

NO. \_\_\_\_\_  
*Electronically filed*

JEFFERSON CIRCUIT COURT  
DIVISION \_\_\_\_\_  
JUDGE \_\_\_\_\_

**TROY DUNCAN**, Individually,  
and as the representative of a class  
of similarly situated persons,  
12103 Vanherr Drive  
Louisville, Kentucky 40299

**PLAINTIFFS**

**ROBERT NEWTON**, Individually,  
and as the representative of a class  
of similarly situated persons,  
2005 Nelson Avenue  
Louisville, Kentucky 40216

**NETNEY TAYLOR**, Individually,  
and as the representative of a class  
of similarly situated persons,  
316 Graves End Drive  
Louisville, Kentucky 40203

**SANDRA EASLEY**, Individually,  
and as the representative of a class  
of similarly situated persons,  
3613 Del Park Terrace  
Louisville, Kentucky 40211

**KEVAN SHEPPARD**, Individually,  
and as the representative of a class  
of similarly situated persons,  
6409 Cottagemeadow Drive  
Louisville, Kentucky 40218

**-AND-**

**SANDRA SPAULDING**, Individually,  
and as the representative of a class  
of similarly situated persons,  
8340 Grand Trevi Drive  
Louisville, Kentucky 40228

VS.

VERIFIED COMPLAINT

**JEFFERSON COUNTY BOARD OF EDUCATION**  
**d/b/a JEFFERSON COUNTY PUBLIC SCHOOLS,**  
3332 Newburg Road  
Louisville, Kentucky 40218-2414

**DEFENDANTS**

**MICHAEL RAISOR, Ed.D.**  
CHIEF OPERATIONS OFFICER  
C. B. Young Jr. Service Center  
3001 Crittenden Drive  
Louisville, Kentucky 40209

**ROBERT TANNER**  
DIRECTOR PROPERTY MANAGEMENT  
C. B. Young Jr. Service Center  
3001 Crittenden Drive  
Louisville, Kentucky 40209

**KELLY KIRK**  
MANAGER, HOUSEKEEPING  
MANAGER, GENERAL  
C. B. Young Jr. Service Center  
3001 Crittenden Drive  
Louisville, Kentucky 40209

**-AND-**

**DR. ANTHONY JOHNSON**  
TRAINING SPECIALIST  
C. B. Young Jr. Service Center  
3001 Crittenden Drive  
Louisville, Kentucky 40209

**DEFENDANTS**

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**AND NOW COME** the Plaintiffs, TROY DUNCAN, ROBERT NEWTON,  
SANDRA EASLEY, KEVAN SHEPPARD, SANDRA SPAULDING and NETNEY  
TAYLOR, Individually, and as the representatives of a class of similarly-situated

persons (hereinafter, collectively, the “Plaintiffs”), by and through counsel, that as and for their causes of action herein, respectfully state as follows:

### **I. PRELIMINARY STATEMENT**

This is a case where the Defendant, the JEFFERSON COUNTY BOARD OF EDUCATION d/b/a JEFFERSON COUNTY PUBLIC SCHOOLS (hereinafter “JCPS”), by and through a concentrated group of agents in its Operations Services Division, *to wit*, DR. MICHAEL RAISOR, ROB TANNER, KELLY KIRK and DR. ANTHONY JOHNSON (hereinafter, collectively, the “JCPS Defendants”), has systemically oppressed and continues to oppress the African- American men and women who toil in that Division. The Plaintiffs herein proceed individually, and on behalf of a class of similarly situated class members, which includes four sub-classes. The sub classes herein address two of the evils that are a by-product of JCPS’s pattern or practice of discrimination; a culture wherein African-Americans are passed up for employment opportunities that they are otherwise the superior candidates for and a hostile work environment, all experienced by the class individually and as a whole due simply to the color of their skin.

