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RICHARD W. WICKING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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ELDRIDGE JOHNSON, MARIO ECUNG, LEON MILLER, XAVIER PALMER, KENNETH MONTGOMERY, ANNETTE GADSON, PAUL C. NOBLE, JOHNNIE E. JONES, Jr., FREDERICK ROBINSON, GLEN ROANE, DAVID RICKETTS, LESTER TOM, TERRY HAYNIE, SAL CROCKER, ANTHONY MANSWELL, BARRY BATSON, KARL MINTER, ERWIN WASHINGTON, DARRYL WILSON, MARNEL ALEXIS, LEO SHERMAN, KEN HANEY, RICHARD JOHN, and ODIE BRISCOE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CV 12 2730

ELDRIDGE JOHNSON, MARIO ECUNG,
LEON MILLER, XAVIER PALMER,
KENNETH MONTGOMERY, ANNETTE
GADSON, PAUL C. NOBLE, JOHNNIE E.
JONES, Jr., FREDERICK ROBINSON,
GLEN ROANE, DAVID RICKETTS,
LESTER TOM, TERRY HAYNIE, SAL
CROCKER, ANTHONY MANSWELL,
BARRY BATSON, KARL MINTER, ERWIN
WASHINGTON, DARRYL WILSON,
MARNEL ALEXIS, LEO SHERMAN, KEN
HANEY, RICHARD JOHN, and ODIE
BRISCOE

Plaintiffs,

v.

UNITED CONTINENTAL HOLDINGS,
INC.; UNITED AIRLINES, INC.;
CONTINENTAL AIRLINES, INC.; and
DOES 1-10

Defendants.

Case No.

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

- (1) DISCRIMINATION BASED ON RACE (FEHA)
- (2) DISCRIMINATION BASED ON RACE (TITLE VII)
- (3) DISCRIMINATION IN VIOLATION OF 42 U.S.C. §1981
- (4) DISCRIMINATION IN VIOLATION OF 42 U.S.C. §1981
- (5) RETALIATION (TITLE VII)
- (6) HARASSMENT (FEHA)
- (7) DISCRIMINATION BASED ON RACE (FEHA)
- (8) RETALIATION (FEHA)

JURY TRIAL DEMANDED

DMR

1 Plaintiffs ELDRIDGE JOHNSON, MARIO ECUNG, LEON MILLER, XAVIER PALMER,
2 KENNETH MONTGOMERY, ANNETTE GADSON, PAUL C. NOBLE, JOHNNIE E. JONES,
3 Jr., FREDERICK ROBINSON, GLEN ROANE, DAVID RICKETTS, LESTER TOM, TERRY
4 HAYNIE, SAL CROCKER, ANTHONY MANSWELL, BARRY BATSON, KARL MINTER,
5 ERWIN WASHINGTON, DARRYL WILSON, MARNEL ALEXIS, LEO SHERMAN, KEN
6 HANEY, RICHARD JOHN, and ODIE BRISCOE file this Complaint, and complain of the
7 named Defendants, and each of them, jointly and severally, and for causes of action, alleges as
8 follows:

9 **INTRODUCTION**

10 1. Individual Plaintiffs Eldridge Johnson (“Johnson”), Mario Ecung (“Ecung”), Leon Miller
11 (“Miller”), Xavier Palmer (“Palmer”), Kenneth Montgomery (“Montgomery”), Annette Gadson
12 (“Gadson”), Paul C. Noble (“Noble”), JOHNNIE E. JONES, Jr. (“Jones”), Frederick Robinson
13 (“Robinson”), Glen Roane (“Roane”), David Ricketts (“Ricketts”), Lester Tom (“Tom”), Terry
14 Haynie (“Haynie”), Sal Crocker (“Crocker”), Anthony Manswell (“Manswell”), Barry Batson
15 (“Batson”), Karl Minter (“Minter”), Erwin Washington (“Washington”), Darryl Wilson
16 (“Wilson”), Marnel Alexis (“Alexis”), Leo Sherman (“Sherman”), Ken Haney (“Haney”),
17 Richard John (“John”), and Odie Briscoe (“Briscoe”) (collectively “Plaintiffs”), on behalf of
18 themselves allege as follows:

19 **PRELIMINARY STATEMENT**

20 2. This race discrimination action is brought by African-American Captains and Operations
21 Supervisors (“Minority Employees”) employees of Defendant United Airlines (“UAL”).
22 Twenty-two of the twenty-four Plaintiffs are African-American Captains (“Minority Captains”)
23 at United Airlines and Continental Airlines, who have been illegally passed over for promotions.
24 Two of the twenty-three Plaintiffs are African-American Operation Supervisors (“Minority
25 Operation Supervisors”) who have been illegally passed over for promotions.
26 3. Plaintiffs allege that Defendants engage in a continuing policy and practice of racial
27 discrimination through the use of subjective and arbitrary decision making against its African-
28 American Captains (1) disproportionately assigning Non-Minority Employees to temporary

1 management positions to which similarly situated Minority employees are rarely assigned and;
2 (2) providing Minority Employees with fewer promotions to management positions than
3 provided to similarly situated Non-Minority employees.

4 4. Plaintiffs allege that Defendants engage in a continuing policy and practice of racial
5 discrimination through the use of subjective and arbitrary decision-making against its African-
6 American Captains by providing Minority Captains and Operation Supervisors with fewer
7 promotions to higher management grade levels than provided to similarly situated Non-Minority
8 Captains and Operation Supervisors.

9 5. This action seeks an end to these discriminatory practices, and seeks declaratory and
10 injunctive relief, including rightful place relief, back pay, front pay, and compensatory and
11 punitive damages for the individual Plaintiffs.

12 **JURISDICTION AND VENUE**

13 6. This Court has jurisdiction over this action under 28 U.S.C. §1331 and 42 U.S.C. §2000e-5(f)
14 (3) and 42 U.S.C. §1981. The action presents federal questions under Title VII of the Civil
15 Rights Act of 1964, 42 U.S.C. §2000e, et seq., as amended, and 42 U.S.C. §1981.

16 7. Venue is proper in this district pursuant to 42 U.S.C. §2000e5(f) and 28 U.S.C. §1391(b) &
17 (c). All the named Plaintiffs' claims, by the nature of the transitory nature of the airline and
18 transportation industry, arose throughout the country and internationally, and many of the acts
19 complained of herein occurred in this District and gave rise to the claims alleged. Defendants
20 employ thousands of workers in the State of California.

21 **THE PARTIES**

22 8. Plaintiff Eldridge Johnson is an African American currently employed by Defendant UAL as a
23 Captain. Plaintiff Johnson has been employed by Defendants from approximately April 1978
24 until present. Plaintiff Johnson is a resident of Oakpark, Illinois, and maintains a base residence
25 within this judicial district.

26 9. Plaintiff Mario Ecung is an African American currently employed by Defendant UAL as a
27 Captain. Plaintiff Ecung has been employed by Defendants from approximately June 1985 until
28 present. Plaintiff Ecung is a resident of Los Angeles, California.

1 10. Plaintiff Leon Miller is an African American currently employed by Defendant UAL as a
2 Captain. Plaintiff Miller has been employed by Defendants from approximately April 1995 until
3 present. Plaintiff Miller is a resident of Denver, Colorado.

4 11. Plaintiff Xavier Palmer is an African American currently employed by Defendant UAL as a
5 Captain. Plaintiff Palmer has been employed by Defendants from approximately March 1991
6 until present. Plaintiff Palmer is a resident of Moreno Valley, California.

7 12. Plaintiff Ken Montgomery is an African American currently employed by Defendant UAL as
8 a Supervisor of Airport Operations. Plaintiff Montgomery has been employed by Defendants
9 from approximately July 1986 until present. Plaintiff Montgomery is a resident of Woodbridge,
10 Virginia.

11 13. Plaintiff Annette Gadson is an African American currently employed by Defendant UAL as a
12 Hub Supervisor. Plaintiff Gadson has been employed by Defendants from approximately July
13 1986 until present. Plaintiff Gadson is a resident of Teaneck, New Jersey.

14 14. Plaintiff Paul Noble is an African American currently employed by Defendant UAL as a
15 Captain. Plaintiff Noble has been employed by Defendants from approximately May 1988 until
16 present. Plaintiff Noble is a resident of Port St. Lucie, Florida.

17 15. Plaintiff JOHNNIE E. JONES, Jr. is an African American currently employed by Defendant
18 UAL as a Captain. Plaintiff Jones has been employed by Defendants from approximately June
19 1988 until present. Plaintiff Jones is a resident of Fayetteville, Georgia.

20 16. Plaintiff Fredrick Robinson is an African American currently employed by Defendant UAL
21 as a Captain. Plaintiff Robinson has been employed by Defendants from approximately
22 September 1988 until present. Plaintiff Robinson is a resident of Denver, Colorado.

23 17. Plaintiff Glen Roane is an African American currently employed by Defendant UAL as a
24 Captain. Plaintiff Roane has been employed by Defendants from approximately October 1988
25 until present. Plaintiff Roane is a resident of Raleigh, North Carolina.

26 18. Plaintiff David Ricketts is an African American currently employed by Defendant UAL as a
27 Captain. Plaintiff Ricketts has been employed by Defendants from approximately November
28 1988 until present. Plaintiff Ricketts is a resident of Ellicott City, Maryland.

1 19. Plaintiff Lester Tom is an African American currently employed by Defendant UAL as a
2 Captain. Plaintiff Tom has been employed by Defendants from approximately December 1988
3 until present. Plaintiff Tom is a resident of Algonquin, Illinois.

4 20. Plaintiff Terry Haynie is an African American currently employed by Defendant UAL as a
5 Captain. Plaintiff Haynie has been employed by Defendants from approximately December 1988
6 until present. Plaintiff Haynie is a resident of Brookfield, Connecticut.

7 21. Plaintiff Sal Crocker is an African American currently employed by Defendant UAL as a
8 Captain. Plaintiff Crocker has been employed by Defendants from approximately February 1989
9 until present. Plaintiff Crocker is a resident of Humble, Texas.

10 22. Plaintiff Anthony Manswell is an African American currently employed by Defendant UAL
11 as a Captain. Plaintiff Manswell has been employed by Defendants from approximately August
12 1989 until present. Plaintiff Manswell is a resident of Tamarac, Florida.

13 23. Plaintiff Barry Batson is an African American currently employed by Defendant UAL as a
14 Captain. Plaintiff Batson has been employed by Defendants from approximately January 1991
15 until present. Plaintiff Batson is a resident of Chicago, Illinois.

16 24. Plaintiff Karl Minter is an African American currently employed by Defendant UAL as a
17 Captain. Plaintiff Minter has been employed by Defendants from approximately March 1992
18 until present. Plaintiff Minter is a resident of Haymarket, Virginia.

19 25. Plaintiff Erwin Washington is an African American currently employed by Defendant UAL
20 as a Captain. Plaintiff Washington has been employed by Defendants from approximately
21 November 1992 until present. Plaintiff Washington is a resident of Lakewood, Colorado.

22 26. Plaintiff Darryl Wilson is an African American currently employed by Defendant UAL as a
23 Captain. Plaintiff Wilson has been employed by Defendants from approximately September 1992
24 until present. Plaintiff Wilson is a resident of Roswell, Georgia.

25 27. Plaintiff Marnel Alexis is an African American currently employed by Defendant UAL as a
26 Captain. Plaintiff Alexis has been employed by Defendants from approximately November 1992
27 until present. Plaintiff Alexis is a resident of Boca Raton, Florida.

28

1 28. Plaintiff Leo Sherman is an African American currently employed by Defendant UAL as a
2 Captain. Prior to being employed at UAL Sherman was employed at Continental Airlines from
3 approximately January 1998 until the merger in November 2011. Plaintiff Sherman has been
4 employed by Defendants from approximately November 2011 until present. Plaintiff Sherman is
5 a resident of Porter, Texas.

6 29. Plaintiff Ken Haney is an African American currently employed by Defendant UAL as a
7 Captain. Plaintiff Haney has been employed by Defendants from approximately November 1992
8 until present. Plaintiff Haney is a resident of Houston, Texas.

9 30. Plaintiff Richard John is an African American currently employed by Defendant UAL as a
10 Captain. Plaintiff John has been employed by Defendants from approximately January 1993 until
11 present. Plaintiff John is a resident of Brooklyn, New York.

12 31. Plaintiff Odie Briscoe is an African American currently employed by Defendant UAL as a
13 Captain. Prior to being employed at UAL Briscoe was employed by Defendant Continental
14 Airlines from approximately October 1997 until the merger in November 2011. Plaintiff
15 Briscoe has been employed by Defendants from approximately November 2011 until present.
16 Plaintiff Briscoe is a resident of Weston, Florida.

17 32. Defendant United Continental Holdings, Inc., is a Delaware Corporation, licensed to and
18 doing business within this judicial district.

19 33. Defendant United Air Lines, Inc. is a Delaware Corporation licensed to and doing business
20 within this judicial district; 100% of whose stock is owned by Defendant United Continental
21 Holdings, Inc.

22 34. Defendant Continental Airlines, Inc. is a Delaware Corporation doing business within this
23 judicial district, 100% of whose stock is owned by Defendant United Continental Holdings, Inc..

24 35. Defendants United Continental Holdings, Inc., United Air Lines, Inc., and Continental
25 Airlines, Inc. (collectively, "UAL") maintain an integrated enterprise; whereby the operations of
26 UAL are interrelated to a high degree, including common employment policies, control of human
27 resources and EEO functions, including the sharing of personnel and resources.

28

1 36. Defendants United Continental Holdings, Inc., United Air Lines, Inc., and Continental
2 Airlines, Inc. (collectively, "UAL") share common management, including the same
3 management personnel.

4 37. Defendants United Continental Holdings, Inc., United Air Lines, Inc., and Continental
5 Airlines, Inc. (collectively, "UAL") share common control of labor relations.

6 38. Defendants United Continental Holdings, Inc., United Air Lines, Inc., and Continental
7 Airlines, Inc. (collectively, "UAL") share complete common ownership and financial control.

8 39. Defendants United Continental Holdings, Inc., United Air Lines, Inc., and Continental
9 Airlines, Inc. (collectively, "UAL") exercise substantial control over the time, manner, and place
10 of performance of Plaintiffs' work performance.

