

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEMETRIUS GARNER, <i>et al.</i>	*	CIVIL ACTION NO.
Plaintiffs	*	
	*	
	*	
VERSUS	*	JUDGE
	*	
NEW ORLEANS REGIONAL	*	MAGISTRATE JUDGE
TRANSIT AUTHORITY, <i>et al.</i>	*	
	*	
	*	

INTRODUCTION

1. This action arises from a systemic, pervasive, and ongoing pattern of discrimination, harassment, retaliation, wage theft, and dangerous working conditions perpetuated by the New Orleans Regional Transit Authority ("RTA") and its management against twelve current and former employees. What distinguishes this case from the ordinary employment dispute is not merely the severity or duration of the misconduct—though both are extraordinary—but the fact that **RTA's own executives have been recorded on audio admitting to virtually every element of Plaintiffs' claims.**

2. Across **no fewer than nine separate audio recordings** spanning from May 2025 through March 2026, RTA's Chief Human Resources Officer, Chief Transit Officer (formerly Chief of Operations), Service Delivery Managers, and Directors have been captured on tape making the following admissions, among others:

- (a) That RTA "suppress[ed] salaries" and compensation is "almost completely out of balance";
- (b) That supervisors are paid less than the employees they manage—"Is it right?"

Absolutely not";

- (c) That the disciplinary system is "out of balance" and "unjust";
- (d) That the prior administration "tried to bury" employee complaints and "wanted me to gloss it over";
- (e) That formal complaints "may have disappeared" in the system;
- (f) That there was an "absence of management" and employees have not been "organized or structured properly";
- (g) That HR "did not have the leadership enough" to address systemic failures;
- (h) That disciplinary recommendations by frontline managers are routinely "knocked down" by upper management;
- (i) That RTA supervisors are willfully misclassified under the Fair Labor Standards Act, and that RTA is deliberately delaying reclassification to avoid paying overtime during Mardi Gras;
- (j) That retaliatory discipline against a Plaintiff occurred "because the lawyers and all these other big reasons involved";
- (k) That an internal email was circulated seeking "to get rid of the leads"—the very positions held by Plaintiffs engaged in protected activity;
- (l) That employees are the equivalent of a "300-pound person" being forced to be a "sprinter"—"not suited for what we're trying to do";
- (m) That management referred to Black supervisory staff as "roaches" who "scattered" when observed; and
- (n) That the culture is so deeply toxic that a Chief-level executive repeated four times: "That's the culture."

3. These are not allegations requiring inference or interpretation. These are **the Defendants' own words**, recorded lawfully under Louisiana's one-party consent statute, La. R.S. 15:1303(C)(4), and verified by multiple Plaintiffs who were present. They constitute direct evidence of discriminatory intent, retaliatory animus, deliberate indifference, and willful violations of federal and state law.

4. The Plaintiffs in this action—supervisors, dispatchers, managers, and professionals—have endured physical assaults that were dismissed as "horseplay"; homophobic slurs that resulted in one-day suspensions while the victims received no protection; sexual harassment that was met with increased scrutiny of the complainants; pornographic materials left in company vehicles as acts of targeted harassment; gender-based epithets screamed in the faces of female supervisors with impunity; retaliatory terminations, demotions, and suspensions designed to silence those who dared speak up; and working conditions so dangerous that supervisors are forced to drive buses with flat tires and missing mirrors, respond to emergencies alone in a city rife with violent crime, and operate rail vehicles using procedures that RTA's own personnel describe as posing an "imminent fatality risk."

5. RTA is a political subdivision of the State of Louisiana, funded with public tax dollars and entrusted with the safety of millions of riders annually. It has betrayed that trust at every level. Its Chief-level executives have admitted on tape that the organization is broken, that it suppresses wages, that it retaliates against whistleblowers, and that its workplace culture is—in their own words—"the culture." Plaintiffs seek compensatory damages, punitive damages, back pay, front pay, injunctive relief, and all other relief authorized by law in an amount sufficient to remedy the devastation wrought by Defendants' unlawful conduct

and to send an unmistakable message that public employers in the State of Louisiana are not above the law.