### **II. PARTIES, JURISDICTION & VENUE**

1. That at all times relevant hereto, the Plaintiff TROY DUNCAN was and is a resident of 12103 Vanherr Drive Louisville, Kentucky 40299, in the County of Jefferson;

2. That at all times relevant hereto, the Plaintiff ROBERT NEWTON was and is a resident of 2005 Nelson Avenue Louisville, Kentucky 40216, in the County of Jefferson;

3. That at all times relevant hereto, the Plaintiff SANDRA EASLEY (“Ms. Easley”) was and is a resident of Louisville Metro., Jefferson County, Kentucky, with a principal residence located at 3613 Del Park Terrace, Louisville, Kentucky 40211;

4. That at all times relevant hereto, the Plaintiff KEVAN SHEPPARD was and is a resident of 6409 Cottagemeadow Drive Louisville, Kentucky 40218, in the County of Jefferson;

5. That at all times relevant hereto, the Plaintiff SANDRA SPAULDING was and is a resident of 8340 Grand Trevi Drive Louisville, Kentucky 40228, in the County of Jefferson;

6. That at all times relevant hereto, the Plaintiff NETNEY TAYLOR was and is a resident of 316 Graves End Drive Louisville, Kentucky 40203, in the County of Jefferson;

7. That at all times relevant hereto, the Defendant JEFFERSON COUNTY BOARD OF EDUCATION d/b/a JEFFERSON COUNTY PUBLIC SCHOOLS (hereinafter “JCPS”) was and still is a governmental agency established under KRS Title XIII - EDUCATION, Chapter 160: School Districts, to control and manage the employees under its control, and JCPS has an office at 3332 Newburg Road Louisville, Kentucky 40218-2414;

8. That at all times relevant hereto, the Defendant JCPS was and is an employer in an industry affecting commerce within the meanings of Sections 701(b), (g) and (h) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.* and an employer within the meaning of Section 030(2) of the Kentucky Civil Rights Act of

1966, KRS § 344.010 *et seq.*, and the other named JCPS Defendants were and are all agents thereof;

9. That at all times relevant hereto, both the Defendant JCPS and its agents were and are acting under color of state law;

10. That upon information and belief, at all times relevant hereto, the Defendant DR. MICHAEL RAISOR (hereinafter Dr. "Raisor") was the Chief Operations Officer of JCPS's Operations Services Division, and an employee of JCPS;

11. That upon information and belief, at all times relevant hereto, the Defendant ROBERT TANNER (hereinafter Mr. "Tanner") was the Director of Property Management of JCPS's Operations Services Division, and an employee of JCPS;

12. That upon information and belief, at all times relevant hereto, the Defendant KELLY KIRK (hereinafter Mr. "Kirk", was the General Manager and Housekeeping Manager of JCPS's Operations Services Division, and an employee of JCPS;

13. That upon information and belief, at all times relevant hereto, the Defendant DR. ANTHONY JOHNSON (hereinafter Dr. "Johnson") was the Training Specialist of JCPS's Operations Services Division, and an employee of JCPS;

14. That Plaintiffs simultaneously bring their claims against Defendant Dr. Raisor in his individual capacity for his commissions and/or omissions, as further described herein, under color of state law and within the scope of his employment and authority as an agent of JCPS;

15. That Plaintiffs simultaneously bring their claims against Defendant Mr. Tanner in his individual capacity for his commissions and/or omissions, as further described herein, under color of state law and within the scope of his employment and authority as an agent of JCPS;

16. That Plaintiffs simultaneously bring their claims against Defendant Mr. Kirk in his individual capacity for his commissions and/or omissions, as further described herein, under color of state law and within the scope of his employment and authority as an agent of JCPS;

17. That Plaintiffs simultaneously bring their claims against Defendant Dr. Johnson in his individual capacity for his commissions and/or omissions, as further described herein, under color of state law and within the scope of his employment and authority as an agent of JCPS;

18. That jurisdiction and venue are proper in this Court, as the amount in controversy exceeds \$5,000.00, exclusive of interest and costs, Plaintiffs seek equitable relief herein and Plaintiffs reside in Jefferson County;

## **II. FACTUAL ALLEGATIONS**

### ***TROY DUNCAN***

19. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Eighteen (18) are repeated and realleged as if fully set forth herein;