11 **STATEMENT OF FACTS APPLICABLE TO ALL CLAIMS**

12 **A. UAL's Discriminatory Policies and Practices**

13 40. Defendants engage in a pattern and practice of highly subjective decision making regarding
14 employment matters that is discriminatory to Minority Captains and Operations Supervisors, and
15 in particular African American Captains and Operations Supervisors, and is manifested in
16 assignments to temporary management positions and permanent promotions. While Defendants
17 have policies designed to govern these matters, many of these policies involve uncontrolled
18 subjective criteria and/or are applied by Defendants in an arbitrary and capricious manner. As a
19 result, racial biases and stereotypes enter into Defendants' employment decisions.

20 41. Defendants' system of subjective and arbitrary decision making has an adverse impact on
21 African American Captains relative to their non-African American peers with respect to (a)
22 temporary management positions and; (b) promotion to permanent management positions. This
23 impact is not justified by business necessity. Even if it could be so justified, less discriminatory
24 alternatives exist that could equally serve any alleged necessity.

25 42. Defendants also engage in intentional discrimination against African American Operations
26 Supervisors with respect to promotion to permanent management positions.

27 43. Defendants have discriminated against Minority Captains by use of a dual employment
28 track. For example, Defendants select some employees for temporary management positions

1 every month. The temporary positions are more lucrative and provide employees with more
2 opportunities for advancement, greater job security, and greater pay and benefits. Defendants
3 have a systematic pattern and practice of relegating qualified African American Employees to
4 part-time jobs, with lesser job security, compensation, and opportunity for advancement.

5 Defendants typically reserve the full-time, permanent, higher wage positions for non-African
6 American employees. Consistent with Defendants' long-standing discriminatory policies and
7 practices, Defendant typically hires and promotes African American Employees only to positions
8 outside of management.

9 44. Even when Defendants do promote African American Employees into permanent
10 management positions, it does not promote them as quickly as their similarly situated non-
11 African American counterparts. To be promoted from a Captain or Operations Supervisor into a
12 permanent management position, Defendants' employees must be handpicked for a position or
13 apply and go through an interview process. During the interview process Defendants rely on
14 discretionary decision making which results in a disparate impact upon African American
15 Employees with respect to promotions, and which Defendants know has a statistically significant
16 adverse impact on African Americans, and which has not been validated. The discretionary
17 decision making applies uniformly to all applicants. Defendants also use uniform performance
18 evaluations that have adverse impact and have not been validated, and that are the basis for
19 promotion decisions under Defendants' policies.

20 45. Virtually all African-American Employees of Defendants occupy non-management positions.
21 Defendants disproportionately fail to promote qualified African American Employees to
22 management positions in general and instead disproportionately promote similarly situated or
23 less qualified Non-African American employees to those positions.

24 46. The few African American Employees who are able to break into the management ranks are
25 usually promoted in small numbers usually designed to give the appearance of commitment to
26 diversity. Once promoted, these African American managers, however, are themselves often
27 subjected to discriminatory practices that minimize their opportunities for further advancement.
28 Such practices include, for example, exclusion of African American managers from "informal"

1 email communications and social gatherings that are used to communicate relevant operating
2 procedures, discuss managerial issues, and post corporate advancement opportunities.

3 47. This pattern of denying African American Captains and Operations Supervisors promotions,
4 is not the result of random or non-discriminatory factors. Rather, it is the result of an ongoing
5 and continuous pattern and practice of intentional race discrimination in assignments,
6 compensation and promotions. It is further the result of reliance on policies and practices that
7 have an adverse impact on African American Employees which cannot be justified by business
8 necessity, and for which alternative policies and practices with less discriminatory impact could
9 be utilized that would equally serve any asserted business necessity. Plaintiffs are informed and
10 believe that such policies and practices continue up the present and include, without limitation:

- 11 (a) Failure to consistently post job and promotional openings to ensure that all African
12 American Captains and Operations Supervisors have notice of and opportunity to seek
13 advancement, higher compensation, overtime, or more desirable assignments and training;
- 14 (b) Reliance upon unweighted, arbitrary, and subjective criteria in making promotional
15 decisions. Even where Defendants' policies state objective requirements, these requirements are
16 often applied in an inconsistent manner and ignored at the discretion of management;
- 17 (c) Reliance on racial stereotypes in making employment decisions involving management
18 promotions;
- 19 (d) Pre-selection and "grooming" of Non- African American employees for promotion,
20 favorable assignments, higher pay, and more desirable positions;
- 21 (e) Maintenance of largely racially segregated job categories and departments;
- 22 (f) Deterrence and discouragement of African American Captains and Operations
23 Supervisors from seeking advancement, training, favorable assignments and higher paid, more
24 desirable positions.

25 48. As a proximate result of the racially discriminatory employment practices and other wrongful
26 acts alleged herein, Plaintiffs have suffered loss of income, loss of advancement and promotion,
27 loss of career opportunity, and/or loss of intangible job benefits. As a proximate result of the
28 racially discriminatory employment policies, practices and other wrongful acts alleged herein,

1 Plaintiffs have experienced pain, suffering, severe emotional and mental distress, shame,
2 humiliation, embarrassment, and related physical ailments.

3 **ALLEGATIONS OF INDIVIDUAL PLAINTIFFS**

4 **ELDRIDGE JOHNSON**

5 49. Captain Johnson was hired at United Airlines on April 10, 1978 as a Flight Officer.

6 50. Prior to working at United Airlines, Captain Johnson served in the U.S. Army for four years.

7 Captain Johnson served in Vietnam working as a Helicopter Crew Chief and Door Gunner from
8 June 1968 to June 1969 and became a Maintenance Officer Test Pilot/Gun-Ship Pilot from

9 February 1971 to February 1972. Captain Johnson then joined the Illinois Air Force National

10 Guard where he worked as a Maintenance Officer Test Pilot to State Director of Operations for

11 all three Illinois air bases. Captain Johnson served in the Illinois Air Force National Guard from

12 January 1979 to November 1997. Captain Johnson then worked for the Headquarters Air Force

13 as Logistics Weapons Officer from December 1997 to July 2002, an elite group of Maintenance

14 Officers tasked with maintaining all US Air Force aircraft. Captain Johnson also works a

15 Department of Home Land Security, Federal Flight Deck Officer.

16 51. In 1974, Captain Johnson graduated from Daley Junior College and obtained an Associate of

17 Applied Science Degree in Aviation. In 1980, Captain Johnson obtained a Liberal Arts degree

18 from Chicago State University. In 1998, Captain Johnson obtained an Airframe and Powerplane

19 License from the Bakers School of Aeronautics. In 2002, Captain Johnson obtained his Masters

20 of Arts in Military Studies from the American Military University.

21 52. Captain Johnson served as a 737 Second Officer/Flight Engineer from 1978 to 1981. In

22 November 1981, Captain Johnson was promoted to First Officer at Midway Airlines and worked

23 there until June 1984. Throughout Captain Johnson's career, he has been promoted to the

24 following positions: 727 Second Officer, 727 First Officer, DC-10 First Officer, 737 Captain, and

25 757/767 Captain. Captain Johnson was also Captain on the Boeing 777 for several years and is

26 currently a Boeing 747 Captain.

1 53. Captain Johnson has heard many derogatory racial comments from other employees at
2 United such as, "They are really scraping the bottom of the barrel hiring all these minorities and
3 women," knows of the racial epithets being written in the workplace.

4 54. Captain Johnson, who is part of the United Coalition, filed his first EEOC charge on June 14,
5 2010.

6 55. Captain Johnson has applied to five management positions since 2011. Captain Johnson
7 applied for the Technology and Flight Test Managing Director, Flight Operations Managing
8 Director, Flight Operations Crew Resources Managing Director, System Chief Pilot, and Fleet
9 Standards Senior Manager. Captain Johnson interviewed in February 2012 for the 787 Fleet
10 Standards Senior Manager position. A month later, Defendants called Captain Johnson and said
11 someone else was chosen. Captain Johnson has only been invited to interview twice out of his
12 five applications.

13 56. Captain Johnson filed his second EEOC Charge on February 27, 2012. Captain Johnson is
14 still waiting for a Right-to-Sue letter from the EEOC.

15 57. Captain Johnson, who is based in California, obtained his immediate Right-to-Sue letter from
16 the California Department of Fair Employment and Housing on March 14, 2012

17 **MARIO ECUNG**

18 58. Captain Ecung's career at United Airlines began on June 18, 1985 as a B-727 Second Officer.

19 59. Prior to working at United, Captain Ecung served in the U.S. Navy. From 1977 to 1979,
20 Captain Ecung worked as an Commissioned Ensign United States Navy. In 1979, Captain Ecung
21 received Navy Wings.

22 60. In 1980, Captain Ecung was assigned to Patrol Squadron 50. In 1980, Captain Ecung was
23 promoted to Lieutenant Junior Grade and also worked as an Educational Services Officer. In
24 1982, Captain Ecung was promoted to Lieutenant and worked as a Maintenance Division Officer.
25 From 1982 to 1983, Captain Ecung worked as an Assistant Administrative Officer for VP-50. In
26 1983, Captain Ecung worked as a Patrol Plane Commander and an Instrument Check Pilot. From
27 1983 to 1984, Captain Ecung was a Navy Recruiter in New Orleans, Louisiana. Captain Ecung
28 was assigned to Patrol Squadron 65 (VP-65) from 1985 to 1989. In 1985, Captain Ecung was

1 promoted to Lieutenant Commander and promoted to Patrol Plane Commander of Patrol
2 Squadron 65 until 1989.

3 61. Captain Ecung graduated from Texas Southern University with a Bachelors of Science
4 degree in Mathematics in 1977.

5 62. Upon being hired at UAL, Captain Ecung flew as a Second Officer for four years at the same
6 time he was a Patrol Plane Commander for the U.S. Navy. From 1985 to 1989, Captain Ecung
7 was a 727 Second Officer. In March 1989, Captain Ecung was promoted to a First Officer. After
8 four years, Captain Ecung became a Boeing 737-200 Captain in 1993. From 1996 to 1998,
9 Captain Ecung was a Shuttle Flight Manager for the B-737/300. From 1998 to 2000, Captain
10 Ecung was DC-10 Captain and Flight Manager. From 2000 to 2002, Captain Ecung was a B-
11 767/757 Flight Manager. Captain Ecung is currently a B-767/757 Captain.

12 63. In 1995, Captain Ecung was approached by Flight Manager Gregory Colliton and Chief Pilot
13 Gary Meermans to sit in as an acting Flight Manager in the Los Angeles office. Captain Ecung
14 accepted the opportunity and held this position for six months. In March 1996, Captain Ecung
15 interviewed with the Chief Pilot, Flight Manager, and Human Resources Representative for a full
16 time Flight Manager position. Captain Ecung was offered and accepted the Flight Manager
17 position. Captain Ecung also became qualified as a Line Check Airman. Captain Ecung also
18 assumed the position of Flight Operations Duty Manager and Flight Manager. Captain Ecung left
19 the management team in good standing and on his own accord in February 2002. In 2004,
20 Captain Ecung applied for the position of Chief Pilot for the Los Angeles Flight Office and was
21 not given an opportunity to interview.

22 64. For the past three years Captain Ecung has watched as less qualified non-African-American
23 Captains are hand-picked for management positions that he is qualified for.

24 65. Captain Ecung filed his EEOC Charge in May 2012.

25 66. Captain Ecung obtained an immediate Right-to-Sue letter from the California Department of
26 Fair Employment and Housing on April 23, 2012.

27

28

LEON MILLER

1
2 67. Captain Miller was hired at United Airlines on April 3, 1995 as a Flight Engineer/Second
3 Officer on the Boeing 727.

4 68. Prior to working for United, Captain Miller served in the U.S. Navy for 21 years as a Naval
5 Academy Midshipman Candidate, Naval Academy Midshipman, and Naval Officer from July
6 1973 to August 1994. Upon graduation from the Naval Academy, he was assigned to a six
7 month Temporary Assigned Duty as a Minority Recruiter for Officer Programs at the Navy
8 Recruiting District Miami Florida. Captain Miller, then attended six months of training at
9 Surface Warfare Officers School before reporting for duty aboard the Guided Missile Destroyer
10 USS Coontz DDG-40 from July 1979 to July 1981. His assignments included First Division
11 Officer, Electrical Division Officer and Ship's Navigator. Captain Miller qualified as a Surface
12 Warfare Officer and Officer of the Deck Underway in record time.

13 69. From 1982 to 1984, Captain Miller was a Student Pilot in Navy Jet Training Commands and
14 a Designated Naval Aviator in 1983. From 1984 to 1987, Captain Miller was an Aircraft
15 Commander. Captain Miller was a Tactical Carrier Pilot from 1987 to 1989. From November
16 1989 to January 1991, Captain Miller was a Research, Development, Test, and Evaluation aboard
17 Naval Weapons Center at China Lake, California. From 1991 to 1992, Captain Miller was a
18 tactical Carrier Pilot with Attack Squadron 75. From 1992 to 1994, Captain Miller was a
19 Advanced Jet Flight Instructor in the Training Air Wing Two. Captain Miller achieved a Joint
20 Service Commendation Medal, two Navy Commendation Medals, a Navy Achievement Medal,
21 and a Joint Service Meritorious Medal.

22 70. Captain Miller graduated from the U.S. Naval Academy with a Bachelors of Science degree
23 in American Political Systems on June 7, 1978.

24 71. Six months after being hired at United, Captain Miller received a First Officer bid on the
25 Boeing 737 in October 1995. Captain Miller received a Captain bid on the Airbus A-320 and
26 completed training in May 2002. Captain Miller has 6,736 hours of experience as a Captain and
27 968 hours as a First Officer on the Airbus A-320. Additionally, he has 153 hours of experience as
28 a Captain and 1,156 hours of experience as a First Officer on the Boeing 737; 1,133 hours of

1 experience as a First Officer on the Boeing 777, and 311 hours as a First Officer on the Boeing
2 747.

3 72. Captain Miller has witnessed and experienced racial hostility at United and heard derogatory
4 comments directed toward African Americans.

5 73. Due to the racial discrimination related to promotions at UAL, Captain Miller filed his EEOC
6 charge on April 26, 2012.

7 74. Captain Miller obtained an immediate Right-to-Sue from the California Department of Fair
8 Employment and Housing on April 24, 2012.

9 **XAVIER PALMER**

10 75. Captain Palmer began his career at United Airlines on March 18, 1991 as a 727 Second
11 Officer.

12 76. Prior to being hired at UAL, Captain Palmer was employed by Ryan International as a B-727
13 First Officer from January 1991 through March 1991.

