff prays that this Court:

(1) declare that the employment practices complained of in this Complaint are unlawful;

(2) order the Defendants to make Plaintiff whole;

- (3) order that the Defendants pay Plaintiff compensatory damages;
  - (4) order that the Defendants pay Plaintiff punitive damages;
  - (4) order that Defendants pay liquidated damages;
  - 5) retain jurisdiction of this action to ensure full compliance;
  - (6) order the Defendants to pay Plaintiff costs and expenses and reasonable attorney=s fees;
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- (7) grant such other relief to Plaintiff as the court deems just and proper.

Plaintiff's damages are in an amount sufficient to invoke the jurisdiction of this Court.

JURY TRIAL DEMAND

Plaintiff demands a trial by jury.

Plaintiff,  
By her attorney,

/s/ Patricia E. Andrews

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Dated: November 14, 2019