

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA  
BATON ROUGE DIVISION**

**WELDON MOORE**

**Plaintiff,**

**v.**

**EXCEL CONTRACTORS, LLC, d/b/a  
EXCEL USA,**

**Defendant.**

**No. 3:21-cv-00698  
HON. JUDGE JOHN W.  
deGRAVELLES**

**HON. MAG. JUDGE RICHARD L.  
BOURGEOIS, JR.**

**FIRST AMENDED  
COMPLAINT and  
JURY DEMAND**

**NATURE OF THE CASE**

1. This is an employment discrimination case alleging a racially-hostile work environment and retaliation, pursuant to 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991.

**PARTIES AND JURISDICTION**

2. Weldon Moore is an experienced truck driver who has spent a number of years working for Excel Contractors, LLC, at the Louisiana Pigment titanium dioxide plant, located in Lake Charles, Louisiana. Mr. Moore is African-American.

3. Excel Contractors, LLC, d/b/a EXCEL USA (“Excel”), is an industrial and heavy construction company headquartered in Baton Rouge, Louisiana, and one of the largest private employers in the greater Baton Rouge area. Excel employs approximately 2000 people at plants, construction sites, offices and other facilities in and around the Gulf region, with an annual revenue of approximately \$200 million.

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1343.

5. Venue is proper in the Middle District of Louisiana, Baton Rouge, pursuant to the general venue provision statute, 28 U.S.C. § 1391, because Defendant's headquarters are in Baton Rouge, Louisiana.

#### **EXCEL'S OPERATIONS AT LAKE CHARLES**

6. Mr. Moore has been working as a permanent employee for Excel since 2016, after the company acquired Ron Williams Construction, Inc.

7. Prior to coming on board as a permanent employee at Excel in 2016, Mr. Moore, known to his colleagues and others as "Mo," worked as a truck driver for several different trucking companies, including a two-year stint at Ron Williams Construction from 2012 to 2014, and had earned a reputation for his good work ethic and can-do attitude.

8. There are four divisions of Excel employees at the Louisiana Pigment plant site in Lake Charles: neutralization, petroleum coke, titanium ore, and the landfill, where employees operate heavy machinery to process waste materials.

9. In August 2016, Excel hired Mr. Moore as a truck driver in the waste neutralization section of the Louisiana Pigment plant, where he would drive waste to the plant landfill. In early 2017, Excel transferred Mr. Moore from neutralization to driving petroleum coke trucks.

10. During the relevant period, all divisions reported to Jeff Addison, a Caucasian superintendent stationed at the Louisiana Pigment site.

11. Mark Read, also Caucasian, was a foreman at the site, at the time Mr. Moore began working there.

12. There are no administrative Excel offices at the Louisiana Pigment plant site in Lake Charles.

13. Robert Lout, who is the Project Manager overseeing the Excel work at the Louisiana Pigment plant site, is not physically stationed there.

14. Lout reports to Shaun Dunn, Vice President, who is based in Houston.

15. The closest Human Resources office is located several miles away, in Sulphur, Louisiana. The Human Resources Generalist at that office is Cheryl Matt.

16. Matt is Addison's sister-in-law.

17. Mr. Moore was one of several African-American employees reporting to Jeff Addison, including Karl Madison, Johnny Taylor, Alia [Last Name Unknown] all of whom worked in neutralization, and Harold [Last Name Unknown], who drove titanium ore trucks.

18. None of the African-American employees worked the landfill operation. The common understanding among the Excel employees is that Jeff Addison did not wish to hire African-American employees into the landfill operation, which operation provided more opportunities for development and compensation.

**SUPERINTENDENT JEFF ADDISON RACIALLY HARASSED MR. MOORE**

19. Jeff Addison regularly subjected Mr. Moore and other African-American employees to racial harassment.

20. Mr. Moore's experience working under Addison dates to 2012, before Excel acquired Ron Williams Construction.

21. At that time, Mr. Moore noted with dismay that Addison referred to African-American coworker Harold, who had been driving ore trucks there for at least 15 years, as "Black motherfucker."