20. That Mr. Duncan is an African American male, and is 54 years old, with a date of birth of 06-14-1963;

21. That Mr. Duncan has been a pastor for 24 years, and he has an associate degree in Human Services. Mr. Duncan was originally hired as a custodian with JCPS in March of 1990 as a custodian, and has worked for JCPS for many years. Mr. Duncan is currently employed with JCPS in the position of locksmith;

22. That Mr. Duncan fought for many years to become the first African American locksmith with JCPS;

23. That on or about February of 2019, a Caucasian coworker of Mr. Duncan named Bart Matthew, routinely used the word “nigger” on the job, and when he was reported, he was placed on paid leave;

24. That upon information and belief, Mr. Duncan’s foreman, Mike Parker, instructed Mr. Matthew to falsely claim that the African American that he used the derogatory slur in the presence of called him a “cracker”;

25. That as a result of Mr. Duncan bringing the foregoing to the attention of Mr. Parker, Mr. Parker started to assign extra work to Mr. Duncan, sabotage his work orders, and in various other ways, discipline Mr. Duncan for the language Mr. Matthew used and Mr. Parker attempted to cover up;

26. That Mr. Duncan brought the foregoing to the attention of Defendant Mr. Tanner, but the situation has not changed;

**ROBERT NEWTON**

27. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Twenty-Six (26) are repeated and realleged as if fully set forth herein;

28. That Mr. Newton is currently employed with JCPS in the position of Transportation Coordinator, with an annual salary of approximately \$73,399.00 per annum; that Mr. Newton has been employed, in good standing, in the Transportation Department of JCPS since July of 2004;

29. That on or about July of 2016, a position was posted for a Manager of Operations position in the Transportation Department;

30. That Mr. Newton applied for the Manager of Operations position, and was interviewed for it;

31. That there were no African Americans on the hiring committee;

32. That Tonya Clinkscales, an African American, was supposed to be on the hiring committee, but she was on vacation during the relevant time period;

33. That she asked Defendant Dr. Raisor to be included in the decision-making process, and he advised her that he wanted to fill the position "ASAP";

34. That Ms. Clinkscales returned from her vacation, and the position was still not filled;

35. That the position was filled at some point thereafter, but Ms. Clinkscales was not consulted;

36. That Mr. Newton was not hired for the Manager of Operations position; that said position was filled by a Caucasian female, Jeanna Weber.

***NETNEY TAYLOR***

37. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Thirty-Six (36) are repeated and realleged as if fully set forth herein;



38. That Ms. Taylor is currently employed with JCPS in the position of Transportation Coordinator, with an annual salary of approximately \$81,739.00 per annum; that Ms. Taylor has been employed, in good standing, in the Transportation Department of JCPS since May of 1995;

39. That on or about July of 2016, a position was posted for a Manager of Operations position in the Transportation Department;

40. That Ms. Taylor applied for the Manager of Operations position, and was interviewed for it;

41. That there were no African Americans on the hiring committee for that position;

42. That Tonya Clinkscales, an African American, was supposed to be on the hiring committee, but she was on vacation during the relevant time period;

43. That she asked Defendant Dr. Raisor to be included in the decision-making process, and he advised her that he wanted to fill the position "ASAP";

44. That Ms. Clinkscales returned from her vacation, and the position was still not filled;

45. That the position was filled at some point thereafter, but Ms. Clinkscales was not consulted;

46. That Ms. Taylor was not hired for the Manager of Operations position; that said position was filled by a Caucasian female, Jeanna Weber.

**SANDRA EASLEY**

47. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Forty-Six (46) are repeated and realleged as if fully set forth herein.

48. That Ms. Easley is an African American female, and sixty-two (62) years old with a date of birth of XX/XX/1956.

49. That Ms. Easley is a classified employee of the Defendant, JCPS, in the position of a general maintenance technician, for which she is compensated by JCPS at a grade 7, at a rate of \$25.70 per hour.

50. That Ms. Easley is a qualified electrician, having previously completed her apprenticeship and journeyman examination in Wisconsin, and being a member of the International Brotherhood of Electrical Workers (IBEW).

51. That Ms. Easley has on *numerous* occasions applied to Defendant JCPS for electrician positions with JCPS, a grade 10 pay level, in the Operations Services Division, and other positions, including:

- a. electrician-general maintenance position, February 7, 2019;
- b. maintenance worker position, January 28, 2019;
- c. preventative maintenance technician position, January 12, 2019;

and,

- d. an electrician-general maintenance position, October 26, 2018.