14 77. From January 1990 through January 1991 Captain Palmer was employed by US Air as a B-
15 727 First Officer and in July 1990 became a First Officer on the B-737/300.

16 78. From June 1981 through September 1989 Captain Palmer served on active duty with the U.S.
17 Air Force. Captain Palmer was an Instructor Pilot and trained student pilots in the T-38 aircraft
18 from April 1986 through September 1989 and also served as a Safety/accident Investigator.

19 79. Captain Palmer served in the Air Force Reserves from September 1991 through August 2000
20 flying the KC-135 as a Co-Pilot, Aircraft Commander, Instructor Pilot, Section Leader,
21 Advanced Instrument Instructor, Evaluator Pilot, and Chief Pilot.

22 80. Captain Palmer achieved his Bachelors of Science degree in Aerospace Engineering
23 Technology in 1980 from California State Polytechnic University, Pomona.

24 81. Captain Palmer began his career at United on March 18, 1991 as a 727 Second Officer until
25 April 1992. Captain Palmer held the 747 Second Officer position until 1993. In 1993, Captain
26 Palmer was promoted to a 737 First Officer and held this position until 1994. In 1994, Captain
27 Palmer worked as a First Officer for the Airbus A-320 and held this position until 1996. Captain
28 Palmer was promoted to First Officer on the DC-10 and held these positions until 1998. In

1 December 1998, Captain Palmer became a B-737/300/500 Captain. From 2001 to 2004, Captain
2 Palmer worked as an A-320 Captain. From March 2004 through November 2004 Captain Palmer
3 worked as a 747/400 Captain and First Officer. Later in 2004, Captain Palmer returned to the
4 Captain position as an A-320 Airbus Captain and currently holds this position.

5 82. Captain Palmer believes that he has been discriminated against because he has been denied all
6 three positions he applied for at UAL. The positions Captain Palmer applied for were New Pilot
7 Supervisor in 1993, Line Check Airman twice (once in 2006 and once in 2007) and Interview
8 Captain twice in 2007.

9 83. Captain Palmer filed his EEOC Charge on April 30, 2012.

10 84. Captain Palmer, who is based in California, obtained an immediate Right-to-Sue letter from
11 the California Department of Fair Employment and Housing on April 24, 2012.

12 **KEN MONTGOMERY**

13 85. Mr. Ken Montgomery was hired at United Airlines on July 6, 1986 as a Customer Service
14 Representative.

15 86. Prior to being hired at UAL, Mr. Montgomery attended Ohio State University from 1981 to
16 1982. From 1982 to 1986, Mr. Montgomery attended the University of Cincinnati. Mr.
17 Montgomery earned his Associates Degree in Electrical Engineering and Technology in 1986.

18 87. From 1986 to 1992, Mr. Montgomery worked for the Ohio Department of Natural Resources
19 as Computer Operations Manager while working at United Airlines as a Customer Service
20 Representative.

21 88. In 1992, Mr. Montgomery was promoted to Sales Representative and held this position until
22 1994. In 1994, Mr. Montgomery was promoted again to Sales Account Executive. Mr.

23 Montgomery held this position for four years until 1998 when he received a special assignment
24 as a Team Leader Supervisor at Baltimore Airport. In 1999, Mr. Montgomery transferred from
25 Baltimore to Denver keeping the same position but earning a higher salary as a Reservation Sales
26 Supervisor and held this position for two years.

27 89. In 2001, Mr. Montgomery was promoted to Supervisor of Airport Operations in Washington
28 DC's Reagan National Airport as a lateral competitive transfer. In late 2003, Mr. Montgomery

1 received another special assignment as an Acting United Airline General Manager of the
2 Richmond Airport.

3 90. In 2005, Mr. Montgomery received a Special Assignment as Ramp Supervisor at Washington
4 Dulles International Airport in Virginia.

5 91. From 2007 to 2008, Mr. Montgomery was part of the Front Line Leadership Team project in
6 Chicago, which was a special project using Lean Six Sigma tools. From 2004 to the present, Mr.
7 Montgomery has worked as Supervisor of Airport Operations at Dulles International Airport.

8 92. Mr. Montgomery, who is part of the United Coalition, filed his first EEOC charge on June 20,
9 2010.

10 93. Mr. Montgomery has applied for four positions since March 2011. In March 2011, Mr.
11 Montgomery applied for the Niche Sales Manager position. In June 2011, Mr. Montgomery also
12 applied for Country Sales Manager in Dubai. Mr. Montgomery applied for the Washington
13 Dulles Airport Leadership Development Manager Position in June 2011. In September 2011, Mr.
14 Montgomery applied for the Hub Operations Area Manager in Dulles, VA and was interviewed
15 for the position. UAL chose Debbie St. George, who is a poor performer and has been demoted
16 previously in the same position. Chris Branch and Alpha Diallo, who is from Senegal, were also
17 chosen for the position. Two of the promoted individuals, Debbie St. George and Chris Branch,
18 are two Caucasian individuals with no tenure, less education than Mr. Montgomery, and minimal
19 experience.

20 94. Director Bill Watts tried to persuade Mr. Montgomery to transfer to San Francisco so that he
21 would not keep applying for Area Manager positions at Dulles.

22 95. Mr. Montgomery filed his second EEOC complaint on February 3, 2012 and obtained his
23 EEOC Right-to-Sue letter on March 2, 2012.

24 96. Mr. Montgomery obtained a Right-to-Sue letter from the California Department of Fair
25 Employment and Housing on April 17, 2012.

26 **ANNETTE GADSON**

27 97. Annette Gadson was hired by United Airlines on July 14, 1986 as a Reservation Agent in
28 Rockleigh, New Jersey.

1 98. Prior to working at UAL, Ms. Gadson attended and graduated from William Howard Taft
2 High School in 1976. Ms. Gadson also attended New York City Community College and Hunter
3 College.

4 99. In 1988, Ms. Gadson was promoted to Customer Service Representative at La Guardia
5 Airport in New York. In 1991, Ms. Gadson was promoted again to Customer Service Supervisor
6 at La Guardia. She was transferred in 2000 to the same position at Newark Airport in New
7 Jersey, and was transferred again in 2006 in the same position to Washington-Dulles Airport in
8 Virginia. In 2007, Ms. Gadson was promoted to Operations Manager of Customer Service at
9 Washington-Dulles. In 2009, company reorganization changed Ms. Gadson's title to Hub
10 Supervisor at the Washington-Dulles Airport.

11 100. Ms. Gadson filed her first EEOC charge in June 2010.

12 101. Ms. Gadson filed her second EEOC charge on May 1, 2012.

13 102. Ms. Gadson obtained an immediate Right-to-Sue letter from the Department of Fair
14 Housing and Employment in California on May 1, 2012.

15 **PC NOBLE**

16 103. Captain PC Noble was hired at United Airlines on May 23, 1988 as a Flight Engineer.

17 104. Captain Noble enrolled and graduated from Embry-Riddle Aeronautical University in
18 Florida. At Embry-Riddle University, Captain Noble became a part of the University's Army
19 ROTC program. Captain Noble graduated and commissioned as a Second Lieutenant.

20 105. Prior to working at United Airlines, Captain Noble served in the U.S. Army. Captain Noble
21 was sent to an armor basic course at Fort Knox in Kentucky. After this course, Captain Noble
22 enrolled in Army Aviation Flight School at Fort Rucker in Alabama. After Captain Noble
23 completed flight school, he was sent to Korea as a helicopter pilot from 1981 to 1983 and then
24 became a Flight Instructor at the Army Aviation Flight School.

25 106. Captain Noble returned from Korea to Fort Rucker, Alabama and became an Army Aviation
26 Flight Instructor and was promoted to a Flight Commander position. The majority of Captain
27 Noble's career in the Army was an instructor/commander. Captain Noble applied to United in
28 1987 and was hired as a B727 flight engineer in 1988. Captain Noble then upgraded to a B727

1 first officer. While working at United, Captain Noble was activated to serve in Desert Shield for
2 the first part of the Desert Storm war.

3 107. When Captain Noble returned to United he was upgraded to a 767-757 First Officer for four
4 years. Captain Noble then moved to the 747 as a First Officer. After working as a First Officer,
5 Captain Noble was upgraded to a 767-757 Captain.

6 108. Captain Noble has suffered derogatory comments about him that have been posted in
7 United planes and management has not addressed the issue.

8 109. Captain Noble, who is part of the United Coalition, filed his first EEOC Charge in June
9 2010.

10 110. Captain Noble applied for the Standards Captain position in 2011. Captain Noble was not
11 invited to interview and received no job offers.

12 111. Captain Noble filed his second EEOC charge on February 10, 2012 and received his
13 immediate Right-to-Sue letter on March 23, 2012.

14 112. Captain Noble obtained a Right-to-Sue from the California Department of Fair Employment
15 and Housing on April 17, 2012.

16 **JOHNNIE E. JONES, JR.**

17 113. Captain Johnnie E. Jones, Jr. was hired at United Airlines on June 27, 1988 as a Flight
18 Officer.

19 114. Prior to being hired at United Airlines, Captain Jones worked as an Aircraft Maintenance
20 Specialist in the U.S. Air Force from 1972 to 1976. As a Maintenance Specialist, Captain Jones
21 performed maintenance, inspection, servicing, overhaul, and record-keeping functions on high
22 performance T-38 and F-4 military jet aircraft. During this time, Captain Jones advanced from
23 Airman Basic to Sergeant.

24 115. From 1977 to 1980, Captain Jones worked as a C-7 Flight Mechanic in the U.S. Air Force
25 Reserve. Captain Jones performed preflight inspection, various in-flight cargo compartment
26 duties and aircraft servicing. Captain Jones advanced from Sergeant to Technical Sergeant.

27 116. From 1981 to 1993, Captain Jones was a C-130 Pilot for the U.S. Air Force Reserve.
28 Captain Jones served as C-130 Co-pilot with successful transition to Aircraft Commander

1 assigned to the 700th TAS at Dobbins AFB, Georgia. Captain Jones was responsible for
2 maintaining proficiency in complex military aircraft operations including airdrop and cross-
3 country missions. Captain Jones retired at rank of major in 1995.

4 117. From 1986 until 1988, Captain Jones worked as a First Officer for regional air carrier
5 Atlantic Southeast Airlines (ASA).

6 118. In 1980, Captain Jones graduated from Clark College with a Bachelor of Arts degree in
7 Business Administration with concentration in Management and Computer Science

8 119. Captain Jones was hired as a Flight Officer/Flight Engineer in 1988. In 1994 Captain Jones
9 was promoted to a First Officer position. Captain Jones held that position until 2000. In 2000
10 Captain Jones advanced to B-757/767 Captain and is currently still in that position with over
11 5,000 hours of flying experience as Captain.

12 120. Captain Jones, who is part of the United Coalition, filed his first EEOC charge on June 15,
13 2010.

14 121. In 2011, Captain Jones applied to 767 Standards Captain, 767 Job Share Standards Captain
15 twice, Flight Safety Investigator, Airport Operations Supervisor, Flight Operations Duty Manager
16 twice, Senior Manager of Domestic Flight Operations, Director of Flight Operations, Assistant
17 Chief Pilot three times, Flight Operations Safety Management System Manager, Flight
18 Operations Regulatory Compliance Manager, Flight Operations Technical Project Manager,
19 Supervisor of Airport Operations for Cargo, and Diversity Director.

20 122. Captain Jones filed a second EEOC charge on February 10, 2012. Captain Jones received a
21 Right-to-Sue letter on March 16, 2012.

22 123. Captain Jones obtained an immediate Right-to-Sue from the California Department of Fair
23 Employment and Housing on April 17, 2012.

24 **FREDRICK ROBINSON**

25 124. Captain Fredrick Robinson was hired at United Airlines September 26, 1988 as a Second
26 Officer on the Boeing 727.

1 125. Prior to being hired at UAL, Captain Robinson graduated with a Bachelor of Science in
2 Business from Wayne State University in 1975. Captain Robinson earned a Masters Degree in
3 Marketing from the University of Phoenix in 1993.

4 126. Prior to being hired at United, Captain Robinson worked at Eastern Airlines from 1984 to
5 1988 as a Second Officer and was promoted to First Officer soon after.

6 127. In 1988, Captain Robinson was hired at United as a Flight Operations Instructor. Captain
7 Robinson's job was to instruct Second Officers on the Boeing 727. Captain Robinson was the
8 only minority instructor working in the fleet at time. In the fall of 1995, Captain Robinson was
9 chosen to conduct new hire pilot interviews. Captain Robinson remained in this position until the
10 summer of 1999, when it was deemed by a senior interviewer that his skill level needed
11 improving. In May of 1995, Captain Robinson was promoted to Captain and returned to the
12 Training Center as a Standards Captain in the 737-300 a few years later. Captain Robinson held
13 this position for three years and then became Standards Captain for the Airbus.

14 128. During his tenure at UAL, Captain Robinson encountered so much racism that he dreaded
15 coming to work. For instance, Captain Robinson was scrutinized and evaluated by several
16 instructors more harshly than Non-Minority Employees. Captain Robinson recalls one particular
17 incident involving a Training Check Captain. The Training Check Captain asked Captain
18 Robinson's opinion on the Aunt Jemima character on the brand's pancake box. The Training
19 Check Captain stated that he thought it was good and portrayed the black women of the day
20 accurately.

21 129. Captain Robinson has applied for the Fleet Captain Job for the B-737/200 fleet but was told
22 that the person that was selected was more qualified. The person selected for the Fleet position
23 had only a high school degree. Captain Robinson had an MBA. Captain Robinson applied for
24 and was hired as the first padre of Flight Operation Duty Manager. However, System Chief Pilot
25 Rick Moroney told him that due to budget cuts he had to be let go, but could re-apply and do a
26 FIT interview when the position became available again. In a matter of one month the position
27 was filled by a Caucasian individual. Captain Robinson applied to become a Line Check Airman
28 but was told by Bob McKay that since he was currently a Flight Operations Duty Manager that

1 he could not do both jobs, even though other Flight Manager Duty Manager had performed in
2 that same capacity.

3 130. Captain Robinson filed his EEOC charge on April 25, 2012.

4 131. Captain Robinson has obtained an immediate Right-to-Sue letter from the California
5 Department of Fair Employment and Housing on April 24, 2012.

6 **GLEN ROANE, JR.**

7 132. Captain Glen Roane was hired at United on October 24, 1988 as a Flight Officer.

