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STATE OF NORTH CAROLINA
WAKE COUNTY

IN THE GENERAL COURT JUSTICE
SUPERIOR COURT DIVISION

2007 JUL 23 10:49 FILE NO.: _____

BOOKER WIGGINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	COMPLAINT
	)	
ALLSTATE INSURANCE COMPANY	)	
and ALLSTATE FINANCIAL	)	
SERVICES, LLC,	)	
	)	
Defendants.	)	

PLAINTIFF, complaining of Defendants, alleges as follows:

PARTIES

1. Plaintiff Booker Wiggins (hereinafter "Plaintiff") is, and at all times relevant to this action was, a citizen and resident of Wake County, North Carolina.

2. Defendant Allstate Insurance Company (hereinafter "Defendant Allstate") is a corporation duly organized and existing under the laws of Illinois and has offices in Wake County, North Carolina.

3. Defendant Allstate Financial Services, LLC (hereinafter "AFS") is a limited liability company duly organized and existing under the laws of Delaware and has registered with the North Carolina Secretary of State as a limited liability company.

4. Upon information and belief, Defendants employ in excess of five hundred employees.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to N.C. Gen. Stat. § 7A-240, § 7A-243, § 126-86, 42 U.S.C. § 1981 and 42 U.S.C. § 2000e-5(f)(3). This Court has personal jurisdiction in this matter pursuant to N.C. Gen. Stat. § 1-75.4.

6. Venue is properly laid in this Court pursuant to N.C. Gen. Stat. § 1-82.

FACTS

7. Plaintiff, a forty-two year old black male, was employed as an adjuster by Defendants from on or about June 21, 1999 until April 16, 2007 at Defendants' office in Raleigh, North Carolina.

8. In or around 2001, Plaintiff's supervisor John Bertaux (hereinafter "Mr. Bertaux"), a white male, revoked Plaintiff's settlement authority because of false and racially motivated allegations made by two white female adjusters. Said revocation prevented Plaintiff from receiving performance awards and bonuses that he would have otherwise been able to receive. Mr. Bertaux's

actions with respect to the revocation were motivated by racial animus.

9. In or around 2002, Jim Willcox (hereinafter "Mr. Willcox"), a white male, became Plaintiff's supervisor. Mr. Willcox began to assign the more difficult claims to Plaintiff. Said actions adversely affected Plaintiff's productivity and prevented him from receiving performance awards, performance bonuses and pay increases. Said actions also made it more difficult for Plaintiff to receive promotions. Mr. Willcox's actions, which continued until the end of Plaintiff's employment, were motivated by his desire to prevent black male adjusters, including Plaintiff, from receiving promotions and other forms of pay increases.

10. On October 27, 2006, Plaintiff completed Defendants' diversity survey. In his response to the survey, Plaintiff stated that black male adjusters were treated differently than white adjusters and black female adjusters. Plaintiff further stated that the differences in treatment included work assignments, working conditions, performance bonuses, pay increases, awards and promotional opportunities.

11. Upon information and belief, Defendants' management had access to Plaintiff's survey responses. On or about December 5, 2006, S. Williams, a black female adjuster, was promoted to a total loss prevention position. Plaintiff applied for said position and

was more qualified than Ms. Williams. Defendants did not promote Plaintiff to said position on account of his race and sex and because of his responses to the diversity survey.

12. On December 3, 2006, Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (hereinafter "EEOC"). In such charge, Plaintiff asserted that she had been discriminated against by Defendants, with respect to the terms and conditions of his employment, on account of his race and sex.

13. In or around January, 2007, Plaintiff applied for a transfer to a claims adjuster position in another unit. Plaintiff did so in hopes of being able to report to a different supervisor. Plaintiff hoped that such a transfer would end his discriminatory treatment and increase his chances for pay increases, bonuses and advancement. Upon information and belief, Defendants did not select Plaintiff for this position because of Plaintiff's race and sex and in retaliation for the prior EEOC charge filed by Plaintiff.

14. On January 16, 2007, Plaintiff filed an amended charge of discrimination with the EEOC and asserted that he had retaliated against for filing a previous charge of discrimination.

15. On or about April 16, 2007, Plaintiff resigned his position with the Defendants because he had been discriminated against on account of his race and sex, subjected to a hostile work

environment on account of his race and sex, and retaliated against for filing charges of discrimination with the EEOC.

FIRST CLAIM FOR RELIEF
VIOLATION OF 42 U.S.C. § 2000e-2

16. Plaintiff hereby incorporates paragraphs 1-15 of the complaint as if fully set forth herein.

17. On April 24, 2007, the EEOC issued Plaintiff a right to sue letter.

18. Plaintiff has exhausted all applicable administrative remedies as required by Title VII of the Civil Rights Act of 1964, as amended.

19. Defendants are an "employer" as defined by the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e(b).

20. Defendants discriminated against Plaintiff because of his race and sex, in violation of 42 U.S.C. § 2000e-2(a)(1). Such discrimination included, but was not limited to, preventing Plaintiff from obtaining performance awards, bonuses, pay increases and promotions on account of his race and sex. Such discrimination further consisted of subjecting Plaintiff to a hostile work environment on account of his race and sex.

21. As a result of Defendants' actions, Plaintiff has suffered lost wages, lost employment benefits, loss of status and reputation and pain and suffering.

22. As a result of Defendants' actions, Plaintiff has

suffered damages in an amount in excess of \$10,000.00, the exact amount to be proven at trial.

SECOND CLAIM FOR RELIEF
VIOLATION OF 42 U.S.C. § 1981

23. Plaintiff hereby incorporates paragraphs 1-22 of this complaint as if fully set forth herein.

24. Defendants acted with malice and/or reckless indifference to Plaintiff's federally protected rights when Defendants discriminated against Plaintiff with respect to the terms and conditions of his employment due to his race.

25. As a result of Defendants' actions, Plaintiff has suffered lost wages, lost employment benefits, loss of status and reputation and pain and suffering.

26. As a result of Defendants' actions, Plaintiff has suffered damages in an amount in excess of \$10,000.00, the exact amount to be proven at trial.

THIRD CLAIM FOR RELIEF
RETALIATION IN VIOLATION OF 42 U.S.C. §2000e-3(a)

27. Plaintiff hereby incorporates paragraphs 1-26 of this complaint as if fully set forth herein.

28. Defendants retaliated against Plaintiff in violation of 42 U.S.C. §2000e-3(a) when it failed to transfer Plaintiff to another claims adjuster position in a different unit in January 2007.

29. As a result of Defendants' actions, Plaintiff has suffered loss of status and reputation and pain and suffering.

30. As a result of Defendants' actions, Plaintiff has suffered damages in an amount in excess of \$10,000.00, the exact amount to be proven at trial.

WHEREFORE, Plaintiff prays to the Court as follows:

1. That Plaintiff recover of Defendants compensatory damages, including damages for pain and suffering, back pay, front pay and other compensation in an amount in excess of \$10,000.00, with interest as allowed by law;

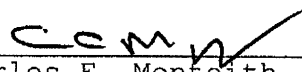
2. That Plaintiff recover of Defendants punitive damages pursuant to 42 U.S.C. § 1981 or 42 U.S.C. § 1981a;

3. That the costs of this action, including attorney's fees, be taxed against Defendants;

4. That all issues be tried before a jury; and

5. That the Court award Plaintiff such other relief as the Court may deem just and proper.

This the 23rd day of July, 2007.



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