

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

DAVID RIPLEY,

Plaintiff,

v.

SODEXO, INC.,

Defendant.

CIVIL DIVISION

CASE NO. GD-13-015839

COMPLAINT

FILED ON BEHALF OF PLAINTIFF:
DAVID RIPLEY

COUNSEL OF RECORD FOR THIS PARTY:
CHRISTI WALLACE, ESQUIRE
PA ID: 313721

JURY TRIAL DEMANDED

KRAEMER, MANES & ASSOCIATES LLC
U.S. STEEL TOWER
600 GRANT STREET, SUITE 660
PITTSBURGH, PA 15219
412-722-9700

DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA

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COMPLAINT

NOW COMES Plaintiff, David Ripley, by and through his attorney, Christi Wallace, Esquire, and files this Complaint alleging as follows:

Parties

1. Plaintiff, David Ripley (“Mr. Ripley”), is an adult individual residing at 55 Haberman Avenue, Pittsburgh, PA 15211 of Allegheny County.
2. Defendant, Sodexo, Inc. (“Defendant”), is a business with a location at 200 Fleet St, Ste 205, Pittsburgh, Pennsylvania 15220 of Allegheny County.

Facts

3. Plaintiff was hired by the Defendant in 2010.
4. Plaintiff worked as a Cook for the Defendant at the University of Pittsburgh location.
5. When the Plaintiff was hired, he was asked to fill out an Employment Application.

Exhibit A. The Employment Application asked if he had been convicted of a crime.

- a. Mr. Ripley had a past conviction in 1975, however, he responded, “No Record” because his parole officer told him there was no record of his conviction and it had in fact been erased.

6. The Defendant subjected the Plaintiff to yearly background checks.
7. The Plaintiff passed the yearly background checks up until 2012.
8. The Defendant implemented a new FBI background check in 2012.
9. The new FBI background check revealed Mr. Ripley's past 1975 conviction.
10. The results from the FBI background check resulted in Mr. Ripley's termination on November 9, 2012 because of his prior conviction from over 30 years ago.

Count I

Discrimination in Violation of Title VII of the Civil Rights Act of 1964 ("Title VII")

11. The preceding paragraphs are incorporated herein as if set forth at length.
12. Plaintiff is an African American male.
13. Plaintiff was qualified for his position as a Cook.
14. The Defendant's employment practices disparately impacted employees of the African American race.
15. Plaintiff was terminated because of such employment practice in violation of Title VII.
16. The Defendant had subjected its employees to yearly background checks.
17. The Plaintiff has successfully passed every background check prior to the implementation of the new FBI background check in 2012.
18. Defendant's employment practice of using a FBI background check for its employees caused a disparate impact on the basis of race. It had a negative impact on African American employees. The Defendant's employment practice may appear neutral but it adversely affects African American employees with decade-old convictions trying to secure employment and live a law-abiding life. This new FBI background check resulted in the termination of mostly African American employees, including the Plaintiff.

19. The Defendant's new employment practice is not job related. It had just been implemented in 2012, and, up until 2012, the Defendant had been using other employment practices to do background checks on the Plaintiff.
20. The Defendant's new employment practice is not consistent with business necessity. It is not necessary for the Defendant to know of the Plaintiff's 30 year old conviction because:
 - a. The Plaintiff works for the Defendant as a Cook at the University of Pittsburgh location;
 - b. Plaintiff's job did not require him to access or use any privileged information of the students;
 - c. Plaintiff's job did not allow him to have access or use any privileged information of the students;
 - d. Plaintiff's job did not require him to have communication with the students; and
 - e. Plaintiff was solely involved with the preparation of food.

Count II

Violation of the Pennsylvania Human Relations Act ("PHRA"), 43 P. S. §955

21. The preceding paragraphs are incorporated herein as if set forth at length.
22. Plaintiff is an African American male.
23. Plaintiff was qualified for his position as a Cook.
24. The Defendant's employment practices discriminated against the Plaintiff.
25. Plaintiff was terminated because of such employment practice in violation of the PHRA.
26. The Defendant had subjected its employees to yearly background checks.
27. The Plaintiff has successfully passed every background check prior to the implementation of the new FBI background check in 2012.

28. Defendant's employment practice of using FBI background checks had a negative impact on African American employees. It adversely affects African American employees with decade-old convictions trying to secure employment and live a law-abiding life. This new FBI background check resulted in the termination of mostly African American employees, including the Plaintiff.

Count III
Wrongful Discharge

29. The preceding paragraphs are incorporated herein.

30. Plaintiff's termination violates the Pennsylvania Criminal History Record Information Act ("PCHRA"). 18 Pa. C.S.A. §9125.

31. The Plaintiff worked in the food industry as a Cook at the University of Pittsburgh location.

32. The Plaintiff's prior conviction from over 30 years ago does not relate to his suitability or fitness to perform his job as a Cook because:

- a. Plaintiff's job did not require him to access or use any privileged information of the students;
- b. Plaintiff's job did not allow him to have access or use any privileged information of the students;
- c. Plaintiff's job did not require him to have communication with the students; and
- d. Plaintiff was solely involved with the preparation of food.

Damages

WHEREFORE, Plaintiff respectfully request that this Court enter judgment against the Defendant for the following:

- a. Loss of income over 15 years worth \$280,980;

- b. Additional liquidated and punitive damages;
- c. Plaintiffs' legal fees;
- d. Pre-judgment and continuing interest;
- e. Court costs; and
- f. Other such relief as the Court may deem just and proper.

Respectfully submitted,

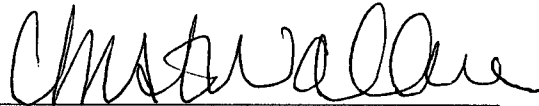
Christi Wallace

Christi Wallace, Esq.
Kraemer, Manes and Associates, LLC
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600 Grant Street, Suit 660
Pittsburgh, PA 15219

Verification

I, CHRISTI WALLACE, ESQUIRE, hereby state that I am the attorney for the Plaintiff; that I am duly authorized to take this Verification on their behalf; that I have read foregoing pleading; and, the averments set forth therein are true and correct to the best of my knowledge, information and belief.

Further, I understand that this Verification is made subject to the penalties of Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



Christi Wallace, Esq.
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