

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

FELICIA WALKER

2335 Capital Dr.
Mobile, AL 36695

AND

BLANCA AGUILAR

2410 Hollow Oak Ave.
North Las Vegas, NV 89031

AND

FRANCISCO ARZU

3949 El Canto Dr.
Spring Valley, CA 91977

AND

PLINIO CRUZ

39 Belmont Ave.
Lawrence, MA 01841

AND

STEPHEN HANSON

151 Ouachita 364
Camden, AR 71701

AND

ALLAN HENRY

116 Sunset Dr.
Eatonton, GA 31024

AND

TREMAYNE JOHNSON

8401 Fedora Dr.
Chesterfield, VA 23838

AND

Civil Action No. _____

JURY DEMANDED

LEROY KYLES
12910 Sickles Dr.
Charlotte, NC 28273

AND

CYNTHIA RIVERA
6503 Cooper Ave.
Glendale, NY 11385

AND

EDIBRAY RODRIGUEZ
12317 Desert Vista Ave.
El Paso, TX 79938

AND

ANTHONY ROOTS
2 Bushwick Dr.
Newark, DE 19702

AND

ANDRE STEELE
6628 Tanglewood Dr., Apt 2D
Hammond, IN 46323

AND

WALTER WESTFIELD
1825 Twin Brook Dr. SW
Cleveland, TN 37311

Plaintiffs,

v.

**INTERNATIONAL BROTHERHOOD OF
TEAMSTERS,**
25 Louisiana Ave. N.W.
Washington, DC 20001

Registered Agent:)
Edward M. Gleason, Jr.)
General Counsel)
25 Louisiana Ave. N.W.)
Washington, DC 20001)
)
Defendant.)
)

COMPLAINT
Race Discrimination in Violation of the D.C. Human Rights Act

COME NOW Plaintiffs Felicia Walker, Blanca Aguilar, Francisco Arzu, Plinio Cruz, Stephen Hanson, Allan Henry, Tremayne Johnson, Leroy Kyles, Cynthia Rivera, Edibray Rodriguez, Anthony Roots, Andre Steele, and Walter Westfield by and through their attorneys, Correia & Puth, PLLC, and for their Complaint state to this Honorable Court as follows:

INTRODUCTION

1. The International Brotherhood of Teamsters (“IBT” or “Teamsters”) terminated the employment of the Plaintiffs, who are all Black or Hispanic, or both, without warning or justification, by email, hours after new leadership took office. Each Plaintiff was notified of their termination hours after General President Sean O’Brien took office, capping a union election where race and the need for greater diversity of Teamsters membership and leadership played a prominent and contentious role. Rather than maintaining or increasing diversity at Teamsters, IBT fired more than a dozen people of color, and turned the Organizing Department from a diverse department into a majority white department. The terminations set back the Organizing Department’s goals of effectively recruiting and organizing non-whites, in favor of bolstering the majority white membership and leadership of the union. In total, Teamsters terminated 72.73% of the department’s staffers who were people of color, while firing only 28.57% of white staffers. Teamsters then proceeded to hire new staff members who were 73.33% white. The racial

disparities in the staffers fired and those hired is statistically significant, and would occur less than one percent of the time if decisions were made on a race-blind basis. IBT terminated the employment of Plaintiffs wholly or partially based upon their race, in violation of the District of Columbia Human Rights Act. In the ensuing months, IBT General President Sean O'Brien publicly humiliated Plaintiffs, falsely claiming that they were fired because they were "bad apples," and had been "lazy" in their work.

PARTIES

2. Plaintiff Felicia Walker is Black and an adult female resident of Alabama and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

3. Plaintiff Blanca Aguilar is Hispanic and an adult female resident of Nevada and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

4. Plaintiff Francisco Arzu is Hispanic and an adult male resident of California and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

5. Plaintiff Plinio Cruz is Afro-Latino and an adult male resident of Massachusetts and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

6. Plaintiff Stephen Hanson is Black and an adult male resident of Arkansas and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

7. Plaintiff Allan Henry is Black and an adult male resident of Georgia and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

8. Plaintiff Tremayne Johnson is Black and an adult male resident of Virginia and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

