

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT - 3 DIVISION
CIVIL ACTION NO. 12-CI- 5374

DEREK TALBERT, JR.

PLAINTIFF

vs.

**COMPLAINT
JURY TRIAL DEMANDED**

DEC 10 2012

COLUMBIA GAS OF KENTUCKY, INC.

DEFENDANT

Serve: CSC-LAWYERS INCORPORATING SERVICES INC
421 WEST MAIN STREET
FRANKFORT, KY 40601

Plaintiff Derek Talbert, Jr. for his Complaint against defendant

Columbia Gas of Kentucky, Inc. (Columbia Gas) states as follows:

I

Nature of the Case

1. This is an action pursuant to the Kentucky Civil Rights Act, KRS Chapter 344 *et seq.*, arising from the racially discriminatory employment practices of Columbia Gas, which went 15 years without hiring an African-American in either a plant or service job. Plaintiff seeks remedies including reinstatement to employment, back pay and benefits, compensatory damages, injunctive relief reforming defendant's employment practices and prohibiting further and repetitive discriminatory practices, attorney's fees, costs and litigation expenses.

II

Jurisdiction and Venue

2. Fayette Circuit Court has jurisdiction over this matter pursuant to KRS 23A.010 and KRS 344.450. Venue is proper in Fayette Circuit Court because the claims asserted herein arose in Fayette County, Kentucky.

III

Parties

3. Plaintiff Derek Talbert, Jr. is a citizen of the United States of America and a resident of Fayette County, Kentucky.

4. Defendant Columbia Gas of Kentucky, Inc. is a Kentucky corporation and maintains a place of business in Fayette County, Kentucky. Its agent for service of process is CSC-LAWYERS INCORPORATING SERVICES, INC., 421 WEST MAIN STREET, FRANKFORT, KY 40601.

IV

Facts Giving Rise to Lawsuit

5. Talbert is a young African-American man and an "individual" within the meaning of KRS Chapter 344.

6. Columbia Gas is and was, at all times pertinent hereto, an "employer" within the meaning of KRS Chapter 344.

7. Columbia Gas went from 1996 to 2011 without hiring at its Lexington, Kentucky service center a minority applicant in either a service or plant job.

8. The racially discriminatory employment practices of Columbia Gas were implemented and maintained by closed and irregular hiring and application process; a hiring process limited exclusively, as a practical matter, to referrals from existing employees; and application of disparate standards for African-American applicants to employment as compared with non-minority applicants.

9. Columbia Gas has further perpetuated racially discriminatory employment practices by uneven and irregular training and assignment practices that had both a discriminatory impact and effect on African-American employees.

10. In October 2010 minority employees at Columbia Gas protested its racially discriminatory employment practices including the following:

- Double standards – we must have clean resumes with no records yet there has been a recent hire whose record speaks to the contrary
- The “good old boy network” seems to be in place because of the last 11 hires all were white
- Unfair training opportunities. New employees are being cross trained therefore giving them unfair advantage on bidding jobs when jobs are awarded based on training. Thus creating an unfair advantage in promotion
- No prior notice that hiring practices have changed regarding the potential hiring of family members
- No minorities have been hired for plant or service work in at least 13 years
- Biases in testing and interviews involved in the hiring process

11. Talbert applied for a service position with Columbia Gas in June 2011.

12. At and around the same time, two other African-American males, Robert Hayes and Jevon Richardson, applied for employment with Columbia Gas.

13. Talbert was initially offered a job by Columbia Gas but the job offer was rescinded.

14. Race discrimination was a substantial factor but for which Talbert would have been hired and would have begun employment with Columbia Gas.

15. Talbert, Richardson and Hayes subsequently filed complaints of race discrimination with the Equal Employment Opportunity Commission.

16. After the filings of these race discrimination complaints, Columbia Gas offered a job to Robert Hayes.

17. Talbert continued to seek employment with Columbia Gas but was not hired.

18. Race discrimination was a substantial factor but for which Talbert would have been hired and would have begun employment with Columbia Gas.

19. The Equal Employment Opportunity Commission subsequently issued a cause finding of discrimination sustaining Talbert's charge.

20. As a direct and proximate result of Columbia Gas's racially discriminatory employment practices, Talbert has suffered, is suffering and is reasonably certain to suffer in the future lost wages and benefits, embarrassment, humiliation, emotional distress and mental anguish.

21. Columbia Gas is reasonably certain to repeat in the future the above described discriminatory and unlawful employment practices.

V

CAUSES OF ACTION

Count 1 – Racially Discriminatory Hiring Practices

22. Talbert incorporates the foregoing paragraphs as if fully set forth herein.

23. A substantial factor but for which Talbert would have been hired and would be employed by Columbia Gas is race discrimination.

24. Columbia Gas's failure to hire Talbert because of race discrimination violates KRS Chapter 344.

VI

Demand for Relief

WHEREFORE, plaintiff Derek Talbert, Jr. demands entry of judgment against defendant as follows:

(1) awarding him monetary damages in an amount in excess of this Court's jurisdictional minimum to fairly compensate him for the injuries pleaded herein, including loss of income and benefits, emotional distress and mental anguish, embarrassment and humiliation;

(2) reinstatement to employment with Columbia Gas in the same position and status as he would have but for its racially discriminatory employment practices; alternatively, awarding him lost future income or “front pay” should it be found that reinstatement to employment is not practicable;

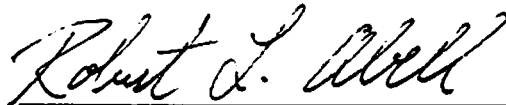
(3) entry of an Order permanently enjoining Columbia Gas from continued and repeated practices of unlawful discrimination and requiring defendant to implement such further ameliorative and corrective steps and measures to prevent continued repetition of these unlawful practices.

(4) award him attorney’s fees, costs and litigation expenses pursuant to CR 54 and KRS 344.450; and,

(5) all other relief to which each is entitled.

DEMAND FOR TRIAL BY JURY

Plaintiff demands pursuant to CR 38 trial by jury of all issues herein so triable.



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