

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

TERRANCE K. LEMONS, Plaintiff,	:	
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	:	
	:	
UNITED STATES OF AMERICA, Plaintiff-Intervenor,	:	JURY TRIAL DEMANDED
	:	
	:	No. 4:03CV00975 ERW
	:	
v.	:	
	:	
PATTONVILLE-BRIDGETON FIRE PROTECTION DISTRICT, <i>et al.</i> ,	:	
Defendants.	:	
	:	
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**COMPLAINT IN INTERVENTION**

Plaintiff-Intervenor, United States of America (“United States”), alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”).
2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant Pattonville-Bridgeton Fire Protection District (“Pattonville FPD”) is a governmental agency and a political subdivision of the State of Missouri, created pursuant to Missouri law.
4. Defendant Pattonville FPD is a person within the meaning of Section 701(a) of Title VII, 42 U.S.C. § 2000e(a), and an employer within the meaning of Section 701(b) of Title VII, 42 U.S.C. § 2000e(b).
5. Defendant Pattonville FPD is responsible for establishing the terms, conditions and other

practices which bear upon the employment conditions of employees of Pattonville FPD.

6. Terrance K. Lemons was employed by defendant Pattonville FPD as a firefighter from July 1989 until February 2003. Lemons is the only African-American ever hired by Pattonville FPD as a firefighter. During Lemons' employment with Pattonville FPD, co-workers and supervisors, including members of Pattonville FPD's Board of Directors, subjected Lemons to frequent harassing conduct, including, but not limited to: using racial slurs to describe and address Lemons and other African-Americans; scratching the word "nigger" into the driver's side door of Lemons' car; and subjecting Lemons to less favorable terms and conditions of employment, including suspension of his pay and benefits, than white firefighters employed by Pattonville FPD.

7. Defendant Pattonville FPD has discriminated against Lemons because of his race, black, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

- a. Creating, maintaining, and condoning racial harassment and a racially hostile work environment at Pattonville FPD;
- b. Subjecting Lemons to racial harassment and less favorable terms and conditions of employment than white firefighters, while employed by Pattonville FPD, which created an intimidating, hostile or offensive work environment, and which adversely affected the terms, conditions and privileges of Lemons' employment;
- c. Subjecting Lemons to racial harassment and less favorable terms and conditions of employment because of his race, black, while he was employed at Pattonville FPD, which created an intimidating, hostile or offensive work

environment, and which was so intolerable that it caused him to resign his position; and

d. Failing or refusing to promptly or effectively investigate, remedy or prevent the conduct described in Paragraph 6, supra.

8. The Equal Employment Opportunity Commission (“EEOC”) received a timely charge of discrimination filed by Lemons (Charge No. 280-A2-01384), in which he alleged, inter alia, that defendant Pattonville FPD discriminated against him in violation of Title VII by subjecting him to a hostile work environment based on his race.

9. The EEOC received a timely charge of discrimination filed by Lemons (Charge No. 280-A3-03468), in which he alleged, inter alia, that defendant Pattonville FPD discriminated against him in violation of Title VII by suspending his pay and benefits based on his race and retaliation.

10. Having received notices of right-to-sue, Lemons filed his Complaint in the above-captioned case alleging, inter alia, violations of Title VII by Pattonville FPD.

11. The Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, by delegation from the Attorney General of the United States, has certified under Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1), that the above-captioned case is of general public importance. See attachment hereto.

12. All conditions precedent to the filing of this Complaint in Intervention have been performed or have occurred.

WHEREFORE, plaintiff-intervenor United States prays that this Court grant the following relief:

(a) Enjoin defendant Pattonville FPD from failing or refusing to:

- (i) provide sufficient remedial relief, including backpay with interest, to make Terrance K. Lemons whole for the loss he has suffered as a result of the discrimination against him as alleged in this Complaint in Intervention;
  - (ii) require Pattonville FPD to adopt a racial harassment policy that includes clear, meaningful and well-publicized provisions describing responsibilities of all supervisors to report and respond to complaints of racial harassment, and to establish an effective mechanism for receiving and responding to complaints of racial harassment;
  - (iii) provide adequate training to all Pattonville FPD employees and officials responsible for making determinations regarding complaints of racial harassment; and
  - (iv) take other appropriate nondiscriminatory measures to overcome the effects of discrimination.
- (b) Award compensatory damages to Terrence K. Lemons for mental and/or physical injuries incurred as a result of the discrimination against him as alleged in this Complaint in Intervention, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The plaintiff-intervenor United States prays for such additional relief as justice may require, together with its costs and disbursements in this action.

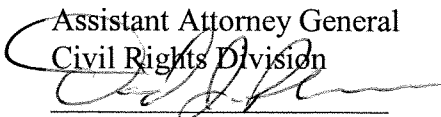
**JURY DEMAND**

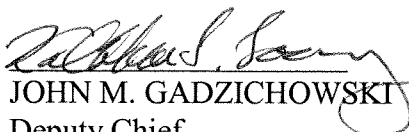
The plaintiff-intervenor United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil

Rights Act of 1991, 42 U.S.C. § 1981a.

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