9. Plaintiff Leroy Kyles is Black and an adult male resident of North Carolina and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

10. Plaintiff Cynthia Rivera is Afro-Latina and an adult female resident of New York and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

11. Plaintiff Edibray Rodriguez is Hispanic and an adult male resident of Texas and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

12. Plaintiff Anthony Roots is Black and an adult male resident of Delaware and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

13. Plaintiff Andre Steele is Black and an adult male resident of Indiana and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

14. Plaintiff Walter Westfield is Black and an adult male resident of Tennessee and, at all times relevant hereto, was an employee of Defendant within the meaning of D.C. Code § 2-1401.02(9).

15. Defendant International Brotherhood of Teamsters (“IBT” or “Teamsters”) is a District of Columbia non-profit organization with its principal place of business in the District of Columbia at 25 Louisiana Ave. NW, Washington, DC 20001 and, at all times relevant hereto, was an employer within the meaning of D.C. Code § 2-1401.02(10).

JURISDICTION

16. This Court has jurisdiction over this action pursuant to D.C. Code §§ 11-921 and 2-1403.16.

17. Venue properly lies in this Court because the acts or omissions giving rise to these claims occurred in the District of Columbia and Defendant is located in and transacts business in the District of Columbia.

FACTS GIVING RISE TO RELIEF

18. As of March 22, 2022, all Plaintiffs were employed full-time by Defendant as Staff Organizers in IBT’s Organizing Department, a position that entailed leading organizing campaigns nationwide to encourage and enable non-union workers to join Teamsters in order to increase IBT’s membership and bargaining power. Plaintiffs resided in their home states, while frequently traveling throughout the country to work on campaigns at IBT’s direction.

19. IBT’s Organizing Department (“the Department”) is based in Teamsters’ headquarters in Washington, D.C. and Plaintiffs’ supervisors were based in and worked out of the Washington headquarters, where all employment decisions related to the Department were made.

20. All Plaintiffs are Black or Hispanic, or both.

21. None of the Plaintiffs had any documented history of negative performance or disciplinary issues. They consistently received praise for their job performance during their tenures as Staff Organizers, and their campaign successes were frequently highlighted in Teamsters' public communications and publications.

22. On March 22, 2022, Teamsters Human Resources Director Chris Lynn sent Plaintiffs identical or substantially similar letters by email informing them that their employment with IBT was being terminated, for no reason other than Teamsters "has decided that your services are no longer needed." Seven other staff members of the Organizing Department were terminated in the same or similar manner on the same day.

23. As of March 22, 2022 Mr. Lynn was based in IBT's headquarters in Washington, D.C. His letters terminating Plaintiffs bore the address of the headquarters, 25 Louisiana Avenue, NW, Washington, DC 20001.

24. Mr. Lynn sent his March 22 letters hours after IBT General President Sean O'Brien and General Secretary-Treasurer Fred Zuckerman took their oaths of office, along with a newly elected General Executive Board, at IBT headquarters in Washington, D.C. Mr. O'Brien, Mr. Zuckerman, and all members of the Board had won their positions in a Teamsters union election on November 19, 2021 after running together as a campaign slate known commonly as the "OZ Slate."

25. Chris Griswold, an OZ Slate candidate for Vice President At-Large, baselessly accused plaintiff Blanca Aguilar of calling him "racist" while at a Teamsters' Women's Conference in September 2021. Upon information and belief, Mr. Griswold made his accusation based on Ms. Aguilar being Latina.

26. According to information provided by IBT to the Office of the Election Supervisor (“OES”), in or around December 2021 the officers-elect tasked Chris Rosell, Director of Organizing at Teamsters Local 856 in California, who was campaigning on behalf of the OZ Slate, with determining which staff in IBT’s Organizing Department should be retained when the new administration took office.

27. The OES is a body that operates pursuant to the IBT Constitution and a Final Agreement and Order in *United States v. International Brotherhood of Teamsters*, 88 Civ. 4486 (LAP), (S.D.N.Y. Jan. 14, 2015), ECF No. 4409-1. IBT provided information to the OES regarding its decision to terminate Plaintiffs and Mr. Rosell’s role in that decision pursuant to its obligation to cooperate with OES investigations under the Final Agreement and Order.

