

PARTIES

4. Plaintiff Ercel Chandler is a black male citizen of Missouri.
5. Plaintiff Shirley Miller is a black female citizen of Missouri.
6. Plaintiff Marchall Allen is a black female citizen of Missouri.
7. Defendant John Knox Village is a corporation organized under the laws of the State of Missouri. Its principle place of business is located at 400 N.W. Murray Road in Lee's Summit, Missouri.

CLASS ACTION ALLEGATIONS

8. Plaintiffs bring this action pursuant to Fed. R. Civ. P. 23, on their own behalf and as representatives of a Class of employees who have been damaged by the discriminatory employment practices of John Knox Village (hereinafter "the Class"). The Class includes all black persons who have worked at John Knox Village in Lee's Summit, Missouri at any time from March 16, 1995 to the present, including those persons who are still working at John Knox Village, who claim to have been subjected to racial harassment or discrimination.

9. This case is properly maintainable as a class action in that:

a. The Class for whose benefit this action is brought is so numerous that joinder of all members is impracticable. The total number of persons included in the Class is estimated to exceed 500.

b. The claims of plaintiffs are typical of the members of the Class, in that plaintiffs and other members of the Class have sustained damages arising out of John Knox Village's course of conduct alleged herein, including its violations of federal law. Plaintiffs' individual experiences with John Knox Village present characteristic

examples of the means by which John Knox Village discriminates against its black employees.

c. Plaintiffs will fairly and adequately protect the interests of the members of the Class. Plaintiffs know of no conflicts of interest between class members with regard to the issues raised in this case, and know of no interest that individual class members might have in controlling or maintaining separate actions. Plaintiffs have retained counsel competent and experienced in class and civil rights litigation and intend to prosecute this action vigorously.

d. A class action is superior to other available methods for the fair and efficient adjudication of this matter.

10. John Knox Village has acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the Class as a whole.

11. There are questions of law and fact common to the Class. The questions of law and fact affecting the plaintiff class as a whole include, but are not limited to, whether John Knox Village has tolerated racial harassment and whether that practice violates the federal civil rights laws. These common questions of law and fact predominate over any questions that may be unique to any individual.

COUNT I

(42 U.S.C. § 1981 - Race Discrimination and Racial Harassment)

12. Paragraphs 1 through 11 above are incorporated herein by reference.

13. John Knox Village is a continuing care retirement community. At all times relevant to this Complaint, plaintiffs and the class members were referred to as “niggers” by the

residents and/or staff of John Knox Village, and were subjected to other unwelcome epithets based on their race.

14. The racial epithets and abuse directed at plaintiffs and the class members was sufficiently severe or pervasive that a reasonable person in the same position would find their work environment to be hostile and abusive, and each plaintiff and class member in fact believed their work environment to be hostile and abusive.

15. At all times relevant to this Complaint, John Knox Village knew or should have known about the racial epithets and abuse directed at plaintiffs and the class members, but failed to take prompt and effective corrective action to end that harassment and abuse. Management at John Knox Village failed to respond to complaints of racial harassment and failed to control the behavior of residents and/or staff engaging in such harassment.

16. Plaintiffs and the class members have therefore suffered intentional discrimination at the hands of John Knox Village, based on their race and color, in violation of 42 U.S.C. § 1981.

17. As a result of the actions of John Knox Village, plaintiffs and the class members have been deprived of income, as well as other monetary and non-monetary benefits.

18. As a further result of the actions of John Knox Village, plaintiffs and the class members have suffered a loss of self esteem, humiliation, emotional distress and mental anguish.

19. John Knox Village engaged in or permitted these discriminatory practices with malice or with reckless indifference to the federally protected rights of plaintiffs and the class members. They are therefore entitled to an award of punitive damages in an amount sufficient to punish John Knox Village and to deter it and others from like conduct in the future.

20. Plaintiffs and the class members are entitled to recover from John Knox Village their reasonable attorneys' fees, as provided by 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs, individually and representing a class of similarly situated persons, pray for the following relief:

a. That the Court declare that John Knox Village's conduct complained of herein violates the Civil Rights Act of 1870, 42 U.S.C. § 1981;

b. That the Court permanently enjoin John Knox Village from any further conduct violating plaintiffs' rights, or the rights of the class members, under Section 1981;

c. That plaintiffs and the class members be awarded compensatory damages, including but not limited to back pay, front pay, compensation for their emotional distress and suffering, prejudgment interest and postjudgment interest;

d. That plaintiffs and the class members be awarded punitive damages;

e. That plaintiffs and the class members be awarded their attorneys' fees and costs incurred in prosecuting this action; and

f. That plaintiffs and the class members be awarded such additional and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiffs, individually and representing a class of similarly situated persons, hereby request a trial by jury on all counts of this Complaint.

Respectfully submitted,

**DAVIS KETCHMARK EISCHENS
& McCREIGHT**

By /s/ Michael S. Ketchmark
Michael S. Ketchmark - #41018
Scott A. McCreight - #44002
Brett A. Davis - #43299

2345 Grand Blvd., Suite 2110
Kansas City, Missouri 64108
Telephone: 816/842-1515
Telecopier: 816/842-4129

Attorneys for Plaintiffs