PARTIES

Plaintiffs herein are:

6. **Plaintiff Demetrius Garner** ("Garner") is a natural person of the full age of majority, domiciled in the State of Louisiana. Garner is employed by RTA as a Senior Transit Operations Supervisor. He is a Black male. Garner has an exemplary employment record and has been the primary whistleblower in this action, recording no less than nine separate audio recordings documenting systemic misconduct at RTA. He has been subjected to physical assault, homophobic slurs, retaliatory discipline, hostile surveillance, and a pervasive hostile work environment. Garner has filed timely charges with the Equal Employment Opportunity Commission ("EEOC"), Charge No. 461-2026-00692, and has filed multiple internal EEO complaints against Defendant Floyd Hurts.

7. **Plaintiff Jessica Brooks** ("Brooks") is a natural person of the full age of majority, domiciled in the State of Louisiana. Brooks was formerly employed by RTA as a Service Delivery Manager. She is a female. Brooks performed the same duties as her male counterparts—Defendants Floyd Hurts, Eric Boudreaux, and non-party Oscar Duplessis—but was paid significantly less. Oscar Duplessis was paid approximately \$87,470 per year; Brooks was paid substantially less for identical work. Brooks was constructively discharged on or about January 2, 2026, when the conditions of her employment became intolerable. She has filed a timely EEOC Charge, Charge No. 461-2025-03966.

8. **Plaintiff Shannon M. Williams** ("S. Williams") is a natural person of the full age of majority, domiciled in the State of Louisiana. S. Williams was formerly employed by

RTA. She was terminated on or about March 17, 2025. Defendant Tracy Tyler, RTA's Chief Legal Officer, personally upheld her termination despite S. Williams asserting protected rights. Her termination was pretextual and retaliatory. She has filed a timely EEOC Charge, Charge No. 461-2025-01952.

9. **Plaintiff Louis M. Duplessis** ("L. Duplessis") is a natural person of the full age of majority, domiciled in the State of Louisiana. L. Duplessis is employed by RTA as a Hostler. He has been subjected to harassment and intimidation by Defendant Jacques Robichaux, Senior Director of Maintenance. Despite reporting this conduct to Human Resources, no corrective action was taken, and he was instead subjected to retaliatory actions. He has filed a timely EEOC Charge, Charge No. Pending.

10. **Plaintiff Vernon Julian, Jr.** ("Julian") is a natural person of the full age of majority, domiciled in the State of Louisiana. Julian is employed by RTA as a Road Supervisor. He is a Black male. On or about September 18, 2025, Julian was physically assaulted at work by Operator Jack Miller. Defendant Kentrella Crawford, Employee and Labor Relations Manager, found "no evidence to substantiate acts of violence" despite the assault, and no disciplinary action was taken against Miller. Julian was subsequently subjected to retaliatory discipline by Defendant Eric Boudreaux, including a verbal warning on December 1, 2025, and a written tardiness citation on January 28, 2026—which was retracted the same day when it was revealed to be based on an ADP system glitch. Julian has filed a timely EEOC Charge.

11. **Plaintiff Rebecca Solomon** ("Solomon") is a natural person of the full age of majority, domiciled in the State of Louisiana. Solomon is employed by RTA as a Road Supervisor. She is female. Solomon has been subjected to sexual harassment by Defendant

Eric Boudreaux, including bullying, stalking, unwanted advances, and deliberate scheduling manipulation. When Solomon reported this conduct, RTA responded not by disciplining Boudreaux, but by increasing scrutiny of Solomon and imposing adverse conditions on her. She has filed a timely EEOC Charge.

12. **Plaintiff Ashley Terry** ("Terry") is a natural person of the full age of majority, domiciled in the State of Louisiana. Terry is employed by RTA as a Road Supervisor. She is a Black female. On February 24, 2026, a male operator called Terry a "bitch" to her face while she was performing her duties. Despite RTA's Employee Handbook Section 3.08 authorizing termination for profanity directed at supervisors, the operator received only a nominal suspension of zero actual hours off because he had already worked seven hours that day. Terry recorded Defendant Floyd Hurts on March 5, 2026, during which Hurts admitted that his disciplinary recommendations are routinely overridden by upper management. Terry has filed a timely EEOC Charge, with incidents beginning August 19, 2024, and continuing.