28. Prior to joining Local 856 in 2018, Mr. Rosell had worked in non-management roles, including as a Staff Organizer, in the Department since 2004.

29. According to evidence IBT and Mr. Rosell provided to the OES, despite having not worked in the Department for approximately three years, beginning in December 2021 Mr. Rosell began evaluating Plaintiffs based in part on his memory of their abilities from when he worked in the Department from 2004 to 2018.

30. Upon information and belief, Mr. Rosell did not rely on any IBT evaluations of Plaintiffs or other documentation of their performance when making his assessments. Nor did he interview any of Plaintiffs during the post-election transition period.

31. Mr. Rosell had never supervised or formally evaluated Plaintiffs during his 2004-2018 tenure in the Department.

32. Due to the nature of Plaintiffs’ and Mr. Rosell’s positions as Staff Organizers, which required travel to various organizing campaigns nationwide, they usually worked in

different locations from each other spread across the country. Mr. Rosell only worked personally with some of Plaintiffs, and typically did so for brief periods of several days every few years, or less. Some of Plaintiffs never worked with Mr. Rosell on the same campaign, and others did so on only one occasion in the past thirteen years.

33. Plaintiffs Blanca Aguilar, Plinio Cruz, Allan Henry, Leroy Kyles, and Andre Steele never worked with Mr. Rosell on any campaign, and had only intermittent contact with him.

34. Plaintiff Edibray Rodriguez only worked with Mr. Rosell for a few days in or around 2014 on the Taylor Farms campaign in Tracy, California, and in Oakland, California in preparation for Mr. Rodriguez's testimony before the National Labor Relations Board. At the time, Mr. Rodriguez was employed at IBT as a "Lost Timer" and was not yet a Staff Organizer.

35. Plaintiff Felicia Walker worked with Mr. Rosell on only one occasion, on the American Airlines campaign in Dallas, Texas in or around 2013, and he complimented Ms. Walker's work on the campaign.

36. Plaintiff Cynthia Rivera worked with Mr. Rosell on only one occasion in or around 2010, when she was an organizer with Local 210 in New York, New York, on the Continental Airlines campaign in Newark, New Jersey. Mr. Rosell asked her when she would come and work at the IBT Organizing Department, and told her, "You're a woman and bilingual. We need more women in our department."

37. Plaintiff Tremayne Johnson only worked with Mr. Rosell on one occasion, as part of a "blitz" – where organizers are called in to help temporarily on a campaign, typically for only one to two days – for a Sysco Foods campaign in West Palm Beach, Florida in or around February 2018.

38. Plaintiff Walt Westfield worked with Mr. Rosell in or around 2011 on the American Southeast Airlines campaign out of Local 528 in Atlanta, Georgia for approximately two months, and in or around 2016 for about two months on a Sysco Foods campaign out of Local 406 in Grand Rapids, Michigan. In both cases, Mr. Rosell told Mr. Westfield he had done a great job, and particularly praised his community organizing work in the 2011 campaign in Georgia.

39. Plaintiff Anthony Roots worked with Mr. Rosell on several trips to West Palm Beach, Florida to work on campaigns on or about March 18, 2016; March 30, 2016; April 8, 2016; August 8, 2016; July 5, 2017; September 26, 2017; February 25, 2018; and February 28, 2020. Mr. Rosell specifically requested that Mr. Roots join these campaigns and report to him, and consistently thanked Mr. Roots for his work, and never expressed dissatisfaction with his performance.

40. Plaintiff Stephen Hanson worked with Mr. Rosell from 2016 to 2017 on campaigns in Miami, Florida and South Carolina. While working on a campaign at Sysco Foods in South Carolina, Mr. Rosell fought with senior staff members Jack Curran, Kim Keller, and Jeff Farmer to keep Mr. Hanson on his Sysco team when Mr. Hanson came up for reassignment.

41. Mr. Rosell met with Plaintiff Francisco Arzu and Secretary Treasurer of Local 856, Peter Finn, on or about January 8, 2020. Mr. Rosell organized the meeting, and told Mr. Arzu he wanted to see if he would be interested in working for Local 856.