8 133. Prior to working at United, Captain Roane graduated from the Florida Institute of
9 Technology with a Bachelors of Science Degree in Aviation Management Flight Technology in
10 August 1984.

11 134. Prior to working at United, Captain Roane was a First Officer Piper Navajo for Air Lincoln
12 Airlines in Chicago, Illinois from 1980 to 1981. Captain Roane also worked as a Line Captain
13 for Comair Airlines in Covington, Kentucky from 1984 to 1988.

14 135. Due to his exemplary performance, Captain Roane was promoted to a 737 First Officer in
15 1989 and held this position for three years. In 1992, Captain Roane was promoted to DC-10 First
16 Officer and held this position for three years. In 1995, Captain Roane was promoted to a 737
17 Captain and held this position for two years. Captain Roane was promoted to an A-320 Airbus
18 Captain in 1997 and has remained in this position since.

19 136. Captain Roane also worked as an A-320 Captain at Air Arabia from November 2008 to
20 August 2009 while employed at United Airlines.

21 137. Captain Roane has received many letters from Washington-Dulles Chief Pilots for
22 outstanding service.

23 138. Captain Roane has amassed over 9,500 hours as an Airbus Captain. Captain Roane is one of
24 few United pilots who is licensed by multiple countries on the Airbus.

25 139. Captain Roane is a Certified Flight Instructor. He is a member of the MEC Training
26 Committee Airline Pilots Association. Captain Roane is a member of the Organization of Black
27 Airline Pilots, Aircraft Owners and Pilots Association, and a United Airlines Pilot Recruitment
28

1 Mentor. Captain Roane has been the Professional Standards Chairman for the Organization of
2 Black Airline Pilots.

3 140. On June 18, 2010, Captain Roane filed a charges with the Equal Employment Opportunity
4 Commission.

5 141. In 2011, Senior United Management Officials specifically stated that members of the group
6 of Captains who had made EEOC charges in mid-2010 would never receive a promotion at
7 United.

8 142. Captain Roane has applied for the following positions: Standards Captain, Duty Manager,
9 747, 778, and A-320 Line Training Manager positions, International Flight Operations Senior
10 Manager, Domestic Flight Operations Senior Manager, Assistant Chief Pilot, A-320 and 747
11 Fleet Technical Flight Operations Manager, 737, 747, 756, 778, and A-320 Fleet Standards
12 Manager, and 737, 747/778, 756, and A-320 Fleet Training Manager. Captain Roane was passed
13 over for all of the positions.

14 143. Captain Roane has been routinely passed over for these promotional opportunities based
15 upon his race and retaliation.

16 144. Captain Roane has knowledge of the following positions at United wherein United Airlines
17 handpicked less qualified non-African-American employees: Line Check Airman, Standards
18 Captain, and Flight Manager. Captain Roane has not been handpicked for these promotions
19 based upon his race and retaliation.

20 145. Captain Roane filed his second EEOC charge on February 3, 2012 and received his EEOC
21 Right-to-Sue letter on March 8, 2012.

22 146. Captain Roane obtained an immediate Right-to-Sue from the California Department of Fair
23 Employment and Housing on April 17, 2012.

24 **DAVID RICKETTS**

25 147. Captain David Ricketts was hired by United Airlines on November 21, 1988 as a Second
26 Officer 727.

1 148. Prior to being hired at United, Captain Ricketts graduated from Hawthorne College with a
2 Bachelors of Science in Aeronautical Science in 1984. Also in 1984, Captain Ricketts achieved
3 his Associate Degree in Business Administration.

4 149. Prior to being hired at United, Captain Ricketts flew for Pan America as a First Officer from
5 1986 to 1988.

6 150. While working at United, Captain Ricketts was promoted from Second Officer to 737 First
7 Officer in 1989 and held this position for two years. In 1991, Captain Ricketts was promoted to
8 767 First Officer. After working as a 767 First Officer position for two years, Captain Ricketts
9 was promoted 747 First Officer in 1993. In 1995, Captain Ricketts was promoted from 747 First
10 Officer to 727 Captain and held this position for four years. In 1999, Captain Ricketts was
11 promoted to 767 Captain and worked in this position for ten years. In 2009, Captain Ricketts was
12 promoted to 777 Captain. In 2010, Captain Ricketts was promoted to 767 Captain and this is his
13 current position.

14 151. Captain Ricketts has heard Captains make racially derogatory comments such as, "minority
15 hiring is unfair," and "United hired all these minorities so that's why my daughter couldn't be
16 hired."

17 152. Captain Ricketts filed his EEOC Charge on May 2, 2012.

18 153. Captain Ricketts obtained an immediate Right-to-Sue letter from the California Department
19 of Fair Employment and Housing on April 24, 2012.

20 **LESTER TOM**

21 154. Captain Lester Tom was hired at United Airlines in December 1988 as a Flight Officer.

22 155. Captain Tom has obtained Command Leadership Training, Leadership Training, Cultural
23 Leadership Training and Diversity Training.

24 156. Captain Tom earned his Bachelors of Arts degree in Management Leadership form Judson
25 College. Captain Tom also received his Associate's Degree in Flight Technology from Alabama
26 Aviation & Technical College.

27 157. Prior to joining UAL, Captain Tom had an extensive career in aviation. From 1986 until
28 1988 Captain Tom provided primary, ATP and multi-engine training for Part 135 pilots and

1 private individuals at the Ace Flight Center. From 1988 until 1995, Captain Tom served as a DC-
2 3 First Officer with schedule passenger service in the Caribbean for Aero Virgin Island
3 Corporation.

4 158. At United, Captain Tom worked as a 767/757 and 737/300 First Officer and DC-10 Second
5 Officer from 1988 to 1995. In 1995, Captain Tom was promoted to 737/300 Captain. From 1997
6 to 1998, Captain Tom served as Line Check Airman, charged with completing the training of
7 United Captains and First Officers. In 1998, Captain Tom was promoted to Flight Manager
8 where he managed daily line flying activity for the 737. Captain Tom held the Flight Manager
9 position for two years. From 2001 to the present, Captain Tom has flown the B-767/757. Captain
10 Tom has a total of 17,000 flight hours.

11 159. Captain Tom, who is a member of the United Coalition, filed his first EEOC charge in June
12 2010.

13 160. In February 2011, Captain Tom applied for the Senior Manager Flight Safety Action
14 Program and Event Review committee. In May of 2011 Captain Tom applied for the Manger of
15 Flight Operations Regulatory Complaints. United did not select him for either position.

16 161. Captain Tom filed his second EEOC charge on February 13, 2012. Captain Tom received a
17 Right-to-Sue letter from the EEOC on May 15, 2012.

18 162. Captain Tom obtained an immediate Right-to-Sue letter from the California Department of
19 Fair Employment and Housing on April 17, 2012.

20 **TERRY HAYNIE**

21 163. Captain Terry Haynie was hired at United on December 5, 1988 as a Second Officer/Flight
22 Engineer.

23 164. Captain Haynie attended Embry-Riddle Flight School from Fall 1975 to Summer 1977.
24 Captain Haynie achieved his Bachelors of Arts in Communications in 1981 from Southern
25 Connecticut State University. Captain Haynie also attended Norwalk Community College in
26 1977.

1 165. Captain Haynie started to fly in high school. Upon graduation from high school and college,
2 Captain Haynie began building time as a Flight Instructor. Captain Haynie went on to gain
3 employment from Bar Harbor Commuter Airline from 1985 to 1988.

4 166. In March 1990, Captain Haynie became a Second Officer at United Airlines. In the
5 Summer of 1991, Captain Haynie became a First Officer on the Boeing 737. He later upgraded to
6 the 767 and the 777 as a First Officer. He became Captain on the Boeing 767 in December of
7 1997 and this is his current position.

8 167. When he was hired on December 5, 1988, Captain Haynie was accused by many of
9 "jumping the pool," which is skipping application steps, to become hired at United.

10 168. During initial training at United, Captain Haynie experienced open hostility and unfriendly
11 comments by other pilots at the training center. Captain Haynie became aware that the vast
12 majority of pilots failing check rides that were being terminated were people of color.

13 169. United hired a doctor to conduct a psychological evaluation of Captain Haynie and another
14 minority UAL employee, Frank Sharp. Dr. Gary Kay diagnosed Captain Haynie as mentally
15 incompetent or mentally retarded. Dr. Kay's examination was about 20 minutes in length. After
16 an extensive evaluation, another doctor, Robert Novelli, told Captain Haynie that his skin color
17 may have played a major part in Dr. Kay's alleged diagnosis. Dr. Novelli was so perturbed by the
18 erroneous diagnosis that he checked to see if Dr. Kay was actually a doctor.

19 170. In 2005, Charles Lindberg was a First Officer assigned to Captain Haynie's flight. It was
20 reported to Captain Haynie by flight attendants that Charles Lindberg was severely intoxicated
21 and there was serious concern about his ability to fly the aircraft the next day. Captain Haynie
22 confronted Charles Lindberg about his condition and had him removed from the flight. Charles
23 Lindberg's reply was, "fuck ALPA and fuck you, nigger!"

24 171. In April 2000, JFK Domicile Chief Pilot told Captain Haynie, "I'm the Chief Pilot and I
25 own you!"

26 172. Since 2005 to the present, Captain Hainey has seen racial epithets written on airplanes about
27 him.

28

1 173. From 2000 to present United Airlines has failed to take action to prevent the hostile work
2 environment Captain Haynie has been subject to for 12 years. Captain Haynie has been subjected
3 to threats of physical harm, racial epithets written inside company aircraft, the removal of his
4 mailbox and harassing phone calls. UAL is aware of these incidents. UAL's persistent refusal to
5 take any action regarding these extremely serious incidents amounts to discrimination, retaliation
6 and creates a hostile work environment.

7 174. Captain Haynie filed his EEOC charge on April 10, 2012.

8 175. Captain Haynie obtained an immediate Right-to-Sue letter from the California Department
9 of Fair Employment and Housing on March 28, 2012.

10 **SAL CROCKER**

11 176. Captain Sal Crocker was hired by United Airlines on February 20, 1989 as a 727 Flight
12 Engineer.

13 177. Captain Crocker attended the University of Memphis and Berklee College of Music.

14 178. Captain Crocker has worked for UAL for 21 years. Captain Crocker has served 15 of those
15 years as Captain with United. Captain Crocker's line experience serves as follows: B-727, 556
16 hours; B-737, 989 hours; and A-320, 8000 hours.

17 179. From December 2010 to October 2011, Captain Crocker was invited to four interviews and
18 told by both Chief Pilots that he did well on the interviews. Captain Crocker has over 10 years
19 Line Check Airman experience on the Airbus, more than most current Line Check Airmen, but
20 has not been selected as a SC or even an LCA-I.

21 180. Captain Crocker is aware of the racial hostility at United, including referring to African-
22 American pilots as "niggers."

23 181. As a result of the racial discrimination he faced related to promotions at UAL, Captain
24 Crocker joined the United Coalition of African American Captains and filed his first EEOC
25 charge in June 2010.

26 182. Captain Crocker has applied for the following positions: 767 Pilot Instructor, 767 Standards
27 Captain, Assistant Chief Pilot four times, Standards Captain twice, Temporary Job Share
28 Standards Captain, Director of Flight Operations, Domestic Flight Operations Manager, Flight

1 Operations Duty Manager, International Senior Manager, Flight Operations Managing Director,
2 Flight Standards Managing Director, System Chief Pilot Managing Director, System Chief Pilot,
3 and Managing Director twice.

4 183. Captain Crocker is aware of the fact that a's Senior Vice President of United stated that "No
5 one from the original United Coalition who filed EEOC complaints in 2010 will get promoted at
6 UAL."

7 184. As a result of the racial discrimination and retaliation he faced related to promotions from
8 February 2011 to present at UAL, Captain Crocker filed his second EEOC charge on February
9 17, 2012.

10 185. Captain Crocker obtained his immediate Right-to-Sue letter from the California
11 Department of Fair Employment and Housing on April 17, 2012.

12 **ANTHONY MANSWELL**

13 186. Captain Manswell was hired by United Airlines on August 7, 1989 as a B-727 Flight
14 Engineer.

15 187. Prior to being hired at UAL, Captain Manswell attended Alabama Aviation and Technical
16 College where he served as a Flight Instructor to primary and advanced students. Captain
17 Manswell obtained his Associates Degree in Flight Technology in 1984.

18 188. Captain Manswell graduated with a Bachelor of Science degree in Aviation Management
19 from Troy University in June 1986.

20 189. Prior to being hired at United Airlines, Captain Manswell worked as a First Officer BE-99
21 at Air New Orleans in Birmingham, Alabama from August 1986 to August 1987.

22 190. Captain Manswell also worked as a Pilot in the Air National Guard from April 1987 to
23 December 1999. During these years, Captain Manswell attended numerous U.S. Air Force
24 Training Programs.

25 191. Prior to being hired at UAL, Captain Manswell served in the U.S. Army from September
26 1988 to April 1989. During his years in the U.S. Army, Captain Manswell worked as a Lead in
27 Fighter Pilot from September 1988 to November 1988. Captain Manswell then worked for the
28

1 Replacement Training Unit A-10 Pilot from January 1989 to April 1989. Captain Manswell was
2 Home Station Training for Pennsylvania Air National Guard from May 1989 to August 1989.

3 192. Captain Manswell was deployed during the first Gulf War and Operation Southern Watch
4 32.

5 193. After being hired at UAL, Captain Manswell served as B-727 Flight engineer for a year and
6 a half. Captain Manswell was then promoted to First Officer on the B-737/300 and held this
7 position for three years until 1993. In 1994, Captain Manswell became First Officer for the B-
8 767/757 from 1994 to 1996. Captain Manswell became First Officer on the B-777 from 1996 to
9 1998 and then First Officer on the B-747/400 from 1998 to 2000.

10 194. Captain Manswell has international flight experience flying to Central and South America,
11 Europe, and the Pacific.

12 195. Captain Manswell was promoted to an A-320 Captain in 2000 and held this position until
13 2007. From 2000 to 2003, Captain Manswell also worked as a Flight Manager at the
14 Washington-Dulles Flight Office. In 2008, Captain Manswell became a B-767/757 Captain and
15 this is his current position.

16 196. During Captain Manswell's duty in the position of Flight Manager and Acting Assistant
17 Chief Pilot, Captain Manswell managed daily line flying activities for all fleets for all three
18 airports: Dulles, National, and Baltimore Washington.