13. **Plaintiff Derek P. Barra** ("Barra") is a natural person of the full age of majority, domiciled in the State of Louisiana. Barra is employed by RTA as a Supervisor. He is a Black male over the age of forty. Barra has been subjected to race-based and age-based discrimination, including systematic denial of promotions despite superior qualifications, harassment, and retaliatory discipline after engaging in protected activity. He has filed a timely EEOC Charge alleging race discrimination, age discrimination, and retaliation in violation of Title VII and the Age Discrimination in Employment Act.

14. **Plaintiff Shawn D. Davis** ("Davis") is a natural person of the full age of majority, domiciled in the State of Louisiana. Davis is employed by RTA as a Supervisor. He is a Black male. Davis has been subjected to a race-based hostile work environment and

retaliatory actions from on or about September 11, 2024, through December 21, 2025, and continuing. He has filed a timely EEOC Charge.

15. **Plaintiff Kerisher Verrett** ("Verrett") is a natural person of the full age of majority, domiciled in the State of Louisiana. Verrett was formerly employed by RTA as an Operations Manager. She was terminated on or about September 30, 2022, while on approved FMLA leave. Former COO Gerard Guter created a hostile environment that caused Verrett to develop anxiety and panic attacks, requiring behavioral health treatment. A position titled "Garner's Position" was specifically created to keep Verrett away from Guter. Verrett was demoted to Inventory Manager before her termination, which was signed by former CHRO Darwyn Anderson. Her termination for alleged "failure to follow RTA's leave policies" was pretextual and retaliatory. She has filed a timely EEOC Charge alleging hostile work environment, demotion, FMLA interference, and termination based on disability (regarded as) and retaliation.

16. **Plaintiff Francis Mark Chesnek** ("Chesnek") is a natural person of the full age of majority, domiciled in the State of Louisiana. Chesnek is employed by RTA as Marketing and Sales Manager. He is a gay male. On January 18, 2023, Defendant Katherine Felton made anti-gay remarks at a meeting regarding the RTA Canal Ferry Terminal ribbon cutting ceremony, stating that "gay people like planning events" and forcing Chesnek to manage the event despite his objections. On November 9, 2023, Felton insisted that RTA use only "attractive" and "culturally ambiguous" staff for marketing photographs and referenced a "hotties" list of mechanics ranked by physical appearance. Chesnek filed an internal EEO complaint, which was initially handled by Deputy CEO Mark Major. When Major was terminated on July 2, 2024, the investigation was abandoned. RTA then retained Boykin &

Utlely, APLC—a firm already serving as RTA's outside counsel—to conduct a conflicted sham investigation. Felton attempted to terminate Chesnek but was advised it would constitute retaliation; she then created a hostile work environment until her departure in August 2024. Chesnek has filed a timely EEOC Charge of Discrimination, Charge No. 461-2026-02148, asserting claims of sexual orientation discrimination, sexual harassment, and retaliation under Title VII. He received his Notice of Right to Sue on April 3, 2026.

17. **Plaintiff Lisa Smith** ("Smith") is a natural person of the full age of majority, domiciled in the State of Louisiana. Smith is employed by RTA as a Dispatcher with over thirty-four (34) years of service. She is a Black female with a disability requiring a medical accommodation of limited typing to four hours per day. On September 8, 2025, Smith received an unprecedented retaliatory performance evaluation from Defendant Jonathan Farin. Defendant Alonzo Booth has subjected her to surveillance, monitoring her movements, restricting her work access, and increasing her shift from eight to ten hours in violation of her disability accommodation. Smith has filed a timely EEOC Charge alleging hostile work environment based on race and disability, retaliation, and failure to accommodate under the ADA.