52. That Ms. Easley has made far more applications with JCPS for electrician positions, for which she is qualified, and to which Defendants, JCPS, failed to respond.

53. That Ms. Easley has uniformly been denied interviews to her applications to the foregoing positions from JCPS.

54. That Plaintiff Ms. Easley has been informed by Defendants herein, that she needs a new certification as an electrician, even as being qualified and journeyed, having passed all necessary examinations, and being an IBEW member.

55. That the Defendant, JCPS, has hired persons for JCPS electrician positions and other maintenance positions who are less qualified than Ms. Easley, but who are Caucasian, without regard to their certification, and with respect to those hired who are unlicensed in Kentucky as electricians, have engaged in a systemic practice of “grandfathering” in their electrician certification through JCPS.

56. That the electricians working at JCPS are substantially or uniformly Caucasian.

57. That Defendants, JCPS, have failed or refused to hire Ms. Easley, on account of her race, and age.

58. That the foregoing conduct by Defendant, JCPS, constitutes an unlawful employment practice in violation of the Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2, and KRS § 344.040; and, 42 U.S.C. § 1981.

59. That as a direct and proximate result of the tortious conduct of Defendant, JCPS, set forth in the preceding paragraphs, Ms. Easley has incurred monetary damages, including but not limited to: compensatory damages for back pay, emotional pain and suffering,

60. That on April 12, 2019, Ms. Easley filed a charge with the EEOC, Charge No. 474-2019-00664, as to the discriminatory failures to hire by Defendants on February 7, 2019 for the electrician position, and on January 24, 2019 for the maintenance worker position, on account of her race and age, in violation of Title VII of the Civil Rights Act of 1964, and the Age Discrimination Employment Act.

61. That on April 19, 2019, the EEOC dismissed Ms. Easley’s foregoing charges and notified her of her right to sue.

***KEVAN SHEPPARD***

62. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Sixty-One (61) are repeated and realleged as if fully set forth herein;

63. That Mr. Sheppard is currently employed with JCPS in the position of custodian, and has been employed, in good standing, with JCPS since August of 2009;

64. That on or about December of 2018, Mr. Sheppard's coworker, Penny Paschel, subjected Mr. Sheppard to a hostile work environment and different terms and conditions of employment including, but not limited to:

- e. Ms. Paschel watching a video on her cellphone which she commented on, referring to male genitalia, in the presence of Mr. Sheppard;
- f. Ms. Paschel watching a video on her cellphone within earshot of Mr. Sheppard which was about white males asking about plans for the weekend: "Are we going nigger hunting this weekend?"; and
- g. Ms. Paschel made several inappropriate comments (calling Mr. Sheppard a "liar" and a "fucker") when he did not assist her with her assignment on December 18, 2018, and she then angrily stabbed an ice container with a steak knife.

65. That on or about December 19, 2018, Mr. Sheppard filed a formal written complaint regarding the foregoing, which was substantiated by JCPS Compliance and Investigation;

66. That on or about January 28, 2019, Mr. Sheppard had a meeting with Larnell Brown, Area Supervisor, whereupon Mr. Brown informed Mr. Sheppard that he

would be transferred, because he “didn’t fit”. When Mr. Sheppard questioned why the transfer was happening, he was not given an answer;

67. That on or about March 4, 2019, Mr. Sheppard filed an employee discrimination grievance against his supervisor;

68. That on or about March 14, 2019, Mr. Sheppard was informed that he was being placed under investigation for allegedly discriminating based on sex;

69. That on or about March 15, 2019, Mr. Sheppard filed another complaint based on harassment and retaliation with the upper echelons of management within the Operations Services Division, including the named JCPS Defendants;

70. That the investigation against Mr. Sheppard for the allegations of sex discrimination were not substantiated;

***SANDRA SPAULDING***

71. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Seventy (70) are repeated and realleged as if fully set forth herein;

72. That Ms. Spaulding is currently employed with JCPS in the position of custodian, and has been employed, in good standing, with JCPS since November of 2013;