22. When Addison asked Harold to take on certain tasks outside of his job description, Harold would often say “no.” On at least a couple occasions in 2012, Mr. Moore witnessed Addison state words to the effect of, “I’m tired of that Black motherfucker,” referring to Harold, before tasking Mr. Moore with the assignment Harold refused to do.

23. Mr. Moore was shocked at Addison’s blatant racism and felt targeted by it.

24. He nonetheless accepted tasks Addison attempted to assign to Harold out of fear that Addison might escalate his racist conduct. Mr. Moore pushed forward with the job and sought to avoid conflict with Addison.

25. Optimistic that things would be different in August 2016, after Excel acquired Ron Williams Construction, Mr. Moore accepted the offer of permanent employment by Excel.

26. But Mr. Moore’s expectation that Excel would be a working environment free of racism was mistaken. Soon after Mr. Moore returned to work at the Louisiana Pigment plant, Jeff Addison called out to him, “Mo, you Black motherfucker.” Mr. Moore tried to shrug off the sinking feeling in his gut and pressed ahead with his work.

27. He heard Addison repeat the phrase, “Black motherfucker,” when addressing him, or when addressing other African-American employees, such as David Tutson, a security officer at the plant.

28. Mr. Moore heard Addison refer to Tutson almost every day as “you Black bitch.”

29. He could see that Tutson was upset by Addison’s demeaning conduct, and Tutson was. Exhibit A., Decl. of David Tutson ¶ 4. Mr. Moore himself felt belittled by Addison’s racist references to other African-American employees.

30. Addison’s racist comments got worse over the next few months. Almost every day that Mr. Moore was in contact with Addison, which was typically at least three times a week,

Addison referred to him or other African-American employees as “Black ass,” “Black motherfucker,” or “Black bitch.”

31. The relationship between Addison and Mr. Moore diminished significantly as the weeks and months wore on. In early summer, 2017, Mr. Moore was in his work area when Addison approached him about assigning him a task that another African-American co-worker, Karl Madison, refused to do. He had heard Addison previously say, “I’m tired of his Black ass,” referring to Madison. Addison had asked Madison to wash down a driveway.

32. Addison came to Mr. Moore and said, “I just asked that Black motherfucker to wash the driveway down and he said ‘no.’ That Black motherfucker, I hate him so bad. I want so bad to call him the ‘N’ word.”

33. Mr. Moore responded, “You realize you are talking to a Black man?” Addison then said, “Mo, if a Black man and a Mexican man fell off a high-rise building, who do you think would hit the ground first?” Mr. Moore replied out of shock, “I don’t know, boss.” Addison then laughed and said, “Who gives a fuck?”

34. At that point Mr. Moore responded, “Okay, boss,” and walked away to wash the driveway down.

35. The blatant racial animus exhibited by his boss weighed heavily on Mr. Moore.

36. He approached Karl Madison to let him know that Addison was not happy with him and told Madison that Addison wanted to call Madison the “N” word. Madison, seemingly aware of Addison’s racism, shook his head and walked off.

37. Not a week later, Mr. Moore experienced a similar run-in with Addison. The truck that Mr. Moore was operating experienced a blockage that was causing a delay in the job that Mr. Moore was working on. Mr. Moore entered Addison’s trailer at the plant to report the delay, as he

was required to do. Foreman Mark Read and two Caucasian employees who worked the landfill, Josh [Last Name Unknown] and Bubba [Last Name Unknown] (Josh's uncle), were present in Addison's trailer when Mr. Moore walked in.

38. Mr. Moore told Addison, "Boss, I'm having a problem," and proceeded to explain the situation with the truck and the delay. Addison listened and then, with a straight face, said in front of everyone present, "Mo, if a Black man and a Mexican man fell off a high-rise building, who do you think would hit the ground first?"

39. Mark Read laughed. Mr. Moore was quiet and looked around at everyone in the room. Josh and Bubba appeared visibly uncomfortable with Addison's remark but did not say anything.