Defendants herein are:

18. **Defendant New Orleans Regional Transit Authority** ("RTA") is a political subdivision of the State of Louisiana, created pursuant to Act 560 of the Louisiana Legislature of 1979. RTA maintains its principal office at 2817 Canal Street, New Orleans, Louisiana 70119. RTA is an "employer" within the meaning of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e(b), the Equal Pay Act, 29 U.S.C. § 206(d), the Fair Labor Standards Act, 29 U.S.C. § 201 et seq., the Family and Medical Leave Act, 29 U.S.C. § 2601

et seq., the Americans with Disabilities Act, 42 U.S.C. § 12111 et seq., the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq., and the Louisiana Employment Discrimination Law, La. R.S. 23:332. As a political subdivision and a "person" under 42 U.S.C. § 1983, RTA is subject to liability for deprivations of constitutional rights caused by its official policies, customs, and practices.

19. **Defendant Petrina Lewis** ("Lewis") is a natural person of the full age of majority, domiciled in the State of Louisiana. Lewis is employed by RTA as Director of Operations, Bus. Lewis is sued in her individual and official capacities. Lewis participated in and directed retaliatory scrutiny and unwarranted discipline against Plaintiff Garner and other Plaintiffs.

20. **Defendant Floyd Hurts** ("Hurts") is a natural person of the full age of majority, domiciled in the State of Louisiana. Hurts is employed by RTA as a Service Delivery Manager. Hurts is sued in his individual and official capacities. Hurts admitted on audio recording that his disciplinary recommendations are routinely overridden by upper management, stating: "We have to get the permission from other people to do our job." Multiple internal EEO complaints have been filed against Hurts by Plaintiff Garner, alleging retaliation, unprofessional conduct, and preferential treatment to personal acquaintances, including Shona Woods.

21. **Defendant Eric Boudreaux** ("Boudreaux") is a natural person of the full age of majority, domiciled in the State of Louisiana. Boudreaux is employed by RTA as a Service Delivery Manager. Boudreaux is sued in his individual and official capacities. Boudreaux subjected Plaintiff Solomon to sexual harassment including bullying, stalking, unwanted advances, and deliberate scheduling manipulation. Boudreaux also engaged in retaliatory

hostile supervision of Plaintiff Julian following Julian's assault and complaint.

22. **Defendant Kentrella Crawford** ("Crawford") is a natural person of the full age of majority, domiciled in the State of Louisiana. Crawford is employed by RTA as Employee and Labor Relations Manager. Crawford is sued in her individual and official capacities. Defendant Crawford conducted investigations into the physical assaults of Plaintiffs Garner and Julian as a total pretense. Crawford relied on silent video footage as a mechanism to ignore eyewitness testimony, resulting in the predetermined conclusion that there was "no evidence to substantiate acts of violence." Crawford further issued a mere **one-day suspension** for the use of homophobic slurs against Plaintiff Garner, which she reportedly found "funny" because the perpetrator misspelled the slur in his written statement.

23. **Defendant Alonzo Booth** ("Booth") is a natural person of the full age of majority, domiciled in the State of Louisiana. Booth is employed by RTA as Manager of Operations Control. Booth is sued in his individual and official capacities. Booth subjected Plaintiff Smith to surveillance, monitored her movements, restricted her work access, and increased her shift from eight to ten hours in violation of her disability accommodation.

24. **Defendant Jacques Robichaux** ("Robichaux") is a natural person of the full age of majority, domiciled in the State of Louisiana. Robichaux is employed by RTA as Senior Director of Maintenance. Robichaux is sued in his individual and official capacities. Robichaux subjected Plaintiff L. Duplessis to harassment and intimidation. Despite L. Duplessis's reports to Human Resources, no corrective action was taken.

25. **Defendant Jonathan Farin** ("Farin") is a natural person of the full age of majority, domiciled in the State of Louisiana. Farin is employed by RTA as Supervisor of Operations Control. Farin is sued in his individual and official capacities. Farin issued a

retaliatory performance evaluation to Plaintiff Smith on September 8, 2025—unprecedented in Smith's 34-year career—in direct retaliation for her protected activity.

