

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

HENRY GASTON,  
ALFRED SADIK, AND  
SHARRONE HARRIS,

Plaintiffs,

v.

SODEXO, INC.,

Defendant.

CIVIL DIVISION

CASE NO. GD-13-017602

**COMPLAINT**

FILED ON BEHALF OF PLAINTIFFS:  
HENRY GASTON, ALFRED SADIK, AND  
SHARRONE HARRIS

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

14 JAN -9 PM 12:52

FILED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

HENRY GASTON,  
ALFRED SADIK, AND  
SHARRONE HARRIS,

Plaintiffs,

v.

SODEXO, INC.,

Defendant.

CIVIL DIVISION

CASE NO. GD-13-017602

**COMPLAINT**

NOW COMES Plaintiffs, Henry Gaston, Alfred Sadik and Sharrone Harris by and through their attorney, Christi Wallace, Esquire, and files this Complaint alleging as follows:

**Parties**

1. Plaintiff, Henry Gaston (“Mr. Gaston”), is an adult individual residing at 1009 Milton Street, Pittsburgh, PA 15218 of Allegheny County.
2. Plaintiff, Alfred Sadik (“Mr. Sadik”), is an adult individual residing at 629 Chislett Street, Apt 2, Pittsburgh, PA 15206 of Allegheny County.
3. Plaintiff, Sharrone Harris (“Mr. Harris”), is an adult individual residing at 69 Craighead Street, Pittsburgh, PA 15211 of Allegheny County.
4. Defendant, Sodexo, Inc. (“Defendant”) is a business with a location at 200 Fleet St, Ste 205, Pittsburgh, Pennsylvania 15220 of Allegheny County.

**Facts**

5. Mr. Gaston was hired by the Defendant on October 26, 2007.
6. Mr. Sadik was hired by the Defendant on August 30, 2007.

7. Mr. Harris was hired by the Defendant in 1997.
8. Each Plaintiff worked for the Defendant at the University of Pittsburgh location.
9. When each of the above Plaintiffs was hired, each was asked to fill out an Employment Application. The Application asked if they had been convicted of a crime within the past 7 years.
  - a. Mr. Gaston had a past conviction in 1973, however, he responded, “No” because his crime predated the 7-year timeframe.
  - b. Mr. Sadik had a past conviction in 1987, however, he responded, “No” because his past conviction predated the 7-year timeframe.
  - c. **Mr. Harris had a past conviction in 1990, however, he responded, “No” because his past conviction predated the then 5-year timeframe the Defendant had in place.**
10. The Defendant subjected the Plaintiffs to yearly background checks.
11. Each Plaintiff passed the yearly background checks prior to 2012.
12. The Defendant implemented a new FBI background check in 2012.
13. The new FBI background check revealed the following:
  - a. Mr. Gaston’s past 1973 conviction;
  - b. Mr. Sadik’s past 1987 conviction; and
  - c. Mr. Harris’ 1990 conviction.
14. The results from the FBI background check resulted in the following:
  - a. The Defendant terminated Mr. Gaston on October 27, 2012 because of his prior conviction from over 30 years ago;

- b. The Defendant terminated Mr. Sadik on March 29, 2013 because of his prior conviction from over 25 years ago; and
- c. The Defendant terminated Mr. Harris on November 21, 2012 because of his prior conviction from over 15 years ago.

**Count I**

**Discrimination in Violation of Title VII of the Civil Rights Act of 1964 (“Title VII”)**

1. The preceding paragraphs are incorporated herein as if set forth at length.
2. Each Plaintiff is an African American male.
3. Mr. Gaston was qualified for his position as a Cook.
4. Mr. Sadik was qualified for his position as a Cook.
5. Mr. Harris was qualified for his position as a Food Runner.
6. The Defendant’s employment practices disparately impacted employees of the African American race.
7. Plaintiffs were terminated because of such employment practice in violation of Title VII.
8. The Defendant had subjected its employees to yearly background checks.
9. Each Plaintiff has successfully passed every background check prior to the implementation of the new FBI background check in 2012.
10. 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 Plaintiffs.

11. 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 Plaintiffs.
12. The Defendant's new employment practice is not consistent with business necessity. It is not necessary for the Defendant to know of the Plaintiffs' previous convictions from 15 to 30 years ago because:
  - a. Mr. Gaston and Mr. Sadik worked for the Defendant as Cooks at the University of Pittsburgh location;
  - b. Mr. Harris worked for the Defendant as a Food Runner at the University of Pittsburgh location;
  - c. Plaintiffs' jobs did not require them to access or use any privileged information of the students;
  - d. Plaintiffs' job did not allow them to have access or use any privileged information of the students;
  - e. Plaintiffs' job did not require them to have communication with the students; and
  - f. Plaintiffs' were solely involved with the preparation of food.

### **Count II**

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

13. The preceding paragraphs are incorporated herein as if set forth at length.
14. Each Plaintiff is an African American male.
15. Mr. Gaston was qualified for his position as a Cook.
16. Mr. Sadik was qualified for his position as a Cook.
17. Mr. Harris was qualified for his position as a Food Runner.
18. The Defendant's employment practices discriminated against the Plaintiffs.

19. Plaintiffs were terminated because of such employment practice in violation of the PHRA.
20. The Defendant had subjected its employees to yearly background checks.
21. Each Plaintiff has successfully passed every background check prior to the implementation of the new FBI background check in 2012.
22. 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 Plaintiffs.

**Count III**  
**Wrongful Discharge**

23. The preceding paragraphs are incorporated herein.
24. Plaintiffs' termination violates the Pennsylvania Criminal History Record Information Act ("PCHRA"). 18 Pa. C.S.A. §9125.
25. Each Plaintiff worked for the Defendant at the University of Pittsburgh location.
26. Mr. Gaston'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 job did not require him to have communication with the students; and
  - d. Plaintiff was solely involved with the preparation of food.

27. Mr. Sadik's prior conviction from over 25 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 job did not require him to have communication with the students; and
- d. Plaintiff was solely involved with the preparation of food.

28. Mr. Harris' prior conviction from over 15 years ago does not relate to his suitability or fitness to perform his job as a Food Runner 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 job did not require him to have communication with the students; and
- d. Plaintiff was solely involved with the preparation of food.

### **Damages**

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

- a. Loss of income over 15 years worth \$1,199,235
- 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*

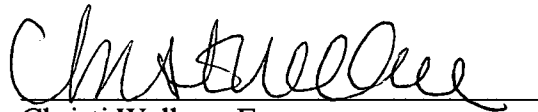
Christi Wallace, Esq.  
Kraemer, Manes and Associates, LLC  
U.S. Steel Tower  
600 Grant Street, Suit 660  
Pittsburgh, PA 15219



**Verification**

I, CHRISTI WALLACE, ESQUIRE, hereby state that I am the attorney for the Plaintiff's; 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.

A handwritten signature in cursive script, appearing to read "Christi Wallace", written over a horizontal line.

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