40. Mr. Moore remained silent for a moment and then walked out of the trailer to fix the issue he was experiencing with his truck, even though neither Addison nor anyone else in the trailer offered any advice on the situation.

41. A few days later, Mr. Moore spoke with Foreman Mark Read about the incident while turning loads with him on the job. Mr. Moore let Read know that he was going to go to Human Resources if it happened again and pointed out to Read that he laughed at Addison's racist joke.

42. Foreman Read told Mr. Moore, "I don't have anything to do with that."

43. Following Mr. Moore's complaint about racial harassment to Foreman Read, Addison changed the nature of his abuse, marking an escalation of the humiliation inflicted on Mr. Moore, while the frequent "Black [this]" and "Black [that]" references continued.

44. Addison did not answer Mr. Moore's work-related phone calls and physically turned his back on Mr. Moore when Mr. Moore approached him.

45. Others took notice. Johnny Taylor, an African-American co-worker, approached Mr. Moore one day to note that Addison was not happy with Mr. Moore, saying, “Jeff really got a hard-on for you.”

46. Separately, Bubba from the landfill crew asked Mr. Moore, “What is going on between you and Jeff?”

47. The only thing that had occurred that would prompt Addison’s behavior was the incident in the trailer and Mr. Moore’s complaint to Mark Read about it.

48. A week or two later, on or around August 12, 2017, Mr. Moore had another job-related issue with his load that he could not correct himself. He first tried calling Addison on his phone, but Addison did not answer.

49. Mr. Moore then went to Addison’s trailer to report the issue. Mark Read, Josh, Bubba, and a couple other hands from the landfill crew were present. Mr. Moore told Addison that a silo was plugged up, explaining the delay with his load.

50. Addison sat back with his feet up on his desk and responded, “Mo, if a Black man and a Mexican man fell off a high-rise building, who do you think would hit the ground first?” Mr. Moore responded, “Boss, I still don’t get the punch line of the joke. I’m going to go to HR to see if they can break it down for me.”

51. Addison replied, “Go.” Mr. Moore said, “Okay,” and walked out.

52. On his way back to his work area, Mr. Moore spoke with the Louisiana Pigment supervisors Chris Jennings and Kevin Ladue about the issue. Mr. Moore was respected and liked by Jennings and Ladue. They recommended that Mr. Moore complain to Excel’s Human Resources, to which Mr. Moore responded, “I’m already planning to do that.”

**MR. MOORE ESCALATED HIS COMPLAINTS TO HUMAN RESOURCES**

53. The next day, Mr. Moore was off from work. He went to Excel's Human Resources office in Sulphur, Louisiana, at around 9:00am. Cheryl Matt, the HR generalist, was in the office. Excel Project Manager Robert Lout was there, too.

54. Mr. Moore explained that he was there to report an issue. After Mr. Moore explained to Matt what had happened, explaining the racial abuse that he was experiencing, Matt asked Mr. Moore to write down a description of the incident he was complaining about on a blank legal pad.

55. There was no form that Matt presented to Mr. Moore, nor any written policy.

56. Mr. Moore felt highly uncomfortable throughout the meeting in Matt's office, which lasted approximately half an hour.

57. While Mr. Moore was writing down his complaint, Matt chatted with Robert Lout about something unrelated.

58. Matt asked no follow-up questions, did not ask for witnesses or specific details, dates, or times, and never advised Mr. Moore of next steps. After Mr. Moore completed his written statement, Matt stated, "Okay, I'll put this on file."

59. Matt did not make a copy for Mr. Moore to retain.

60. Lout did not ask any questions or say anything to Mr. Moore in response to his complaint.

61. Mr. Moore did not receive any phone calls or further communications from Excel Human Resources about his complaint.



**ADDISON CUT MR. MOORE'S WORK HOURS AND DISCIPLINED HIM IN RETALIATION WHILE THE HARASSMENT CONTINUED**

62. Sometime after the meeting with Matt, Mr. Moore told Johnny Taylor and Bubba about the complaint he made. They informed Mr. Moore that Matt is Addison's sister-in-law and that they did not think she would do anything about his complaint. Taylor mentioned that he was recently in Addison's office when Mr. Moore called Addison on his phone line. Taylor stated that Addison reacted to Mr. Moore's call by saying, "Oh, it's Mo," and hung up.