26. **Defendant Katherine Felton** ("Felton") is a natural person of the full age of majority, domiciled in the State of Louisiana. Felton is a former Chief of Staff of RTA. Felton is sued in her individual capacity. Felton referenced a list of "hotties" for marketing photographs, insisted on using only "attractive" and "culturally ambiguous" staff, rejected diverse candidates, and made repeated anti-gay remarks directed at Plaintiff Chesnek.

27. **Defendant Brian Marshall** ("Marshall") is a natural person of the full age of majority, domiciled in the State of Louisiana. Marshall was appointed Chief Transit Officer of RTA on or about January 6, 2025. Marshall is sued in his individual and official capacities. Marshall has been recorded on multiple audio recordings admitting that RTA "suppress[ed] salaries," that compensation is "almost completely out of balance," that the disciplinary system is "unjust," that there was an "absence of management," and that employees were never properly trained or organized. Marshall referred to Black supervisory staff as "roaches" who "scattered" when he observed them. Marshall conducted private "one-on-one" meetings to dismantle the established seniority system. Marshall engaged in hostile surveillance of Plaintiffs by driving past supervisors without speaking, then immediately calling other managers to inquire about their activities.

28. **Defendant Seandra Allen-Buchanan** ("S. Allen-Buchanan") is a natural person of the full age of majority, domiciled in the State of Louisiana. S. Allen-Buchanan is employed by RTA as Chief Human Resources Officer ("CHRO"). S. Allen-Buchanan is sued in her individual and official capacities. On January 28, 2026, S. Allen-Buchanan was recorded admitting that RTA supervisors are willfully misclassified under the Fair Labor

Standards Act, stating: "I have to enact the FLSA rules or we're going to get in trouble as an organization because they're going to say these people are doing management type duties and getting paid hourly, that could be a problem." S. Allen-Buchanan further admitted to deliberately delaying compliance to avoid paying overtime during Mardi Gras: "I'm giving it time so like Mardi Gras... y'all can make whatever money y'all gonna make before I go and I have to enact the FLSA rules." S. Allen-Buchanan also acknowledged that a Director circulated an internal email seeking "to get rid of the leads"—a premeditated effort to eliminate positions held by employees engaged in protected activity—and called it "very retaliatory."

29. **Defendant Lawrence Williams** ("L. Williams") is a natural person of the full age of majority, domiciled in the State of Louisiana. L. Williams is employed by RTA as a Supervisor. L. Williams is sued in his individual capacity. In July 2023, L. Williams called Plaintiff Garner a "fag" in front of co-workers Chris Clark and Shawn Barnes. On September 4, 2023, L. Williams stated "I ain't no faggot" at Canal Station in the presence of Plaintiff Terry, Eric Boudreaux, and Plaintiff Garner. On or about July 20, 2023, a pornographic magazine depicting explicit oral and anal sexual content, bearing L. Williams's name and home address on the mailing label, was discovered in an RTA vehicle assigned to Plaintiff Garner. L. Williams also repeatedly told Garner to "go back to Charlotte" and "go back home." L. Williams further violated DOT/FTA chain-of-custody protocols by allowing an operator to drive a personal vehicle to a random drug test, potentially compromising the integrity of the test.

30. **Defendant Christopher Clark** ("Clark") was at all relevant times employed by RTA as the Director of Operations. In this capacity, Clark exercised direct supervisory

authority over Plaintiff Brooks and all Service Delivery Managers in the Operations Department. Clark was responsible for, among other things, employee discipline, performance evaluations, and the day-to-day management of Operations personnel. Clark is sued in his individual capacity pursuant to 42 U.S.C. § 1983 for actions taken under color of state law.

31. **Defendant Tracy Tyler** ("Tyler") is a natural person of the full age of majority, domiciled in the State of Louisiana. Tyler is employed by RTA as Chief Legal Officer. Tyler is sued in her individual and official capacities. Tyler personally upheld the termination of Plaintiff S. Williams despite S. Williams asserting protected rights, demonstrating that even RTA's legal department participated in and ratified retaliatory adverse actions.

JURISDICTION AND VENUE

32. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question jurisdiction), as this action arises under the laws of the United States, including Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq.; 42 U.S.C. § 1983; the Equal Pay Act, 29 U.S.C. § 206(d); the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.; the Family and Medical Leave Act, 29 U.S.C. § 2601 et seq.; the Americans with Disabilities Act, 42 U.S.C. § 12111 et seq.; and the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq.