73. That from on or about July of 2018 through on or about mid-March 2019, December of 2018, Ms. Spaulding was employed at Minor Daniels Academy. During that time, Ms. Spaulding’s supervisor, Sara Smith, subjected Ms. Spaulding to a hostile work environment and different terms and conditions of employment including, but not limited to:

- a. Ms. Smith did not answer the phone when Ms. Spaulding called in for a sick day;
- b. Ms. Smith would take things off Ms. Spaulding's cleaning cart without putting them back;
- c. Ms. Smith did not call in help for Ms. Spaulding while her coworker was on vacation so that Ms. Spaulding would be short-handed;
- d. Ms. Smith had Ms. Spaulding put up tables in the cafeteria when Ms. Smith was supposed to do it;
- e. Ms. Smith left Ms. Spaulding's custodian closet in disarray and dirty;
- f. Upon information and belief, Ms. Smith told an individual at Newburg Middle School that she was "going to get a black custodian fired at [her] school"; and
- g. Upon information and belief, Ms. Smith sabotaged a room that Ms. Spaulding was charged with cleaning, and the video recording of that sabotage was destroyed.

74. That Ms. Spaulding made the upper echelons of management within the Operations Services Division, including the named JCPS Defendants, aware of the foregoing, but there were no corrective actions or consequences whatsoever;

### **III. CLASS ALLEGATIONS**

75. That the legal and factual allegations contained in Paragraph(s) One (1) through Seventy-Four (74) are repeated and realleged as if fully set forth herein;

76. That the Plaintiffs bring this civil action against the Defendants as a class action, prosecuted by the named representatives individually, and on behalf of a class of similarly situated persons, *to wit*, (A) those African American individuals who worked in JCPS's Operations Services Division in the past five (5) years, and were either: (i) denied a position or promotion they applied for; or (ii) subjected to a hostile work environment during that period; or (B) those African American individuals who worked in JCPS's Operations Services Division in the past year, and were either: (i) denied a position or promotion they applied for; or (ii) subjected to a hostile work environment during that period, pursuant to Kentucky Rules of Civil Procedure, Rule (hereinafter "CR") 23.01 and CR 23.02(a)-(c). Subject to additional information obtained through further investigation and/or discovery, the foregoing definition of the Plaintiff Class may be expanded or narrowed. The proposed Plaintiff Class consists of four (4) sub-classes, and is as follows:

**KRS 344 Hiring/Promotion Sub-Class:** All African Americans employed in JCPS's Operations Services Division in the past five (5) years who applied for and were not hired or who did not receive any promotion during that period.

**KRS 344 Hostile Work Environment Sub-Class:** All African Americans employed in JCPS's Operations Services Division in the past five (5) years.

**42 U.S.C. §§ 1981, 1983 Hiring/Promotion Sub-Class:** All African Americans employed in JCPS's Operations Services Division in the past year who applied for and were not hired or who did not receive any promotion during that period.

**42 U.S.C. §§ 1981, 1983 Hostile Work Environment Sub-Class:** All African Americans employed in JCPS's Operations Services Division in the past year.

77. That excluded from the Plaintiff Class are: (1) Defendants, Defendants' subsidiaries and any entity which Defendants have a controlling interest in; and (2) the Judge assigned to this case and any member of his or her immediate family. Plaintiffs expressly reserve the right to modify the Plaintiff Class definition as further investigation and/or discovery so warrants;

78. That this action has been brought and may properly be maintained as a class action pursuant to CR 23 and the case law thereunder;

79. **Numerosity:** That the members of the Plaintiff Class are so numerous that joinder of all members is impracticable. Plaintiffs reasonably believe that the Plaintiff Class is comprised of hundreds or thousands of individuals throughout the Commonwealth of Kentucky and elsewhere;

80. **Commonality:** That common questions of law and fact exist as against Defendants in this action. These common questions predominate over any questions affecting only individual Plaintiff Class members. These common legal and factual questions include, but are not limited to, the following:

- Whether or not JCPS has instituted uniform job-selection and/or pay scale policies and procedures that have vested a concentrated group of district officials - the JCPS Defendants - with discretion that they have exercised in a discriminatory fashion;
- Whether or not the Defendants engaged in a pattern or practice of discrimination against the class members;
- Whether or not the Plaintiff Class members have sustained monetary loss, and the proper measure of that loss;
- Whether or not the Plaintiff Class members are entitled to punitive and/or exemplary damages; and
- Whether or not the Plaintiff Class members are entitled to declaratory and injunctive relief.