63. Addison began to cut Mr. Moore's hours significantly soon after Mr. Moore's meeting with Human Resources.

64. Up until his meeting with HR, Mr. Moore had regular shifts of twelve hours.

65. But after the meeting with HR, on at least ten occasions, Addison came to Mr. Moore's work area anywhere from four to ten hours into Mr. Moore's 12-hour shift and said, "Go home," cutting Mr. Moore's work time, and thus subjecting Mr. Moore to reduced pay.

66. At first, Mr. Moore responded, "I have a couple hours left," to which, Addison repeated, "I don't care. Go home."

67. Another occasion after Mr. Moore complained to Addison that he was cutting his time without justification, Addison added, "You Black motherfucker, if you don't like it, then drag the fuck up," which Mr. Moore understood to mean "quit."

68. A few days later, Addison complained to others, including Tutson, who maintained time records, that Mr. Moore was stealing time, which he was not doing.

69. On another occasion, Addison stated, "I don't need you tomorrow. Don't come in." Mr. Moore had to use a vacation day as a result to get paid for that day.

70. In addition, Addison disciplined Mr. Moore differently than others after Mr. Moore complained to HR of his racial harassment.

71. On a couple of occasions, Addison wrote up Mr. Moore for issues that others regularly experienced but for which they were not disciplined.

72. For instance, in 2018, Addison wrote Mr. Moore up for a punctured truck tire which occurred when Mr. Moore drove the truck onto the truck scale, even though another coworker Alia had done this on at least two prior occasions without receiving the same discipline.

73. On another occasion, Addison instructed Mr. Moore to write himself up when a dust cap blew off his truck after a silo to which it was connected became overloaded.

74. Mr. Moore complained that the incident was not his fault and did not warrant a write-up.

75. Addison then grabbed Mr. Moore by the arm and physically dragged him out of his trailer office.

76. Josh, Bubba, Foreman Mark Read, and others from the landfill crew were present.

77. Addison's harassment of Mr. Moore increased and extended to his significant other. On a few occasions in 2019, when Mr. Moore was speaking with his fiancée Connie Frank on the phone, Addison accosted Mr. Moore with his usual "Black motherfucker" or "Black ass" and demanded that Mr. Moore show him pictures of Ms. Frank's breasts, loud enough so that Ms. Frank could hear him.

78. Mr. Moore entreated Addison to refrain from belittling his fiancée.

#### **EXCEL CONTINUED TO IGNORE MR. MOORE'S COMPLAINTS**

79. Addison's escalating abuse, his unwarranted write-ups, and his cutting Mr. Moore's hours, clearly in retaliation for Mr. Moore's complaint to Human Resources, caused Mr. Moore undue stress.

80. Mr. Moore's fiancée Connie Frank observed changes in his mood and demeanor. He became easily agitated and quick-tempered while at home and had trouble sleeping.

81. Mr. Moore's coworker Mike Grimm, Caucasian, also complained to Addison that his treatment of Mr. Moore was uncalled for. However, after Grimm spoke out in defense of Mr. Moore against Addison's racist comments, Addison transferred Grimm to the night shift. *See Exhibit B, Decl. of Mike Grimm ¶¶ 8-9.*

82. In May 2020, Mr. Moore, fed up with the tension at work, complained again about Addison's continuing racial harassment and retaliation to Excel Project Manager Robert Lout.

83. Lout set up a meeting with Human Resources.

84. When Mr. Moore arrived at HR Generalist Matt's office, he was shocked to find Addison in attendance. Lout was present as well.

85. Lout and Matt asked Mr. Moore to explain what was going on, in front of Addison. Mr. Moore stated that he was tired of being called a "Black motherfucker" and other names constantly and that Addison was "discriminating" against him by cutting his hours, whereas his Caucasian counterparts were permitted to work more.