33. This Court has jurisdiction over Plaintiffs' civil rights claims pursuant to 28 U.S.C. § 1343, which grants district courts original jurisdiction over civil actions authorized by law to be commenced to recover damages for the deprivation, under color of state law, of any right secured by the Constitution of the United States or by any Act of Congress

providing for equal rights of citizens.

34. This Court has supplemental jurisdiction over Plaintiffs' state law claims pursuant to 28 U.S.C. § 1367, as those claims arise from the same case or controversy as Plaintiffs' federal claims and are so related that they form part of the same nucleus of operative facts.

35. Venue is proper in the Eastern District of Louisiana pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in Orleans Parish, Louisiana, and Defendant RTA maintains its principal office and operations within this judicial district.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

36. Several Plaintiffs have filed Charges of Discrimination with the United States Equal Employment Opportunity Commission ("EEOC") alleging discrimination, harassment, and retaliation by Defendants.¹

37. Plaintiffs' Title VII, ADA, and ADEA claims are properly before this Court notwithstanding the absence of right-to-sue letters. The Supreme Court of the United States has held that Title VII's charge-filing requirement is not a jurisdictional prerequisite but rather a waivable claim-processing rule. *Fort Bend County v. Davis*, 139 S. Ct. 1843, 1850 (2019). Accordingly, the absence of a right-to-sue letter does not deprive this Court of subject-matter jurisdiction over Plaintiffs' federal discrimination claims.²

¹ Demetrius Garner — 461-2026-00692; Jessica Brooks — 461-2025-03966; Shannon M. Williams — 461-2025-01952; Louis M. Duplessis — 461-2025-02390; Vernon Julian, Jr. — Charge No. Pending; Rebecca Solomon — Charge No. Pending; Ashley Terry — Charge No. Pending; Derek P. Barra — Charge No. Pending; Shawn D. Davis — Charge No. Pending; Kerisher Verrett — Charge No. Pending; Lisa Smith — Charge No. Pending; and Francis Mark Chesnek — Charge No. 461-2026-02148.

² The Fifth Circuit has likewise held that receipt of a right-to-sue letter is a condition precedent to suit, not a jurisdictional bar, and that the receipt of a right-to-sue letter subsequent to the filing of a civil action does not require dismissal of the action. *Pinkard v. Pullman-Standard*, 678 F.2d 1211, 1218-19 (5th Cir. 1982). Plaintiffs will obtain right-to-sue letters from the EEOC pursuant to 42 U.S.C. § 2000e-5(f)(1) before any dispositive motions are filed.

38. To the extent that any individual Plaintiff has not yet filed a separate EEOC charge, such Plaintiff's claims are nonetheless properly before this Court under the Fifth Circuit's single-filing rule established in *Oatis v. Crown Zellerbach*, 398 F.2d 496, 499 (5th Cir. 1968). Under the single-filing rule, a plaintiff who has not individually filed an EEOC charge may piggyback on the timely-filed charge of a co-plaintiff where the claims arise from similar discriminatory treatment during the same time period. All Plaintiffs were subjected to the same systemic hostile work environment, the same pattern of discrimination and retaliation, by the same Defendants, at the same workplace, during overlapping time periods. The single-filing rule is therefore satisfied.

39. Independently of Plaintiffs' Title VII, ADA, and ADEA claims, the majority of Plaintiffs' causes of action require no administrative exhaustion whatsoever. Plaintiffs' claims under 42 U.S.C. § 1983, the Fair Labor Standards Act, the Equal Pay Act, Louisiana Revised Statutes 23:332 and 23:967, and all state-law tort claims are properly before this Court without any prerequisite charge-filing or right-to-sue letter. These claims independently establish this Court's subject-matter jurisdiction and provide a complete basis for relief.