These and other questions of law and/or fact are common to members of the Plaintiff Class and predominate over any questions affecting only individual members of it;

81. **Typicality:** That the Plaintiffs' claims against the Defendants are typical of the claims of the similarly situated members of the Plaintiff Class, as the Plaintiffs assert claims against the Defendants flowing from a pattern or practice of discrimination perpetuated by a concentrated group of upper management personnel within JCPS's Operations Services Division, the named JCPS Defendants herein, pursuant to a uniform set of policies and procedures. The Plaintiffs are advancing the same claims and legal theories on behalf of themselves and all absent members of the Plaintiff Class;

82. **Adequacy:** That the Plaintiffs' claims are made in a representative capacity on behalf of the other members of the Plaintiff Class. The Plaintiffs have no interests antagonistic to the interests of the other members of the Plaintiff Class and are subject to no unique defenses;

83. That the Plaintiffs are similarly situated in interest to all members of the proposed Plaintiff Class and are committed to the vigorous prosecution of this action and have retained competent counsel experienced in the prosecution of class actions. Accordingly, the Plaintiffs are adequate representatives of the Plaintiff Class and will fairly and adequately protect the interests of the members of the Plaintiff Class; and

84. That this suit may be maintained as a class action under CR 23.02(a)-(c) because a class action is superior to all other available methods for the fair and efficient adjudication of this controversy since joinder of all members is impracticable. The

injury suffered by each individual class member, although not insignificant, pales in comparison to the systemic pattern or practice of discrimination that infiltrates JCPS's Operations Services Division to its core. The injury suffered by each individual class member is relatively small in comparison to the burden and expense of individual prosecution of the complex and extensive litigation necessitated by Defendants' conduct. It would be virtually impossible for members of the Plaintiff Class individually to redress the wrongs perpetrated upon them. Even if the members of the Plaintiff Class could afford such litigation, the court system cannot. Individualized litigation presents a potential for inconsistent or contradictory judgments. Individualized litigation increases the delay and expense to all parties, and to the court system, presented by the complex legal and factual issues of the case. By contrast, the class action device presents no management difficulties, and provides the benefits of single adjudication, economy of scale and comprehensive supervision by a single court;

#### **IV. CAUSES OF ACTION**

##### **AS AND FOR A FIRST CAUSE OF ACTION**

##### **THE ENFORCEMENT ACT OF 1871**

##### **42 U.S.C. §§ 1981, 1983**

(against the JCPS Defendants on behalf of the Plaintiff Class)

85. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Eighty-Four (84) are repeated and realleged as if fully set forth herein;

86. That the Plaintiffs and the Plaintiff Class belong to a protected group, African American;

87. That the Plaintiffs Mr. Newton, Ms. Taylor and Ms. Easley, along with the Hiring/Promotion sub-classes were not hired for/promoted to a position that they were otherwise qualified for, but for their race of African American;

88. That members outside the protected class were hired for the positions, Caucasians;

89. That the Plaintiffs Mr. Duncan, Mr. Sheppard and Ms. Spaulding, along with the Hostile Work Environment sub-classes were subjected to the unwelcome harassment described *supra*;

90. That the foregoing harassment was based upon the Plaintiffs and the Plaintiff Class's race, African American;

91. That the foregoing harassment was sufficiently severe or pervasive to alter the conditions of employment and create an intimidating, hostile, or offensive working environment;

92. That the JCPS Defendants knew or should have known about the harassment and failed to act;

93. That pursuant to Kentucky Rules of Civil Procedure, Rule 8.01, the amount in controversy exceeds the minimum threshold of the Jefferson County Circuit Court;

**AS AND FOR A SECOND CAUSE OF ACTION**  
**THE KENTUCKY CIVIL RIGHTS ACT OF 1966**  
**KRS 344.040 & 344.280**  
(against Defendant JCPS on behalf of the Plaintiff Class)

94. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through Ninety-Three (93) are repeated and realleged as if fully set forth herein;

95. That the Plaintiffs and the Plaintiff Class belong to a protected group, African American;

96. That the Plaintiffs Mr. Newton, Ms. Taylor and Ms. Easley were not hired for a position that they were otherwise qualified for, but for their race of African American;

97. That members outside the protected class were hired for the positions, Caucasians;

98. That the Plaintiffs Mr. Duncan, Mr. Sheppard and Ms. Spaulding, along with the Hostile Work Environment sub-class were subjected to the unwelcome harassment described *supra*;

99. That the foregoing harassment was based upon the Plaintiffs and the Plaintiff Class's race, African American;

100. That the foregoing harassment was sufficiently severe or pervasive to alter the conditions of employment and create an abusive working environment;

101. That the JCPS Defendants knew or should have known about the harassment and failed to act;

102. That pursuant to Kentucky Rules of Civil Procedure, Rule 8.01, the amount in controversy exceeds the minimum threshold of the Jefferson County Circuit Court;

**AS AND FOR A THIRD CAUSE OF ACTION**  
**TITLE VII OF THE CIVIL RIGHTS ACT OF 1964**  
**42 U.S.C. §§ 2000e(k), 2000e-2(a)(1) & 2000e-3(a)**  
(on behalf of Plaintiff Ms. Easley against the JCPS Defendants)

103. That the legal and factual allegations contained in Complaint Paragraph(s) One (1) through One-Hundred and Two (102) are repeated and realleged as if fully set forth herein;

104. That Ms. Easley belongs to a protected group;

105. That Ms. Easley was denied the various positions described heretofore;

106. That the foregoing denial of promotion to those positions was based upon Ms. Easley's race, African American;

107. That the acts and/or omissions of the JCPS Defendants complained of herein were wanton and/or willful, that they were conducted in such a reckless manner and with such patent disregard for the rights of Ms. Easley, whereby the JCPS Defendants are liable to her for punitive and/or exemplary damages, as permitted by law; and, further that Ms. Easley seeks an amount in punitive and/or exemplary damages that is fair and reasonable as shown by the evidence; and

108. That pursuant to Kentucky Rules of Civil Procedure, Rule 8.01, the amount in controversy exceeds the minimum threshold of the Jefferson Circuit Court;

#### **V. PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiffs, TROY DUNCAN, ROBERT NEWTON, SANDRA EASLEY, KEVAN SHEPPARD, SANDRA SPAULDING, and NETNEY TAYLOR, each individually, and as representatives of a class of similarly situated individuals, respectfully pray this Honorable Court for relief against the Defendants THE JEFFERSON COUNTY BOARD OF EDUCATION d/b/a JEFFERSON COUNTY PUBLIC SCHOOLS, DR. MICHAEL RAISOR, ROBERT TANNER, KELLY KIRK and

DR. ANTHONY JOHNSON, in the manner as follows: **(A)** Certifying the case as a class action, appointing the Plaintiffs as class representatives and appointing Plaintiffs' counsel to represent the classes; **(B)** Awarding Plaintiffs and the Plaintiff class compensatory damages against the Defendant(s) in an amount in excess of the jurisdictional threshold of the Jefferson Circuit Court; **(C)** Restraining and enjoining Defendant JCPS from engaging in its discriminatory practices; **(D)** Awarding Punitive and/or exemplary damages as permitted by law; **(E)** Conducting trial by jury on all causes of action so triable; **(E)** Awarding Plaintiffs' costs herein expended, including reasonable attorneys' fees where permitted by law; and **(F)** For such other and further relief as may be just, proper and equitable.

Respectfully submitted,

Louisville, Kentucky

Dated: June 6, 2019

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TEDDY B. GORDON  
PETER J. JANNACE  
ANDREW E. MIZE  
807 West Market Street  
Louisville, Kentucky 40202  
(502) 585-3534 (office)  
(646) 783-9810 (direct)  
(502) 585-3539 (facsimile)  
Peter.jannace@Gmail.com