19 197. During his career at UAL, Captain Manswell has experienced derogatory racial comments
20 from other employees at United Airlines. Captain Manswell has heard things such as, "Now that
21 the Consent Decree is over, we can get back to hiring qualified pilots" or "My son, daughter, or
22 friend did not get hired by United."

23 198. Captain Manswell has witnessed racial derogatory comments at the Training Center. On one
24 occasion, he saw the words "too many niggers" written on the wall of the men's restroom.

25 199. Captain Manswell is also aware of the racial discrimination Captain Jim Edwards, now
26 deceased, faced as an African American pilot at United.

27 200. During an evaluation on the 727, another captain had trouble flying the engine failure
28 profile. Captain Manswell was told to instruct him, but the other captain refused help. Captain

1 Manswell and the other captain were given an unsatisfactory grade. However, the new evaluator
2 told Captain Manswell that he did not need to repeat the profile.

3 201. In 2011, Captain Manswell applied for the position of Line Check Airman on the B-767/757
4 of which Captain Manswell is currently the Captain. Captain Manswell was promised the
5 additional position of Line Check Airman on the A-320, but the position did not materialize.

6 202. Captain Manswell filed his EEOC charge in May 2012.

7 203. Captain Manswell obtained an immediate Right-to-Sue from the California Department of
8 Fair Employment and Housing on April 30, 2012.

9 **BARRY BATSON**

10 204. Captain Barry Batson was hired at United Airlines on January 21, 1991 as a 727 Second
11 Officer.

12 205. Prior to joining UAL, Captain Batson achieved an Associates Degree in Aviation Flight
13 from Southern Illinois University in 1988. Captain Batson also achieved a Bachelors Degree in
14 Aviation Management from Southern Illinois University in 1990.

15 206. Captain Batson was a Flight Instructor at Southern Illinois University and was chosen for
16 the United Airlines Internship Program.

17 207. Captain Batson was the first African American chosen from the United Airline Internship
18 Program. The United Airline Internship Program was designed to select the top aeronautical
19 student from a select number of U.S. universities.

20 208. After successfully completing the probation period, Captain Batson upgraded to a 737-
21 300/500 fleet and 757/767 fleet as a First Officer. In 1997, Captain Batson upgraded to Captain
22 on the 737-300/500 fleet. In 1998, Captain Batson became a Line Check Airman for the fleet as
23 well. In December 1999, Captain Batson transitioned to Captain on the Airbus 319/320 Fleet.

24 Captain Batson has been an Airbus 319/320 Fleet Captain for the past 13 years.

25 209. During the early years of Captain Batson's career at United Airlines, Captain Batson
26 witnessed degrading racial comments from his coworkers regarding African American pilots.

27 Captain Batson witnessed comments that questioned other African American pilots and their
28 qualifications to be employed at United.

1 210. As a result of the discrimination Captain Batson faced related to promotions at UAL,
2 Captain Batson filed a EEOC Complaint on April 27, 2012.

3 Captain Batson obtained an immediate Right-to-Sue letter from the California Department of
4 Fair Employment and Housing on April 23, 2012

5 **KARL MINTER**

6 211. Captain Karl Minter was hired at UAL on March 30, 1992 as a Flight Officer.

7 212. Prior to working at United Airlines, Captain Minter served in the U.S. Air Force and Air
8 Force Reserves from 1982 to 2008. Captain Minter is a retired Lieutenant Colonel with 26 years
9 of experience. Captain Minter served in the Office of the Secretary of Defense, Global Situation
10 Facility at the Pentagon in Washington, D.C. Captain Minter flew C-141B "Starlifters" at
11 McGuire AFB, NJ, Andrews AFB, MD, and C-20 aircraft at the 89th Presidential Airlift Wing at
12 Andrews AFB. Captain Minter participated in missions to Grenada, Panama, Desert Shield, and
13 Desert Storm while providing safe and efficient worldwide transport to the Department of
14 Defense, White House Staff, and national leaders. Captain Minter has numerous medals,
15 citations, and certificates from his military service career.

16 213. Captain Minter is a past president for The Organization of Black Airline Pilots. In that role
17 he worked with many Airline Industry Leaders to develop Diversity and Mentoring Programs for
18 the next generation of Aerospace Professionals. Since 2003, Captain Minter has worked directly
19 with United Air Lines Senior Corporate Leadership to address Diversity and Corporate Culture
20 Development.

21 214. In 1981, Captain Minter achieved his Bachelor of Science Degree in Air Science from
22 Embry-Riddle University. In 2003, Captain Minter achieved his MBA in Business
23 Administration from Regis University, Magna Cum Laude. Captain Minter is a graduate of
24 numerous management and leadership training programs including Air Command & Staff
25 College, NATO Staff Officer School, Airlift Operations School, Contingency War Planning
26 Course and Naval War College.

27 215. Before serving in the Air Force, Captain Minter worked as a Flight Test Engineer for the
28 Sikorsky Aircraft Company.

1 216. Captain Minter was hired by UAL on March 30, 1992 as a Flight Engineer. From 1993 to
2 2007, Captain Minter worked as a DC-10 Flight Engineer, 757/767 First Officer and Flight
3 Operations Supervisor; 737 Captain, Line Check Airman and AB320 Captain. In 2007, Captain
4 Minter was a Flight Operations Duty Manager and was responsible for supporting the Vice
5 President of Flight Operations in the United Airlines Airline Operations Center. In 2009, Captain
6 Minter was Acting Assistant Chief Pilot. Captain Minter is currently a 767 Captain.

7 217. When Captain Minter was Flight Manager, and a Flight Operations Duty Manager, he
8 would mediate between the parties involved in the conflict.

9 218. Captain Minter, who is part of the United Coalition, filed his first EEOC Charge on June 18,
10 2010.

11 219. In February 2011, Captain Minter applied for the Corporate and Community Affairs
12 Director position. In March 2011, Captain Minter applied for the Pilot Contract Administration
13 Managing Director position. In May 2011, Captain Minter applied for the Flight Operations
14 Regulatory Compliance Manager position. In July 2011, Captain Minter applied for the
15 Assistant Chief Pilot position, Domestic Flight Operations Senior Manager position, and
16 International Flight Operations Manager position.

17 220. Captain Minter was told by multiple sources that a Senior Vice President of United stated
18 that none of the African American Coalition group would ever become managers at United
19 because they filed the EEOC complaint. Captain Minter heard that this conversation occurred
20 when there was a conversation going on about how to repair the relationship between African
21 Americans and United Airlines. Captain Minter did not witness this event himself.

22 221. Captain Minter filed his second EEOC charge on February 13, 2012 and received his EEOC
23 Right-to-Sue letter on March 23, 2012.

24 222. Captain Minter obtained an immediate Right-to-Sue from the California Department of Fair
25 Employment and Housing on April 17, 2012.

ERWIN WASHINGTON

1
2 223. Captain Erwin Washington was hired at United Airlines on July 20, 1992 as a Flight
3 Officer.

4 224. Prior to being hired at UAL, Captain Washington received a Bachelors of Science degree in
5 Engineering from the U.S. Air Force Academy. Captain Washington became a distinguished
6 Graduate Aircraft Commander, a distinguished Graduate Squadron Officer School from the U.S.
7 Air Force War College. Captain Washington is also a distinguished Graduate Instructor Pilot.

8 225. Prior to being hired at UAL, Captain Washington enlisted in the U.S. Air Force as a B-52
9 Tail gunner then earned an appointment to the U.S. Air Force Academy. After graduating from
10 the Academy in 1983, Captain Washington successfully completed Pilot Training and flew
11 Lockheed C-141s and C-12s on active duty and in the Memphis Air National Guard. Captain
12 Washington served in numerous command positions from Chief of Training, Chief of Command
13 and Control, Flight Commander, and Squadron Commander. In 2006, Captain Washington
14 retired from the Air Force Reserve as a Lieutenant Colonel with nearly 30 years of service as an
15 enlisted and a commissioned officer.

16 226. From 1988 to 2003, Captain Washington participated in an impressive list of U.S. military
17 operations including Operation Golden Pheasant in Honduras, Operation Just Cause, evacuating
18 the U.S. Embassy in Liberia, Operation Desert Shield, operations in Iraq and Kuwait, Operation
19 Desert Storm, Operation Provide Comfort in Iraq and Turkey, evacuation of French troops and
20 U.S. Citizens in Zaire, Operation Silver Anvil, Operation Provide Promise in Bosnia and
21 Herzegovina during the Yugoslav Wars, Operation Northern Watch and Operation Southern
22 Watch in Iraq, Operation Restore Hope in Somalia during the Somali Civil War, Operation
23 Enduring Freedom in Afghanistan, Operation Iraqi Freedom, and many other assignments that
24 leave no question that Captain Washington is a capable, dedicated, and distinguished pilot with a
25 stellar career of military service.

26 227. Captain Washington's vast Instructor/Examiner experience has resulted in his instruction
27 being sought after from numerous international airlines. He is currently one of the top Flight
28

1 Instructor/Examiners for Pan Am Academy for the Boeing 757/767/747-400 and the Airbus
2 319/320.

3 228. Captain Washington has been promoted within United starting as a 727 Flight engineer,
4 757/767 First Officer, 757/767/777 Pilot Instructor, 747-400 First Officer, and 767 Captain.

5 Captain Washington is currently an Airbus A-320 Captain.

6 229. As a new hire, Captain Washington was paired with a fleet qualified non-union Captain who
7 repeatedly made racist and sexist remarks to the First Officer. The First Officer reported these
8 incidents to the 727 fleet but UAL took no action.

9 230. On one occasion, Captain Washington was acting as a 777 Pilot Instructor. A 777 Captain
10 told the other instructor, who was observing Captain Washington at the time, that he refused to
11 take instruction from a "fucking nigger" after Captain Washington had failed the crew for
12 exceptionally poor performance on Day 2 of their annual Proficiency Check. The other
13 instructor was very upset and Captain Washington advised him to contact ALPA Professional
14 Standards since the comment was not made in Captain Washington's presence. After this
15 incident, Captain Washington refused to work with the Captain who made the racist comment.

16 231. A 767 Fleet Captain suggested to Captain Washington that he should apply for a Job Share
17 Standards Captain position. While he was granted an interview, Captain Washington noticed that
18 he was being graded on sections before he had even responded to the questions. United grades
19 interviews on a scale from 1 to 5. Captain Washington is very familiar with the process and came
20 to the interview extremely prepared and well versed. Captain Washington has never scored less
21 than a 4 on any interview section and normally scores 5 out of 5. During this interview, Captain
22 Washington received scores of 3. No Human Resources representative was present during the
23 interview. After numerous attempts, Captain Washington finally made contact with the 767 Flight
24 Captains, who told him that he did not get the position and had failed the interview. Since
25 Captain Washington allegedly failed the interview, he was not allowed to apply to other positions
26 for the next six months.

27 232. While on a Medical Leave from United, Captain Washington was employed as a contract
28 Boeing 747-400 Examiner/Instructor for Pan Am Academy in Denver. Captain Washington was

1 refused access to the Denver Training Center. Pan Am repeatedly called United about this
2 unprecedented action and was told that this restriction came from the United Executive level.
3 United also volunteered inappropriate information to Pan Am concerning Captain Washington's
4 medical history. Pan Am's response was that information was not only inappropriate and illegal
5 to discuss but had nothing to do with Captain Washington working as a contractor. Captain
6 Washington was not allowed access to the Training Center until he returned from medical leave.
7 There were and are a number of Caucasian United pilots on medical leave working as contract
8 instructors for Pan Am at the United Training Center.

9 233. During Captain Washington's career he has heard other United Pilots comment about the
10 number of "unqualified minority pilots United hires. . . leaving hundreds of well-qualified white
11 guys on the streets." Similar comments were so common that at one point Captain Washington
12 carried an index card with his biographical information so that he did not have to continuously
13 explain his qualifications.

14 234. Captain Washington was a 757/767/777 Pilot Instructor and 767 but was prevented from
15 being promoted to Standards Captain at United.

16 235. Captain Washington filed his EEOC Charge on April 27, 2012.

17 236. Captain Washington obtained an immediate Right-to-Sue letter from the California
18 Department of Fair Employment and Housing on April 26, 2012.

19 **DARRYL WILSON**

20 237. Captain Wilson was hired at United Airlines on September 14, 1992 as a 727 Flight
21 Engineer.

22 238. Prior to working at United, Captain Wilson served in the U.S. Navy from 1983 to 1992.

23 239. While serving in the Navy, Captain Wilson held numerous flight management positions
24 including Assistant Maintenance Department, Dedicated Field Work Instructor, and sensitive
25 positions requiring a Top Secret clearance that are given to only the most responsible,
26 trustworthy, committed and achieving officers in the Combat Squadron.

27 240. Captain Wilson received a Bachelors of Science in Computer Science from Kentucky State
28 University in 1983 and graduated from Naval Flight Instructor School in 1989.

1 241. From 1985 to 1988 Captain Wilson served as a Board Member for the Heather Ridge
2 Homeowner's Association.

3 242. From 2004 to 2007 Captain Wilson served as a Board Member for the Georgia Partnership
4 for Excellence in Education.

5 243. From 2004 to 2007 Captain Wilson served as a Board Member for the 100 Black Men of
6 America/North Metro Chapter.

7 244. From 2008 to 2010 Captain Wilson served as a Board Member for the Cobb County United
8 Way Campaign Cabinet.

9 245. From 2008 to 2010 Captain Wilson served as a Board Member for the Aviation Museum
10 and Discovery Center.

11 246. From 1998 to the present Captain Wilson has served as a Executive Director for the Boxing
12 SMART Foundation.

13 247. From 2009 to 2011, Captain Wilson served as Vice Chairman of the Cobb County
14 Republican Party.

15 248. From 2006 to 2009, Captain Wilson served as Vice President of the NAACP Cobb County
16 Branch and is a current Life Member.

17 249. From 1996 to 1998, Captain Wilson served as Central Division Director for the Black
18 Professional's Organization of United Airlines.

19 250. From 2006 to the present, Captain Wilson serves as a Board Member for the Yorktown
20 Homeowner's Association.

21 251. From 2009 to 2011, Captain Wilson has served as a Board Member for Banneker, Inc.

22 252. Due to his exemplary performance, Captain Wilson was promoted to a 727 Line Check
23 Airman in 1994. In 1995, Captain Wilson was promoted to Pilot Instructor. In 1999, Captain
24 Wilson was promoted to Captain. Captain Wilson has held this position for at least 7 of the last
25 12 years on multiple aircraft.