STATEMENT OF FACTS

The Systemic Hostile Work Environment at RTA

40. RTA maintains a systemic, pervasive, and long-standing pattern and practice of discrimination, harassment, and retaliation against employees who report misconduct, assert protected rights, or challenge the authority of management. This pattern is not the product of isolated actors or rogue supervisors. It is an institutional culture that has been acknowledged, on audio recording, by RTA's most senior executives. It pervades every level

of the organization—from the Chief Transit Officer to frontline Service Delivery Managers—and it is reinforced by a Human Resources department that, by its own CHRO's admission, "did not have the leadership enough" to address it.

41. The hostile environment at RTA is characterized by: (a) physical violence against supervisory employees that is minimized, excused, or ignored; (b) homophobic slurs, sexual harassment and assault that are met with trivial discipline or no discipline at all; (c) gender-based epithets directed at female supervisors with effective impunity; (d) race-based hostility including the comparison of Black supervisory staff to insects; (e) systematic wage suppression and pay inversion where supervisors earn less than the employees they manage; (f) retaliatory discipline, termination, and constructive discharge of employees who engage in protected activity; (g) sham investigations designed to protect harassers and punish complainants; (h) willful misclassification of employees under the FLSA to avoid paying lawful overtime; (i) dangerous working conditions including inoperable safety equipment, extreme understaffing, and fatality-risk rail procedures; and (j) the deliberate suppression, destruction, or "disappearance" of formal employee complaints.

42. The facts set forth below are presented in **chronological order** to demonstrate the continuous, escalating, and unremedied nature of Defendants' unlawful conduct. Audio recordings are identified by date, time, participants, and verbatim quotations.

Phase 1: The Foundation of Hostility (April 2021 – December 2023)

43. Plaintiff Brooks³ was hired by RTA on or about April 12, 2021, as an Operations

³ Brooks holds a Master of Arts in Criminal Justice with a Concentration in Juvenile Justice from Southern University at New Orleans, where she graduated with a 4.0 GPA. She also holds a Bachelor of Arts in Political Science with a Pre-Law Concentration and a Minor in Sociology from the University of New Orleans, where she graduated with a 3.1 GPA. Brooks additionally holds Corrections/Law Enforcement POST certifications through the State of Louisiana.

Control Center (OCC) Dispatcher.

44. Upon information and belief, Eric Boudreaux was hired as an SDM in approximately August 2022 with seven years of transit experience at a starting salary of approximately \$80,116. Oscar Duplessis was hired at the same time with twenty years of experience at the identical salary. RTA paid a male employee with seven years of experience the same salary as a male employee with twenty years of experience — yet paid Brooks, who held a Master's degree neither man possessed, substantially less.

45. **September 2022 — Termination of Kerisher Verrett.** Plaintiff Verrett was employed by RTA as an Operations Manager. During her employment, former Chief Transit Officer Gerard Guter created a hostile work environment so severe that Verrett developed anxiety and panic attacks requiring behavioral health treatment. RTA was so aware of the toxicity of Guter's conduct that it created a position specifically to keep Verrett physically separated from him.

46. On or about September 1, 2022, Verrett commenced FMLA leave, which was to continue through September 10, 2022. Before her leave, Verrett had been demoted from her position to Inventory Manager—an adverse action that was itself retaliatory. While on approved FMLA leave, RTA terminated Verrett effective September 30, 2022, citing alleged "failure to follow RTA's leave policies." This termination was signed by the former CHRO. The stated reason was pretextual. Verrett was terminated because she had engaged in protected activity, including complaining about Guter's hostile conduct, and because RTA regarded her mental health condition as a disability.

47. Verrett's termination while on approved FMLA leave constitutes interference with her FMLA rights under 29 U.S.C. § 2615(a)(1), retaliation for the exercise of FMLA

rights under 29 U.S.C. § 2615(a)(2), discrimination based on disability (regarded as) under the ADA, and wrongful termination in violation of Louisiana public policy.

48. RTA's own Compensation Policy HC35, adopted by the Board of Commissioners via Resolution 22-070 on September 27, 2022, provides that interim appointments "should not exceed six (6) months." Despite this policy, RTA kept Brooks in an interim capacity for approximately nine months, from November 2022 through August 2023, without converting her to permanent status or adjusting her compensation.