42. Mr. Rosell and Mr. Finn told Mr. Arzu that they felt he would be a great fit to lead a campaign to organize workers in the wine industry in Sonoma County, California as part of an effort led by Local 856 to develop a west coast organizing department independent of IBT. Both Mr. Rosell and Mr. Finn asked Mr. Arzu if he would be interested in working for Local 856.

43. Mr. Arzu told Mr. Rosell and Mr. Finn that he would not be able to take a new position until after March 2020 once he was vested into IBT's pension. He declined to follow up with Mr. Rosell about the position after hearing about job losses and reduced hours at Local 856 after the start of the Covid-19 pandemic in March 2020. Mr. Arzu did not work with Mr. Rosell in any capacity thereafter.

44. After the OZ Slate won the election, Mr. Rosell assured Organizing Department Deputy Director Manny Valenzuela that Mr. Arzu would retain his job in the Department after the new administration took office.

45. Approximately two months after he was tasked by the officers-elect with assessing who to retain in the Organizing Department, Mr. Rosell was named Director of Organizing on or about February 13, 2022.

46. According to the information IBT provided to the OES, IBT followed all of Mr. Rosell's recommendations on who to keep at the Organizing Department: no one Mr. Rosell recommended be retained by the new administration was terminated, and no one he recommended for termination was retained.

47. Mr. O'Brien has publicly stated that members of the Organizing Department were fired due to performance issues. The statements were a pretext for discrimination based on race.

48. In or around April 2022, Mr. O'Brien gave a speech at Local 186 in Oxnard, California and said that he "got rid of the bad apples from the Organizing Department," and that the fired people were "lazy" and "didn't do anything" during the Covid-19 pandemic.

49. Mr. O'Brien's comments about Plaintiffs were completely unfounded, and promote racial stereotypes about Blacks and Hispanics. His comments have contributed to the harm to Plaintiffs' professional reputations, as well as to their humiliation and embarrassment.

50. The races of the Plaintiffs were known to IBT leadership, including through Mr. Rosell, who had worked with some of them prior to 2018, as well as through photographs of Plaintiffs on social media, which campaign slates regularly monitored during the 2021 union election.

51. Including Plaintiffs, IBT terminated twenty out of thirty-six non-management staff members of the Organizing Department on March 22, 2022. Prior to the terminations, the staff consisted of twenty-four people who were Black or Hispanic or both (described herein as “people of color”). The remaining twelve staff members were white.

52. Sixteen of the twenty terminated staff members, including Plaintiffs, were people of color, and the other four terminated members were white. Therefore, 80% of the staffers terminated from the Organizing Department on March 22, 2022 were people of color.

53. Only six of the sixteen staff members retained were people of color. Therefore, the Organizing Department went from twenty-four out of thirty-six, or 66.7%, people of color to only six out of sixteen, or 37.5%, people of color.

54. In total, 72.73% of the staffers who were people of color were terminated, while only 27.27% were retained. Comparatively, only 28.57% of white staffers were fired, while 71.43% were retained.

55. The racial difference in the percentage of staffers who were fired is statistically significant, with a Chi-square value of 6.7558, which is equal to 2.599 standard deviations. In most statistical analyses, any number of standard deviations of 1.96 or more is considered statistically significant. A race-blind employer would see a racial disparity of this magnitude in terminations less than one percent of the time.

56. Upon information and belief, IBT hired fifteen staff members into the Organizing Department after March 22, 2022. Only four, or 26.67%, were people of color and the remaining eleven, or 73.33%, were white. With these hires, the Department was comprised of only 32.2% people of color, a reduction of 51.7% since before IBT terminated Plaintiffs.

57. The difference in the racial composition of the staffers who were fired (80% people of color) and those who were hired (26.67% people of color) after March 22 is statistically significant, with a Chi-square value of 9.9556, which is equal to 3.155 standard deviations, far greater than the 1.96 threshold for statistical significance. A race-blind employer would see a racial disparity of this magnitude in terminations less than 0.20 percent of the time.