26 253. Captain Wilson has heard many derogatory comments regarding African Americans and
27 experienced racial hostility in the workplace at UAL.

28

1 254. Captain Wilson's wife, Sherrae Wilson, a former Flight Attendant at United Airlines, was
2 forced to resign because of management's directive forcing her to disregard her safety while
3 pregnant.

4 255. Captain Wilson, who is part of the United Coalition, filed his first EEOC charge in June
5 2010.

6 256. In June 2011, Captain Wilson applied for the A-320 Fleet Training Senior Manager
7 position and the A-320 Fleet Standards Senior Manager position. In July 2011, Captain Wilson
8 applied for the Assistant Chief Pilot position, Domestic Flight Operations Senior Manager, and
9 International Flight Operations Senior Manager, and First Officer Flight Manager. In August
10 2011, Captain Wilson applied for the Assistant Chief Pilot position three times. Also in August
11 2011, Captain Wilson applied for the Flight Operations Duty Manager position twice.

12 257. Out of the 11 positions for which he applied, Captain Wilson was invited to interview one
13 time. Captain Wilson was recently called on a two-day short notice interview after receiving the
14 demand letter for information related to this lawsuit. Captain Wilson had applied for an
15 Operations Manager position and went through the Human Resources process. Captain Wilson
16 advanced to the final interview with Sean Donahue. Human Resources told Captain Wilson that
17 he had successfully advanced to the final stage of the process. After Captain Wilson's interview,
18 Senior Vice President Steven Forte interjected himself and said he would be the final authority
19 on who was awarded the job, altering the selection process after the final stage was reported by
20 Sean Donohue and Human Resources. Defendants did not offer the position to Captain Wilson.

21 258. Captain Wilson filed his second EEOC charge on February 22, 2012.

22 259. Captain Wilson obtained a Department of Fair Employment and Housing Right-to-Sue
23 Letter in California on April 17, 2012.

24 **MARNEL ALEXIS**

25 260. Captain Marnel Alexis was hired by United Airlines on November 16, 1992 as a Flight
26 Officer.

27 261. Prior to being hired at UAL, Captain Alexis graduated from New York Institute of
28 Technology with a Bachelors of Science in Electrical Engineering in January 1985. Captain

1 Alexis attended Aviation Officer Candidate School in Pensacola, Florida and was commissioned
2 as a Naval Officer in June 1985.

3 262. Prior to being hired at UAL, Captain Alexis attended Navy Flight Training and was awarded
4 his wings and designated a Naval Aviator in October 1986. Captain Alexis served on Active
5 Duty from January 1985 until November 1992. Captain Alexis ran several departments within
6 the Squadron including Operations, where he wrote the Squadron's daily flight schedule. Captain
7 Alexis also worked Maintenance as the Quality Assurance Officer and Standardization Officer
8 where he held the position of E-2C Model Manager in 1988. Captain Alexis's responsibilities as
9 the Model Manager included introducing the E-2C Group 2 aircraft into the fleet and providing
10 standardization of pilot operating procedures to E-2C Community. Captain Alexis was also the
11 Senior Squadron Landing Signal Officer where he was directly responsible for the training and
12 carrier qualifications of the pilots. Captain Alexis earned his Air-wing LSO qualification aboard
13 the USS Nimitz and Carrier Air-wing Nine.

14 263. Captain Alexis also earned a Navy Commendation Medal for his duties performed while
15 attached to his fleet squadron.

16 264. While working at United, Captain Alexis was promoted from Second Officer to First Officer
17 in 1995. Due to Captain Alexis's exemplary performance, he was promoted to Captain in 2000
18 and this is his current position.

19 265. Captain Alexis has witnessed racial hostility towards African American pilots at UAL.
20 Captain Alexis has also seen that minority training center instructors are consistently not
21 retained and never promoted. Captain Alexis has never seen a minority Fleet captain.

22 266. Captain Alexis would like to be a Line Check Airman or Assistant Chief Pilot but he has not
23 been offered the position.

24 267. Captain Alexis filed his EEOC charge on April 25, 2012.

25 268. Captain Alexis obtained an immediate Right-to-Sue letter from the California Department
26 of Fair Employment and Housing on April 26, 2012.

27

28

LEO SHERMAN

1
2 269. Captain Leo Sherman was hired at Continental Airlines on January 3, 1998 as a Flight
3 Officer.

4 270. Prior to being hired at Continental, Captain Sherman spent all 12 years in the Ascension
5 Catholic Schools system and graduated from Ascension Catholic High School in 1983. Captain
6 Sherman went on to obtain a Bachelors of Science degree in Professional Aviation from
7 Louisiana Tech University in Ruston in 1987. During his time at Louisiana Tech, he gained flight
8 hours and experience in airplanes by flight instructing, as well as flying corporate and with local
9 regional airlines for businesses in the local Ruston/New Orleans area.

10 271. In 1989, Captain Sherman began his aviation career with employment at L'Express Airlines
11 in New Orleans. While at that small airline, Captain Sherman worked as the Manager of Crew
12 Scheduling, First Officer and Captain, flying the Beech 1900c and Beech C-99 airplanes.

13 272. When L'Express filed for bankruptcy in 1992, Captain Sherman was able to enhance his
14 qualifications by becoming the first recipient of a Boeing 737 type rating from the Organization
15 of Black Airline Pilots (OBAP), awarded by U.S. Airways. This led to employment with Trans
16 World Express 1991, where Captain Sherman flew in the busy Northeast Corridor.

17 273. In 1996, Captain Sherman was hired by Trans World Airlines, the parent company of Trans
18 World Express. Captain Sherman gained invaluable experience flying the Boeing 727 as a Flight
19 Engineer and First Officer out of the St. Louis and New York JFK hubs.

20 274. Captain Sherman left TWA for Continental Airlines in 1997 as a Flight Engineer. Shortly
21 thereafter, Captain Sherman was promoted to First Officer and moved on to fly the Boeing 737,
22 757, 767 and later the wide body Boeing 777. In 2005, Captain Sherman finally reached his
23 lifelong goal of becoming a Captain of a large Transport Category Jet with Continental Airlines.
24 Captain Sherman commands all types of 737 in the Continental Fleet and has amassed over
25 19,000 hours over his 25-year career as a Professional Airman.

26 275. Captain Sherman assisted in recruiting the African American pilots at Continental. He
27 observed that the only problems in hiring pilots concerned the recruitment of African American
28

1 pilots. Captain Sherman repeatedly complained to management about Continental's failure to
2 implement a visible and transparent process devoted to minority recruitment.

3 276. From 1999 to present, Captain Sherman has participated in a volunteer program
4 representing Continental and the aviation profession to minority students. While Continental
5 enjoyed the benefit of public representation by a minority pilot, Continental has never dedicated
6 funds or other resources to the volunteer program.

7 277. Captain Sherman has observed Line Check Airmen, Instructor and other Management
8 Positions awarded to less qualified pilots, some with union affiliations while he was submitting
9 applications with no response. Often, these position openings were never posted.

10 278. Captain Sherman filed his EEOC Charge on April 25, 2012.

11 279. Captain Sherman obtained an immediate Right-to-Sue letter from the California Department
12 of Fair Employment and Housing on April 24, 2012.

13 **KEN HANEY**

14 280. Captain Ken Haney was hired at United on November 23, 1992 as First Officer.

15 281. Prior to being hired at United, Captain Haney served with high distinction in the U.S. Army
16 for 14 years. Captain Haney accelerated through the ranks, holding both tactical and
17 management positions of increasing responsibility, including an appointment by Congress as a
18 Warrant Officer III. With extensive flying experience as pilot of several military aircraft
19 including Apache and Cobra helicopters, Captain Haney managed large scale deployment
20 operations, flew multiple combat missions and was selected from the top one percent of all
21 officers to train on the RC12 Spy Aircraft in Korea. Captain Haney also managed several
22 military decommission projects netting the government several million dollars in unexpected
23 profit. Captain Haney's excellent flying record quickly earned him the title of Captain with
24 United upon retirement from the military.

25 282. Prior to being hired at UAL, Captain Haney graduated Cum Laude with a Bachelor of
26 Science in Business Management and Organizational Behavior from the University of Maryland
27 Europe and a Bachelor of Science in Aviation Management from Embry-Riddle Aeronautical
28 University.

1 283. Captain Haney was hired at United Airlines on November 23, 1992 as First Officer. Captain
2 Haney was promoted from First Officer to Captain on April 12, 2001.

3 284. Captain Haney has witnessed racial hostility at United. In June 1993, a captain asked
4 Captain Haney why black people say "ax" instead of "ask." In May 2004 at the Employee
5 Training Center, Haney overheard a white pilot say that black pilots got hired because of their
6 race. The pilot also stated that his friend was not hired "because of these black pilots." In
7 December 2011, three white pilots were not aware of Captain Haney's presence, and one said,
8 "If they didn't start hiring all the 'niggers' we wouldn't be in this position."

9 285. Captain Haney filed his EEOC Charge on April 28, 2012.

10 286. Captain Haney obtained an immediate Right-to-Sue from the California Department of Fair
11 Employment and Housing on April 30, 2012.

12 **RICHARD JOHN**

13 287. Captain John was hired at United Airlines on January 4, 1993 as a Flight Engineer.

14 288. While concurrently working for United, Captain John received a Master of Aeronautical
15 Science from Embry-Riddle Aeronautical University in 2009. Captain John also received a
16 Master of Business Administration from Nova Southeastern University in 2005. In 1987,
17 Captain John also received a Bachelor of Science in Aviation Business from Saint Francis
18 College. In 1984, Captain John achieved an Associates Degree in Science Flight Technology
19 from Alabama Aviation and Technical College.

20 289. Captain John also worked at Teterboro Air Services where he instructed the pilots for one
21 year. Captain John worked at American Eagle Airlines as a First Officer for two years before
22 being hired at United.

23 290. Captain John works as an Adjunct Instructor at Embry-Riddle Aeronautical University
24 where he is responsible for teaching both graduate and undergraduate students enrolled in the
25 University's Aeronautical Science Degree Program. Captain John has also taught aerospace
26 technology to undergraduates at Alabama Aviation College. Captain John has also taught
27 aerospace technology and all aviation subjects to high school students at George Wingate High
28 School while working at United.

1 291. Captain John also works as a Deputized Federal Flight Deck Officer. Captain John has
2 acquired special training conducted by the federal government in the use of fire arms aboard
3 aircraft. Captain John is empowered by the Department of Homeland Security to defend the
4 flight deck from hostile takeover.

5 292. In 1993, Captain John was hired by United Airlines as a Flight Engineer. Due to his
6 exemplary performance, Captain John was promoted in 1994 to 737 First Officer. In 1995,
7 Captain John was promoted to 757/767 First Officer and held this position for three years. In
8 1998, Captain John was promoted to 777 First Officer and held this position for three years. In
9 2001, Captain John was promoted to 747/400 First Officer. Also in 2001, Captain John was
10 promoted to 737/300 Captain. Additionally, in 2004, Captain John was promoted to Airbus 320
11 Captain and currently holds this position. Captain John filled in as a Flight Manager in Chicago,
12 New York, and Washington bases. He was also trained as a Flight Operations Duty Manager
13 (FODM) and worked the assignments in Chicago.

14 293. Captain John has heard of many instances of racial discrimination and harassment at United.

15 294. Captain John filed his first EEOC charge on June 20, 2010.

16 295. Since June 2011, Captain John has applied for 23 positions at UAL. He has not been
17 selected for any of the positions. Captain John applied for the A-320 Fleet Standards Senior
18 Manager Position, 747 Fleet Standards Senior Manager Position, 778 Fleet Standards Senior
19 Manager position, and 756 Fleet Standards Senior Manager position twice. Also in June 2011,
20 Captain John applied for the A-320 Fleet Training Senior Manager position, 747/778 Fleet
21 Training Senior Manager position, and 737 Fleet Standards Senior Manager position. In July
22 2011, Captain John applied for the International Flight Operations Senior Manager position,
23 Domestic Flight Operations Senior Manager position, and Assistant Chief Pilot position. In
24 August 2011, Captain John applied to the Assistant Chief Pilot position, 747 Line Training
25 Manager position, and 737 Line Training Manager position. Also in August 2011, Captain John
26 applied to the A-320 Fleet Technical Flight Operations Manager position, and A-320 Line
27 Training Manager position. In October 2011, Captain John applied for the Chief Pilot position.
28 In November 2011, Captain John applied for the A-320 Temporary Job Share Standards Captain

1 position and B-767 Standards Captain. In December 2011, Captain John applied for the Chief
2 Pilot position. In January 2012, Captain John applied for the Assistant Chief Pilot position twice.
3 296. Captain John filed his second EEOC charge on February 7, 2012 and obtained a Right-to-
4 Sue letter from the EEOC on March 1, 2012.

5 297. Captain John obtained an immediate Right-to-Sue letter from the California Department of
6 Fair Employment and Housing on April 17, 2012.

7 **ODIE BRISCOE**

8 298. Captain Odie Briscoe was hired at Continental Airlines on October 19, 1997 as a First
9 Officer.

10 299. Prior to being hired at Continental, Captain Briscoe graduated with a Bachelor of Arts in
11 Business Administration from University of Central Arkansas.

12 300. Prior to being hired at Continental, Captain Briscoe worked for the U.S. Coast Guard.

13 Captain Briscoe served as Operations Line Pilot to include Aircraft Commander, Operations
14 Duty Officer, Aircrew Training Officer, Operations Officer, Commanding Officer Homeland
15 Security. Captain Briscoe's specialty in the Coast Guard was aviation. Captain Briscoe worked
16 through the various ranks in aviation, search and rescue, operations, law enforcement and
17 administration while serving in two wars: Operation Desert Storm and Operation Enduring
18 Freedom. During his time in the Coast Guard, Captain Briscoe earned numerous medals such as
19 National Defense Service, Humanitarianism Service Medal, Commendation Medal, and Unit
20 Citation Medal. Captain Briscoe retired from the U.S. Coast Guard after 23 years of service.

21 301. Prior to being hired at Continental, Captain Briscoe worked for Eastern Airlines as pilot for
22 five years. After working at Eastern Airlines, Captain Briscoe worked for Sun Bird and Triax
23 Airlines. Captain Briscoe then flew for Rich International Airlines for four years. After that,
24 Captain Briscoe worked for the new Pan Am Airlines as a pilot for five years. In 1997, Captain
25 Briscoe started working at Continental Airlines as First Officer B-757, 767 and is currently a
26 Captain on the B-737.