86. Mr. Moore stated that when he complained to his coworkers about the situation, explaining that he was trying to repair his relations with Addison, he heard from those coworkers, including Mike Grimm, that Addison was looking to fire him.

87. Lout and Matt simply defended Addison by stating that Addison was in charge of his own schedule, asking no questions relating to Mr. Moore's complaints of racial harassment and retaliation.

88. Addison chafed in rage as Mr. Moore complained in front of him and then stormed out of the office mid-session, but not before yelling at Mr. Moore, in front of both Lout and Matt, “You motherfucker!”

89. Matt and Lout sat in stunned silence. No one took notes or asked Mr. Moore for a written statement.

90. Neither HR Generalist Matt nor Project Manager Lout stated that they would investigate Mr. Moore’s complaint or follow up with any action.

91. Mr. Moore walked out of the office in disgust and returned to his job site.

92. When he arrived at the plant, to his surprise, Lout pulled up next to his truck, along with another man whom Mr. Moore did not recognize.

93. Lout approached Mr. Moore and said, “I don’t ever want you to let him or anyone else talk to you that way. If he does that again, call me.”

94. Lout then gave Mr. Moore his business card and drove off.

95. Mr. Moore remained quiet but internally was stricken by Excel’s inaction.

#### **ADDISON’S HARASSMENT CONTINUED UNABATED**

96. The hostility from Addison toward Mr. Moore did not subside after the second meeting with Human Resources either. Addison continued to hang up on Mr. Moore’s phone calls, turn his back on him, and cut his time.

97. Addison made it known to the other workers that he was intentionally not speaking to Mr. Moore.

98. Then came Hurricane Laura. In August 2020, Mr. Moore and others had to work overtime on a ride-out while the plant was in outage in preparation for the hurricane.

99. At some point during the ride-out, Mr. Moore's fiancée, Ms. Frank, attempted to reach Mr. Moore by cell phone. When Mr. Moore did not answer her call, she called the plant and spoke with Addison.

100. Addison spoke to Ms. Frank in front of other workers at the plant, including David Tutson and Johnny Taylor.

101. Addison told Ms. Frank that Mr. Moore was working overtime. He then proceeded to proposition her, telling her that if there was "anything, anything that you need, you call me," repeating to her, "I can give you what you want, you can just call me," indicating that he could please her however she wanted. *See* Exhibit A., Decl. of David Tutson ¶ 9.

102. Ms. Frank hung up on Addison and immediately called Mr. Moore on his cell phone again. This time, Mr. Moore, who was in a truck at the time, responded. Ms. Frank tearfully relayed the conversation she had just had with Addison.

103. Mr. Moore was furious. When he returned to the break room, he was physically agitated.

104. Eventually, Mr. Moore calmed down and approached Addison, telling him behind clenched teeth that what he did to Ms. Frank was not right.

105. Soon thereafter, Mr. Moore called Project Manager Lout to complain again about Addison.

106. Lout stated he would look into the situation but did not specify what he would do.

107. Mr. Moore did not hear from Lout or from anyone else about his complaint.

108. A few days later, Shaun Dunn, an Excel VP from out of state, accompanied Project Manager Lout on a tour of the Louisiana Pigment plant site.

109. Mr. Moore spoke with VP Dunn about the work that he was doing during the ride-out and then added that he had a situation concerning Addison.

110. Lout then chimed in to say that he was aware of the situation, too.

111. Mr. Moore proceeded to recount what had happened between Addison and his fiancée, Ms. Frank, specifically stating that he did this in front of Mr. Moore's coworkers.

112. The conversation with VP Dunn lasted a few minutes. Dunn then said, "I'm going to have to talk to Jeff. If he's going to keep acting like this, then he can't work for me."