58. In addition to substantially decreasing diversity within the Organizing Department, the incoming administration's transition team showed a distinct lack of interest in maintaining or increasing diversity among IBT membership as a whole. The transition team declined to meet with the leadership of IBT's Human Rights and Diversity Commission ("HRDC"), which is the division of Teamsters responsible for promoting diversity, equity, and inclusion within the union. Upon information and belief, the transition team met with most or all other major IBT departments' leadership.

59. As noted in IBT's Diversity Committee's June 2021 "Report to the Teamsters 30th International Convention by the Diversity Committee," from 2001 to 2019 HRDC struggled to implement plans and projects, encountered a general lack of commitment to diversity from IBT leadership, and "experienced a lot of turnover in leadership and inactivity until 2019 when a new director [Marcus King] was appointed." Under Mr. King's leadership, HRDC became more active, overcoming "a variety of internal challenges and setbacks" to hold approximately twenty events, trainings, and projects from August 2019 to February 2021.

60. In addition to the increase in events, trainings, and projects, in 2021 HRDC received the results of a demographic survey of Teamsters' membership it had commissioned from consultants at Columbia University and City University of New York. The final report of the survey was submitted to then-General President James Hoffa in the fall of 2021, and was transmitted to Mr. O'Brien's transition team in November 2021.

61. A demographic survey was first called for by an amendment to IBT's constitution in 2006, but Teamsters took no action to commission a survey until after Mr. King's appointment. The survey's results were intended to be used to promote diversity in Teamsters' membership and leadership, and to assist the campaigns of the Organizing Department by enabling it to understand union density in certain industries, and to better consider race in assigning organizers and planning organizing campaigns to recruit new members.

62. IBT terminated Mr. King on March 22, 2022. Mr. O'Brien appointed Brian Peyton to replace him as Director of HRDC in March 2022. Upon information and belief, Mr. Peyton had no background in diversity-related work or knowledge of HRDC's work prior to his appointment.

63. Since Mr. O'Brien took office as General President, HRDC has not conducted any publicly publicized work, in marked contrast to its heavily promoted activities from 2019 to 2021. Upon information and belief, the results of the demographic survey have not been widely disseminated within IBT or used to further diversity or the work of the Organizing Department.

COUNT I
Race Discrimination in Violation of the D.C. Human Rights Act,
D.C. Code § 2-1402.11

64. Plaintiffs incorporate by reference and re-allege each of the facts set forth in paragraphs 1-63 of this Complaint with the same force and vigor as if set out here in full.

65. Defendant terminated Plaintiffs wholly or partially based upon their race in violation of the District of Columbia Human Rights Act, D.C. Code § 2-1402.11.

66. As a direct and proximate cause of Defendant's intentional discrimination, Plaintiffs suffered and continue to suffer professional humiliation and embarrassment, pain, suffering, anguish, emotional distress, indignity, and loss of enjoyment of life.

67. Defendant's conduct was malicious, wanton, reckless, and in willful disregard for Plaintiffs' rights.

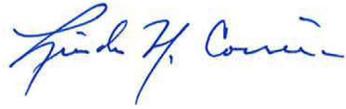
PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court order the following relief:

1. Declare Defendant's actions in violation of the District of Columbia Human Rights Act, D.C. Code § 2-1401.01 *et seq.*;
2. Enter judgment for Plaintiffs and against Defendant on the count contained herein;
3. Award Plaintiffs back pay and order reinstatement, or front pay in lieu thereof;
4. Award Plaintiffs compensatory damages in an amount to be determined by a jury and all other damages available to them under the law;
5. Award Plaintiffs punitive damages in an amount to be determined by a jury;
6. Award injunctive relief, requiring that Defendant adopt practices and policies to address violations of the District of Columbia Human Rights Act;
7. Award reasonable attorneys' fees and costs, pre-judgment interest, and post-judgment interest; and
8. Grant such relief as this Court deems just and proper.

Respectfully submitted,

CORREIA & PUTH, PLLC



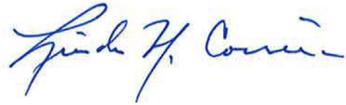
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JURY DEMAND

Plaintiff demands a trial by jury on all issues contained herein.

CORREIA & PUTH, PLLC



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