27 302. After holding the First Officer position for seven years, Captain Briscoe was promoted to a
28 Captain in 2003.

1 303. Captain Briscoe has repeatedly witnessed African Americans get passed over for positions
2 at United. Captain Briscoe's supervisors have assaulted him and made derogatory and
3 demeaning remarks to him throughout his career. Captain Briscoe has also been subjected to
4 comments from supervisors that Captain Briscoe would never become a check airman. He has
5 also had to endure disparaging comments about military personnel and a previous airline for
6 which he has served.

7 304. Captain Briscoe has applied for Line Check Airman position and was never invited to
8 interview.

9 305. Captain Briscoe filed his EEOC Charge on April 25, 2012.

10 306. Captain Briscoe obtained an immediate Right-to-Sue from the California Department of
11 Fair Employment and Housing on April 24, 2012.

12 **FIRST CAUSE OF ACTION**

13 **VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

14 **(Alleged by Plaintiffs MARIO ECUNG, LEON MILLER, XAVIER PALMER,**
15 **FREDERICK ROBINSON, DAVID RICKETTS, TERRY HAYNIE, ANTHONY**
16 **MANSWELL, BARRY BATSON, ERWIN WASHINGTON, MARNEL ALEXIS, LEO**
17 **SHERMAN, KEN HANEY, and ODIE BRISCOE Against All Defendants)**

18 307. Plaintiffs re-allege as though fully set forth herein, the factual allegations of paragraphs 1
19 through 317 above.

20 308. Defendants are employers employing over 5 employees within the meaning of the
21 California Fair Employment and Housing Act.

22 309. Plaintiffs allege that Defendants maintain a pattern of discrimination in employment based
23 upon race.

24 310. Defendants engage in a pattern and practice of highly subjective decision making regarding
25 employment matters that is discriminatory to African-American Captains and African-American
26 Operations Supervisors and is manifested in assignments (as to African-American Employees
27 only), promotions and compensation. While Defendants have policies designed to govern these
28 matters, many of these policies involve uncontrolled subjective criteria and/or are applied by

1 Defendant in an arbitrary and capricious manner. As a result, racial biases and stereotypes enter
2 into Defendant's employment decisions.

3 311. Defendants' system of subjective and arbitrary decision making has an adverse impact on
4 African-American Captains and African-American Operations Supervisors relative to their non-
5 African-American peers with respect to (a) special assignments; (b) promotion to management;
6 and (c) compensation. This impact is not justified by business necessity. Even if it could be so
7 justified, less discriminatory alternatives exist that could equally serve any alleged necessity.

8 312. Defendants also engages in intentional discrimination against African-American Captains
9 and African-American Operations Supervisors relative to their non-African-American peers with
10 respect to (a) special assignments; (b) promotion to management; and (c) compensation through
11 its system of subjective and arbitrary decision making, as demonstrated by anecdotal and
12 statistical evidence.

13 313. The "special assignment" positions are more lucrative and provide employees with more
14 opportunities for advancement, greater job security, and greater pay and benefits. By contrast, the
15 non-special assignment positions are less desirable because they offer lower wages, lesser
16 benefits, changing and inconsistent work hours, proportionately heavier responsibilities, and
17 more difficult work conditions. Defendants have a systematic pattern and practice of relegating
18 qualified African-American Employees to non-special assignment positions, with lesser job
19 security, compensation, and opportunity for advancement. Defendants typically reserve the full-
20 time, permanent, higher wage positions for non-African-American employees. Consistent with
21 Defendants' long-standing discriminatory policies and practices, Defendants typically do not
22 allow African-American Employees to promote from within the company to any upper-
23 management level positions.

24 314. Defendants also disproportionately fail to promote qualified African-American employees
25 from Captain and Operations Supervisors to upper management positions at the same rate as
26 their similarly situated non-African-American counterparts. Even when Defendants do promote
27 African-American Employees from from Captain and Operations Supervisors to upper
28

1 management positions, it does not promote them as quickly as their similarly situated non-
2 African-American counterparts.

3 315. Defendants also use uniform performance evaluations that have adverse impact and have
4 not been validated, and that are the basis for promotion and compensation decisions under
5 Defendants' policies.

6 316. Plaintiffs are further informed and believe that non-African-American employees are more
7 likely to be assigned to positions that pay better than positions to which African-American
8 Employees are assigned.

9 317. Non-African-American Employees are not reprimanded or disciplined for similar matters,
10 or for infractions which are not supported by credible evidence.

11 318. Defendants have condoned the discriminatory conduct of its managers by failing to
12 properly investigate formal complaints regarding discrimination.

13 319. This pattern of denying African-American Captains and Operations Supervisors equal
14 assignments, promotions, and compensation is not the result of random or non-discriminatory
15 factors. Rather, it is the result of an ongoing and continuous pattern and practice of intentional
16 race discrimination in assignments, compensation and promotions. It is further the result of
17 reliance on policies and practices that have an adverse impact on African-American Captains and
18 African-American Operations Supervisors which cannot be justified by business necessity, and
19 for which alternative policies and practices with less discriminatory impact could be utilized that
20 would equally serve any asserted business necessity. Plaintiffs are informed and believe that such
21 policies and practices continue up to and including the present and include, without limitation:

22 (a) Failure to consistently post job and promotional openings to ensure that all African-American
23 Captains and African American Operations Supervisors have notice of and opportunity to seek
24 advancement, higher compensation, overtime, or more desirable assignments and training;

25 (b) Reliance upon unweighted, arbitrary and subjective criteria (used by a nearly all non-African-
26 American upper-managerial workforce) in making job assignments, training, performance
27 reviews, compensation, and promotion decisions. Even where Defendants' policies state
28

1 objective requirements, these requirements are often applied in an inconsistent manner and
2 ignored at the discretion of management;

3 (c) Reliance on racial stereotypes in making employment decisions involving job assignments,
4 promotions, and compensation;

5 (d) Pre-selection and “grooming” of non-African-American Captains and Operations Supervisors
6 for promotion, favorable assignments, higher pay, and more desirable positions;

7 (e) Maintenance of largely racially-segregated job categories and departments; and

8 (f) Deterrence and discouragement of African-American Captains and African American
9 Operations Supervisors from seeking advancement, favorable assignments and higher paid, more
10 desirable positions.

11 320. As a proximate result of the racially discriminatory employment practices and other
12 wrongful acts alleged herein, Plaintiffs have suffered loss of income, loss of advancement and
13 promotion, loss of career opportunity, and/or loss of intangible job benefits. As a proximate
14 result of the racially discriminatory employment policies, practices and other wrongful acts
15 alleged herein, Plaintiffs have experienced pain, suffering, emotional and mental distress, shame,
16 humiliation, embarrassment, and related physical ailments.

17 321. Plaintiffs, and each of them, have experienced such racially discriminatory employment
18 practices and other racially discriminatory actions by Defendants including, without limitation,
19 the practices and actions described herein.

20 322. The foregoing conduct violates the California Fair Employment and Housing Act (Cal.
21 Gov. Code § 12900 et. seq.).

22 **A. Disparate Impact**

23 323. As to disparate impact, Plaintiffs incorporate by reference the allegations of paragraphs 1
24 through 306 above, as though fully set forth herein.

25 324. Defendants have maintained a system for making decisions about promotions, assignments,
26 and compensation, which is excessively subjective and which has had a disparate impact on
27 Plaintiffs. This system cannot be justified by business necessity, but even if it could be so
28

1 justified, less discriminatory alternatives exist that could equally serve any alleged necessity.
2 Defendant's policies and practices that have a disparate impact on Plaintiffs.

3 325. Defendants' discriminatory policies and practices as described above have denied Plaintiffs
4 promotions, desirable job assignments, and compensation to which they were and are entitled,
5 resulting in the loss of past and future wages and other job benefits; and have caused Plaintiffs to
6 suffer humiliation, embarrassment and emotional distress.

7 **B. Disparate Treatment**

8 326. As to disparate treatment, Plaintiffs incorporate by reference the allegations of paragraphs 1
9 through 306, above, as though fully set forth herein.

10 327. Defendants have engaged in a pattern and practice of intentional discrimination against
11 Plaintiffs and the classes in promotions, assignments, and compensation.

12 328. Plaintiffs request relief as to both their disparate impact and disparate treatment claims as
13 provided in the Prayer for Relief below.

14 **SECOND CAUSE OF ACTION**

15 **RACE DISCRIMINATION IN VIOLATION OF TITLE VII**

16 **(Alleged by Plaintiffs KARL MINTER, PC NOBLE, GLEN ROANE, RICHARD JOHN,**
17 **ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM, and KEN**
18 **MONTGOMERY, Against Defendants UNITED CONTINENTAL HOLIDNGS, INC. and**
19 **UNITED AIR LINES, INC.)**

20 329. Plaintiffs re-allege as though fully set forth herein, the factual allegations of paragraphs 1
21 through 306 above.

22 330. The allegations of this Second Cause of Action are addressed to the period commencing
23 February, 2011 and thereafter.

24 331. Defendants are employers engaged in industry affecting commerce and employing over 15
25 employees within the meaning of 42 U.S.C. §2000e(b).

26 332. Plaintiffs allege that as of February, 2011 Defendants maintain a pattern of discrimination
27 in employment based upon race.

1 333. Defendants engage in a pattern and practice of highly subjective decision making regarding
2 employment matters that is discriminatory to African-American Captains and African-American
3 Operations Supervisors and is manifested in assignments (as to African-American Employees
4 only), promotions and compensation. While Defendants have policies designed to govern these
5 matters, many of these policies involve uncontrolled subjective criteria and/or are applied by
6 Defendant in an arbitrary and capricious manner. As a result, racial biases and stereotypes enter
7 into Defendant's employment decisions.

8 334. Defendants' system of subjective and arbitrary decision making has an adverse impact on
9 African-American Captains and African-American Operations Supervisors relative to their non-
10 African-American peers with respect to (a) special assignments; (b) promotion to management;
11 and (c) compensation. This impact is not justified by business necessity. Even if it could be so
12 justified, less discriminatory alternatives exist that could equally serve any alleged necessity.

13 335. Defendants also engages in intentional discrimination against African-American Captains
14 and African-American Operations Supervisors relative to their non-African-American peers with
15 respect to (a) special assignments; (b) promotion to management; and (c) compensation through
16 its system of subjective and arbitrary decision making, as demonstrated by anecdotal and
17 statistical evidence.

18 336. The "special assignment" positions are more lucrative and provide employees with more
19 opportunities for advancement, greater job security, and greater pay and benefits. By contrast, the
20 non-special assignment positions are less desirable because they offer lower wages, lesser
21 benefits, changing and inconsistent work hours, proportionately heavier responsibilities, and
22 more difficult work conditions. Defendants have a systematic pattern and practice of relegating
23 qualified African-American Employees to non-special assignment positions, with lesser job
24 security, compensation, and opportunity for advancement. Defendants typically reserve the full-
25 time, permanent, higher wage positions for non-African-American employees. Consistent with
26 Defendants' long-standing discriminatory policies and practices, Defendants typically do not
27 allow African-American Employees to promote from within the company to any upper-
28 management level positions.

1 337. Defendants also disproportionately fail to promote qualified African-American employees
2 from Captain and Operations Supervisors to upper management positions at the same rate as
3 their similarly situated non-African-American counterparts. Even when Defendants do promote
4 African-American Employees from from Captain and Operations Supervisors to upper
5 management positions, it does not promote them as quickly as their similarly situated non-
6 African-American counterparts.

7 338. Defendants also use uniform performance evaluations that have adverse impact and have
8 not been validated, and that are the basis for promotion and compensation decisions under
9 Defendants' policies.

10 339. Plaintiffs are further informed and believe that non-African-American employees are more
11 likely to be assigned to positions that pay better than positions to which African-American
12 Employees are assigned.

13 340. Non-African-American Employees are not reprimanded or disciplined for similar matters,
14 or for infractions which are not supported by credible evidence.

15 341. Defendants have condoned the discriminatory conduct of its managers by failing to
16 properly investigate formal complaints regarding discrimination.

17 342. This pattern of denying African-American Captains and Operations Supervisors equal
18 assignments, promotions, and compensation is not the result of random or non-discriminatory
19 factors. Rather, it is the result of an ongoing and continuous pattern and practice of intentional
20 race discrimination in assignments, compensation and promotions. It is further the result of
21 reliance on policies and practices that have an adverse impact on African-American Captains and
22 African-American Operations Supervisors which cannot be justified by business necessity, and
23 for which alternative policies and practices with less discriminatory impact could be utilized that
24 would equally serve any asserted business necessity. Plaintiffs are informed and believe that such
25 policies and practices continue up to and including the present and include, without limitation:

26 (a) Failure to consistently post job and promotional openings to ensure that all African-American
27 Captains and African American Operations Supervisors have notice of and opportunity to seek
28 advancement, higher compensation, overtime, or more desirable assignments and training;

1 (b) Reliance upon unweighted, arbitrary and subjective criteria (used by a nearly all non-African-
2 American upper-managerial workforce) in making job assignments, training, performance
3 reviews, compensation, and promotion decisions. Even where Defendants' policies state
4 objective requirements, these requirements are often applied in an inconsistent manner and
5 ignored at the discretion of management;

6 (c) Reliance on racial stereotypes in making employment decisions involving job assignments,
7 promotions, and compensation;

8 (d) Pre-selection and "grooming" of non-African-American Captains and Operations Supervisors
9 for promotion, favorable assignments, higher pay, and more desirable positions;

10 (e) Maintenance of largely racially-segregated job categories and departments; and

11 (f) Deterrence and discouragement of African-American Captains and African American
12 Operations Supervisors from seeking advancement, favorable assignments and higher paid, more
13 desirable positions.

14 343. As a proximate result of the racially discriminatory employment practices and other
15 wrongful acts alleged herein, Plaintiffs have suffered loss of income, loss of advancement and
16 promotion, loss of career opportunity, and/or loss of intangible job benefits. As a proximate
17 result of the racially discriminatory employment policies, practices and other wrongful acts
18 alleged herein, Plaintiffs have experienced pain, suffering, emotional and mental distress, shame,
19 humiliation, embarrassment, and related physical ailments.

20 344. Plaintiffs, and each of them, have experienced such racially discriminatory employment
21 practices and other racially discriminatory actions by Defendants including, without limitation,
22 the practices and actions described herein.