113. A few weeks later, Mr. Moore heard from others that Addison had put in his notice.

114. As of late autumn 2020, Addison no longer works at the Excel site at Louisiana Pigment.

115. Mark Read replaced Addison as the superintendent of the Excel project at the Louisiana Pigment plant.

116. Project Manager Lout and HR Generalist Matt continue to work at Excel.

#### **EXCEL TERMINATED MR. MOORE IN RETALIATION**

117. On December 2, 2021, Mr. Moore filed the instant Civil Action.

118. On January 3, 2022, Mr. Moore served Excel via its registered agent, CT Corporation System ("CT"), with a Summons and Complaint. *See* Dkt. 8. On Tuesday morning, January 11, 2022, between approximately 8:00 a.m. and 9:00 a.m. CST, Excel VP Sean Dunn called Mr. Moore and told him, "Don't return to work until you hear from me."

119. On information and belief, Excel knew of the instant lawsuit no later than 6:00 a.m. CST on January 11, 2022.

120. Following January 11, 2022, without hearing from Mr. Dunn, Plaintiff called and texted his supervisor Mark Read, who confirmed he could not report to work.

121. Excel engaged in a pattern of retaliatory actions, following each complaint Plaintiff made to Human Resources, and finally, less than two weeks after Mr. Moore served Excel with the Complaint of the instant lawsuit, he was terminated.

**MR. MOORE CONTINUES TO SUFFER EMOTIONAL DISTRESS**

122. Mr. Moore has not recovered from the racial hostility and retaliation that he experienced under Addison's supervision at Excel, or the indifference to the situation exhibited by HR Generalist Matt, Project Manager Lout, and Foreman (now Superintendent) Read.

123. Until his discharge, he continued to feel alone at Excel, knowing that no one in management cared enough to look out for his right to work free from racial harassment and retaliation.

124. Connie Frank, his fiancée, observed significant changes in Mr. Moore's mood and habits as the racial hostility and retaliation at work escalated. She recalls numerous occasions when Mr. Moore, highly agitated from work stress, would yell over small things, like her dropping a can on the floor of the kitchen. Mr. Moore was never one to lash out prior to his enduring frequent racial harassment.

125. In late 2019 or early 2020, Ms. Frank forced Mr. Moore to go see his doctor to get his blood pressure checked. His doctor found his blood pressure to be elevated. He had no prior hypertension.

126. Mr. Moore was prescribed and continues to take blood pressure medication.

127. In addition, and as a consequence of work-related stress, Mr. Moore has been taking Tylenol PMs every night for the last year and a half to help him sleep.

128. Whereas before working for Excel in 2016, Mr. Moore was a cheerful, well-regarded truck driver in the Lake Charles area, Mr. Moore has since begun to question his professional worth. His dignity and self-confidence have taken a toll from the callous disregard exhibited by HR Generalist Matt and Project Manager Lout to his complaints of racial harassment and retaliation.

129. The courage that Mr. Moore mustered to bring those complaints to management's attention was met with punitive measures clearly intended silence him. When that did not work, and he filed this legal action, Excel fired him and did not even have the decency to make plain his status. Management made him grovel to find out he no longer had a job.

130. Excel's retaliatory discharge has caused further emotional distress.

**COUNT I:**

**HOSTILE WORK ENVIRONMENT  
IN VIOLATION OF 42 U.S.C. § 1981**

131. Plaintiff Moore incorporates by reference all prior paragraphs.

132. Excel subjected Plaintiff to a racially hostile work environment in violation of 42 U.S.C. § 1981. Excel's conduct constituted illegal discrimination based on race and illegal discrimination against Plaintiff in the terms and conditions of his employment.

133. Excel allowed the hostile environment to exist despite notice.

134. Excel is strictly liable for the hostile environment created by Addison because Addison was a supervisor with the power to take tangible employment actions, such as administer discipline, assign tasks, and make hiring and termination decisions, and his conduct culminated in tangible employment actions against Mr. Moore, including penalizing Mr. Moore with disciplinary write-ups and cutting Mr. Moore's work hours.



135. As a direct, actual and proximate result of the Defendant's race discrimination and racial harassment against them, Plaintiff has suffered significant pecuniary and non-pecuniary damages including loss of benefits, loss of promotion opportunities, loss of back pay, loss of future pay, mental anguish, pain, suffering, humiliation and loss of quality and enjoyment of life.

**WHEREFORE**, Plaintiff Moore respectfully requests that this Court:

- 1) Enter a declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate the laws of the United States;
- 2) Enter an injunction and order permanently restraining the Defendant from engaging in such unlawful conduct;
- 3) Order the Defendant to make Plaintiff whole with appropriate lost earnings, future lost earnings, compensation for loss of future pensions and benefits with pre-judgment and post-judgment interest as applicable;
- 4) Order the Defendant to make Plaintiff whole by providing all compensation contemplated under the Civil Rights Act of 1866, 42 U.S.C. § 1981, for non-pecuniary losses including, without limitation, pain, suffering, inconvenience, frustration, loss of quality of life, humiliation, loss of reputation and mental anguish in amounts to be proved at trial with pre-judgment and post-judgment interest as applicable;
- 5) Order the Defendant to pay Plaintiff punitive damages in amounts to be proved at trial with pre-judgment and post-judgment interest as applicable and in amounts sufficient to adequately punish the Defendant for engaging in this conduct and to prevent this conduct in the future;

6) Order the Defendant to pay Plaintiff's reasonable attorney's fees, expert fees and all costs incurred in bringing and prosecuting this action with pre-judgment and post-judgment interest as applicable; and

7) Enter an order providing all such other relief as this Court deems appropriate.

**COUNT II:**

**RETALIATION**  
**IN VIOLATION OF 42 U.S.C. § 1981**

136. Plaintiff incorporates by reference all prior paragraphs.

137. Plaintiff engaged in protected activity, of which Defendant was aware.

138. Defendant took materially adverse actions against Plaintiff because of his protected activity, including but not limited to cutting his work hours, administering unwarranted write-ups, and terminating his employment.

139. As a consequence of Defendant's actions, Plaintiff suffered significant pecuniary and non-pecuniary damages including loss of benefits, loss of promotion opportunities, loss of back pay, loss of future pay, mental anguish, pain, suffering, humiliation, frustration, loss of reputation and loss of quality and enjoyment of life.

140. Defendant's actions proximately caused Plaintiff's injuries.

**WHEREFORE**, Plaintiff Moore respectfully requests that this Court:

1) Enter a declaratory judgment that the actions, conduct and practices of Defendant complained of herein violate the laws of the United States;

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3) Order the Defendant to make Plaintiff whole with appropriate lost earnings, future lost earnings, compensation for loss of future pensions and benefits with pre-judgment and post-judgment interest as applicable;

4) Order the Defendant to make Plaintiff whole by providing all compensation contemplated under the Civil Rights Act of 1866, 42 U.S.C. § 1981, for non-pecuniary losses including, without limitation, pain, suffering, inconvenience, frustration, loss of quality of life, humiliation, loss of reputation and mental anguish in amounts to be proved at trial with pre-judgment and post-judgment interest as applicable;

5) Order the Defendant to pay Plaintiff punitive damages in amounts to be proved at trial with pre-judgment and post-judgment interest as applicable and in amounts sufficient to adequately punish the Defendant for engaging in this conduct and to prevent this conduct in the future;

6) Order the Defendant to pay Plaintiff's reasonable attorney's fees, expert fees and all costs incurred in bringing and prosecuting this action with pre-judgment and post-judgment interest as applicable; and

7) Enter an order providing all such other relief as this Court deems appropriate.

**JURY DEMAND**

Plaintiff herein requests a jury trial on all matters raised in this Complaint.

Dated February 10, 2022:

Respectfully submitted,

Weldon Moore

By: /s/ J. Arthur Smith, III  
J. Arthur Smith, III  
Bar No.07730

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 10, 2022, I electronically filed the foregoing Amended Complaint with the Clerk of Court using the CM/ECF system, which sends a notification of such filing (NEF) to all counsel of record.

By: /s/ Shilpa Narayan  
Shilpa Narayan

*Local Counsel for Plaintiffs*