23 345. The foregoing conduct violates Title VII of the Civil Rights Act of 1964, 42 U.S.C.
24 §§2000(e), et seq.

25 **A. Disparate Impact**

26 346. As to disparate impact, Plaintiffs incorporate by reference the allegations of paragraphs 1
27 through 306 above, as though fully set forth herein.

1 347. Defendants have maintained a system for making decisions about promotions, assignments,
2 and compensation, which is excessively subjective and which has had a disparate impact on
3 Plaintiffs. This system cannot be justified by business necessity, but even if it could be so
4 justified, less discriminatory alternatives exist that could equally serve any alleged necessity.
5 Defendant's policies and practices that have a disparate impact on Plaintiffs.

6 348. Defendants' discriminatory policies and practices as described above have denied Plaintiffs
7 promotions, desirable job assignments, and compensation to which they were and are entitled,
8 resulting in the loss of past and future wages and other job benefits; and have caused Plaintiffs to
9 suffer humiliation, embarrassment and emotional distress.

10 **B. Disparate Treatment**

11 349. As to disparate treatment, Plaintiffs incorporate by reference the allegations of paragraphs 1
12 through 306, above, as though fully set forth herein.

13 350. Defendants have engaged in a pattern and practice of intentional discrimination against
14 Plaintiffs and the classes in promotions, assignments, and compensation.

15 351. Plaintiffs request relief as to both their disparate impact and disparate treatment claims as
16 provided in the Prayer for Relief below.

17 **THIRD CAUSE OF ACTION**

18 **VIOLATION OF 42 U.S.C. §1981**

19 **(Alleged by Plaintiffs MARIO ECUNG, LEON MILLER, XAVIER PALMER,**
20 **FREDERICK ROBINSON, DAVID RICKETTS, TERRY HAYNIE, ANTHONY**
21 **MANSWELL, BARRY BATSON, ERWIN WASHINGTON, MARNEL ALEXIS, LEO**
22 **SHERMAN, KEN HANEY, and ODIE BRISCOE Against All Defendants)**

23 352. Plaintiffs re-allege as though fully set forth herein, paragraphs 1 through 306 above.

24 353. The Civil Rights Act of 1866, codified as 42 U.S.C. §1981, prohibits race discrimination in
25 the making and enforcing of contracts. "Making and enforcing" contracts includes the "making,
26 performance, modification and termination of contracts, and the enjoyment of all benefits,
27 privileges, terms, and conditions of the contractual relationship." 42 U.S.C. §1981(b).
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1 354. Defendants have engaged in a pattern and practice of intentional discrimination against
2 Plaintiffs with respect to special assignments, promotion, and compensation.

3 355. The foregoing conduct constitutes illegal intentional discrimination with respect to the
4 making, performance, modification, and termination of contracts prohibited by 42 U.S.C. §1981.

5 356. Plaintiffs request relief as provided in the Prayer for Relief below.

6 **FOURTH CAUSE OF ACTION**

7 **VIOLATION OF 42 U.S.C. §1981**

8 **(Alleged by Plaintiffs KARL MINTER, PC NOBLE, DARRYL WILSON, SAL**
9 **CROCKER, GLEN ROANE, RICHARD JOHN, ELDRIDGE JOHNSON,**
10 **JOHNNIE E. JONES, Jr., LESTER TOM, KEN MONTGOMERY, and ANNETTE**
11 **GADSON Against All Defendants UNITED CONTINENTAL HOLIDNGS, INC. and**
12 **UNITED AIR LINES, INC.)**

13 357. Plaintiffs re-allege as though fully set forth herein, the factual allegations of paragraphs 1
14 through 306 above.

15 358. The allegations of this Fourth Cause of Action are addressed to the period commencing
16 February, 2011 and thereafter.

17 359. The Civil Rights Act of 1866, codified as 42 U.S.C. §1981, prohibits race discrimination
18 in the making and enforcing of contracts. "Making and enforcing" contracts includes the
19 "making, performance, modification and termination of contracts, and the enjoyment of all
20 benefits, privileges, terms, and conditions of the contractual relationship." 42 U.S.C. §1981(b).

21 360. Defendants have engaged in a pattern and practice of intentional discrimination against
22 Plaintiffs with respect to special assignments, promotion, and compensation.

23 361. The foregoing conduct constitutes illegal intentional discrimination with respect to the
24 making, performance, modification, and termination of contracts prohibited by 42 U.S.C. §1981.

25 362. Plaintiffs request relief as provided in the Prayer for Relief below.

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FIFTH CAUSE OF ACTION

RETALIATION IN VIOLATION OF 42 U.S.C. § 2000e

(Alleged by Plaintiffs KARL MINTER, PC NOBLE, GLEN ROANE, RICHARD JOHN, ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM, and KEN MONTGOMERY, Against All Defendants UNITED CONTINENTAL HOLIDINGS, INC. and UNITED AIR LINES, INC.)

363. Plaintiffs re-allege as though fully set forth herein, the factual allegations of paragraphs 1 through 306 above.

364. The allegations of the this Fifth Cause of Action are addressed to the period commencing February, 2011, unless and thereafter, unless otherwise specified.

365. Title VII of the Civil Rights Act of 1964, codified as 42 U.S.C. §2000e, makes it unlawful for an employer to discriminate against an employee because “he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.” 42 U.S.C. §2000e-3(a).

366. Plaintiffs KARL MINTER, PC NOBLE, GLEN ROANE, RICHARD JOHN, ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM, and KEN MONTGOMERY, each filed charges with the EEOC in or about 2010 (the “2010 Charges”).

367. The 2010 Charges constituted protected activity under Title VII, 42 U.S.C. §2000e-3(a).

368. The 2010 Charges were communicated to upper-level management at Defendants.

369. Defendants had actual and constructive knowledge of the 2010 Charges.

370. With knowledge of and in direct retaliation for the filing the 2010 Charges and participating in the EEO process, Defendants have withheld all promotions and special assignments from Plaintiffs KARL MINTER, PC NOBLE, GLEN ROANE, RICHARD JOHN, ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM, and KEN MONTGOMERY, since February 2011.

371. The withholding of all promotions and special assignments form PlaintiffsKARL MINTER, PC NOBLE, GLEN ROANE, RICHARD JOHN, ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM, and KEN MONTGOMERY since February 2011 is an adverse

1 employment action which is reasonably likely to deter an employee from making a charge of
2 discrimination.

3 372. Plaintiffs request relief as provided in the Prayer for Relief below.

4 **SIXTH CAUSE OF ACTION: HARASSMENT**
5 **IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**
6 **(Alleged by Plaintiff TERRY HAYNIE Against Defendants)**

7 373. Plaintiff HAYNIE incorporates by reference the factual allegations set forth in paragraphs
8 1 through 306 herein.

9 374. While working for Defendants, Plaintiff was subjected to wrongful, severe and pervasive
10 harassment, discrimination on account of his race, African-American, by Defendants.

11 375. This severe and pervasive harassment violated Haynie's rights under The California Fair
12 Employment and Housing Act.

13 376. HAYNIE is part of a protected class (African-American).

14 377. At all relevant times, defendants had actual and constructive knowledge of the hostile work
15 environment and acts of harassment described and alleged herein, and condoned, ratified and
16 failed to remedy the hostile environment and such acts of harassment. As a result of the hostile
17 and offensive work environment perpetrated and maintained by defendants, and defendants'
18 failure to protect plaintiff from further harassment, HAYNIE suffered severe emotional distress,
19 humiliation, indignity and loss of income.

20 378. As a direct and proximate result of the willful, knowing, and intentional harassment
21 against HAYNIE, and defendant's failure to act, plaintiff has suffered mental distress, anguish,
22 and indignation, loss of income, loss of advancement and promotions, loss of career opportunity
23 and loss of tangible job benefits, all in amounts to be proven at trial.

24 379. Plaintiff HAYNIE requests relief as provided in the Prayer for Relief below.

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1 **SEVENTH CAUSE OF ACTION**

2 **RACE DISCRIMINATION**

3 **IN VIOLATION OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**

4 **(Alleged by Plaintiffs KARL MINTER, PC NOBLE, DARRYL WILSON, SAL**
5 **CROCKER, GLEN ROANE, RICHARD JOHN, ELDRIDGE JOHNSON,**

6 **JOHNNIE E. JONES, Jr., LESTER TOM, KEN MONTGOMERY, and ANNETTE**

7 **GADSON Against Defendants UNITED CONTINENTAL HOLIDNGS, INC. and UNITED**
8 **AIR LINES, INC.)**

9 380. Plaintiffs re-allege as though fully set forth herein, the factual allegations of paragraphs 1
10 through 306 above.

11 381. The allegations of this Seventh Cause of Action are addressed to the period commencing
12 February 2011 and thereafter.

13 382. Plaintiffs are members of a protected class under the California Fair Employment and
14 Housing Act (California Government Code Section 12900 et. seq.).

15 383. Defendants are employers licensed to and doing business in the State of California and are
16 employers covered under the provisions of the California Fair Employment and Housing Act
17 (California Government Code Section 12900 et. seq.).

18 **A. Disparate Impact**

19 384. As to disparate impact, Plaintiffs incorporate by reference the allegations of paragraphs 1
20 through 306 above, as though fully set forth herein.

21 385. Defendants have maintained a system for making decisions about promotions, assignments,
22 and compensation, which is excessively subjective and which has had a disparate impact on
23 Plaintiffs. This system cannot be justified by business necessity, but even if it could be so
24 justified, less discriminatory alternatives exist that could equally serve any alleged necessity.
25 Defendant's policies and practices that have a disparate impact on Plaintiffs.

26 386. Defendants' discriminatory policies and practices as described above have denied Plaintiffs
27 promotions, desirable job assignments, and compensation to which they were and are entitled,
28

1 resulting in the loss of past and future wages and other job benefits; and have caused Plaintiffs to
2 suffer humiliation, embarrassment and emotional distress.

3 **B. Disparate Treatment**

4 387. As to disparate treatment, Plaintiffs incorporate by reference the allegations of paragraphs 1
5 through 306, above, as though fully set forth herein.

6 388. Defendants have engaged in a pattern and practice of intentional discrimination against
7 Plaintiffs and the classes in promotions, assignments, and compensation.

8 389. Plaintiffs request relief as to both their disparate impact and disparate treatment claims
9 under the California Fair Employment and Housing Act as provided in the Prayer for Relief
10 below.

11 **EIGHTH CAUSE OF ACTION**
12 **RETALIATION IN VIOLATION OF**
13 **THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT**
14 **(Alleged by Plaintiffs KARL MINTER, PC NOBLE, DARRYL WILSON, SAL**
15 **CROCKER, GLEN ROANE, RICHARD JOHN, ELDRIDGE JOHNSON,**
16 **JOHNNIE E. JONES, Jr., LESTER TOM, KEN MONTGOMERY, and ANNETTE**
17 **GADSON against Defendants UNITED CONTINENTAL HOLIDNGS, INC. and UNITED**
18 **AIR LINES, INC.)**

19 390. Plaintiffs re-allege as though fully set forth herein, the factual allegations of paragraphs 1
20 through 306 above.

21 391. The allegations of this Eighth Cause of Action are addressed to the period commencing
22 February 2011 and thereafter.

23 392. The California Fair Employment and Housing Act (California Government Code Section
24 12900 et. seq.) makes it unlawful for an employer to discriminate against an employee because
25 "he has made a charge, testified, assisted, or participated in any manner in an investigation,
26 proceeding, or hearing under this subchapter." For any employer, labor organization, employment
27 agency, or person to discharge, expel, or otherwise discriminate against any
28

1 person because the person has opposed any practices forbidden under this part . . .” Cal. Gov.
2 Code §12940(h).

3 393. Plaintiffs KARL MINTER, PC NOBLE, DARRYL WILSON, SAL CROCKER, GLEN
4 ROANE, RICHARD JOHN, ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM,
5 KEN MONTGOMERY, and ANNETTE GADSON each filed charges with the EEOC in or about
6 2010 for race discrimination under Title VII for failure to promote (the “2010 Charges”).

7 394. The 2010 Charges constituted protected activity under Cal. Gov. Code §12940(h).

8 395. The 2010 Charges were communicated to upper-level management at Defendants.

9 396. Defendants had actual and constructive knowledge of the 2010 Charges.

10 397. With knowledge of and in direct retaliation for the filing the 2010 Charges and participating
11 in the EEO process, Defendants have withheld all promotions and special assignments from
12 Plaintiffs KARL MINTER, PC NOBLE, DARRYL WILSON, SAL CROCKER, GLEN
13 ROANE, RICHARD JOHN, ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM,
14 KEN MONTGOMERY, and ANNETTE GADSON since February 2011.

15 398. The withholding of all promotions and special assignments form Plaintiffs KARL MINTER,
16 PC NOBLE, Darryl WILSON, SAL CROCKER, GLEN ROANE, RICHARD JOHN,
17 ELDRIDGE JOHNSON, JOHNNIE E. JONES, Jr., LESTER TOM, KEN MONTGOMERY, and
18 ANNETTE GADSON since February 2011 is an adverse employment action which is reasonably
19 likely to impair a reasonable employee’s job performance or prospects for advancement or
20 promotion.

21 399. Plaintiffs request relief as provided in the Prayer for Relief below.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff prays for relief as follows:

24 1. A mandatory injunction directing Defendants to cease and desist in discriminating
25 against Plaintiffs on the basis of race; and providing for proactive procedures and the monitoring
26 of same to remedy the pattern and practice of racial discrimination and retaliation;

27 2. General damages in amounts according to proof and in no event in an amount less than
28 the jurisdictional limit of this court;

- 1 3. For special damages in amounts according to proof;
- 2 4. For punitive damages sufficient to punish defendant for the conduct alleged herein, and
- 3 to deter such conduct in the future;
- 4 5. For attorneys' fees as provided by law;
- 5 6. For interest as provided by law;
- 6 7. For costs of suit herein;
- 7 8. For such other and further relief as the Court deems fair and just.
- 8

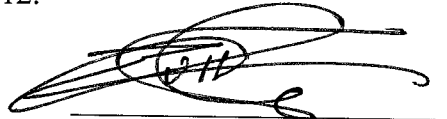
9 **JURY DEMAND**

10 Plaintiffs hereby demand trial by jury of all matters so triable.

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13 Respectfully submitted this 29 day of May, 2012.

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16 ERIK C. van HESPEN
17 Attorney for Plaintiff

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