49. On or about November 7, 2022, Chief Transit Officer Gerard Guter offered Brooks the position of Interim Service Delivery Manager (SDM). Brooks accepted the position effective November 9, 2022, at a salary of \$69,450 — the minimum of the applicable pay band.

50. **January 18, 2023 — Anti-Gay Harassment of Chesnek at Canal Ferry Terminal Meeting.** During a meeting to discuss plans for the RTA Canal Ferry Terminal ribbon cutting ceremony, Defendant Katherine Felton stated that “gay people like planning events” and directed Plaintiff Chesnek to manage the event despite his objections that he did not want a lead role. Felton’s remarks were made in front of multiple colleagues and constituted the earliest documented instance of her anti-gay animus toward Chesnek. This harassment continued and escalated through November 2023 and beyond, as detailed in subsequent paragraphs.

51. In July 2023, the RTA Board of Commissioners approved a Compensation and Classification Study conducted by Progressive HR Strategies at a cost of \$166,000. The study reclassified SDMs from Grade 4 to Grade 5, establishing a pay band of \$78,315 (minimum), \$85,334 (midpoint), and \$100,185 (maximum). The study was specifically

intended to ensure "internal equity and external competitiveness."

52. **July 2023 — Defendant Lawrence Williams Uses Homophobic Slur Against Garner (First Incident).** In or about July 2023, Defendant Lawrence Williams, an RTA Supervisor, used the word "fag" in reference to Plaintiff Garner in the presence of co-workers. This was not an offhand remark. It was a deliberate, targeted slur directed at Garner based on perceived sexual orientation. Garner reported this incident. No meaningful disciplinary action was taken.

53. **July 20, 2023 — Pornographic Material Placed in Garner's RTA Vehicle.** On or about July 20, 2023, Plaintiff Garner discovered an envelope during a pre-trip inspection of his assigned RTA vehicle (a Jeep). The envelope contained **a pornographic magazine depicting explicit oral and anal sexual content**. The magazine bore a mailing label with Defendant Lawrence Williams's **name and home address**. Defendant Lawrence Williams did not have permitted access to the said vehicle. Garner reported this discovery to management, specifically to Eric Boudreaux. **No action was taken**. The magazine was apparently discarded.⁴

54. The placement of sexually explicit material bearing Williams's identifying information in Garner's assigned vehicle, when combined with Williams's repeated use of homophobic slurs, constitutes sexual harassment creating a hostile work environment. RTA's failure to investigate or discipline Williams demonstrates deliberate indifference to known harassment.

⁴ As Garner later stated on the January 28, 2026 recording: "I've been bought porn magazines that your supervisor left in the car for me to find, and you've done nothing. Nothing."

55. On or about August 16, 2023, Director of Talent Acquisition Tavia Patterson offered Brooks the permanent SDM position at a salary of \$78,623. Patterson told Brooks she was placed at the minimum because she "did not have 'transit' experience," despite Brooks holding two degrees and POST certifications that her male counterparts did not possess.

56. Brooks attempted to negotiate her salary, emailing Patterson on August 16, 2023: "Can we discuss an increase in the annual salary based on the particular skills and knowledge I have in other fields that are relative to our organization and also my educational background?" Patterson responded that the decision would have to be discussed with CFO Giselle Banks. No adjustment was made.

57. **September 4, 2023 — Defendant Lawrence Williams Uses Homophobic Slur (Second Incident).** On September 4, 2023, at approximately 12:30 p.m. at Canal Station, during a conversation about dress code with Service Delivery Manager Eric Boudreaux, Defendant Lawrence Williams stated, in the presence of Plaintiff Garner, Plaintiff Ashley Terry: "What you want me to wear my pants tight? *I ain't no faggot.*" This statement was directed at and intended to demean Plaintiff Garner. Supervisors Ashley Terry and Eric Boudreaux documented the slur in written statements and submitted them to Crawford.

58. Upon information and belief, Defendant Kentrella Crawford, who received the documented slur, **took no disciplinary action and found it humorous** because Williams had misspelled the word "faggot" in his written statement. Defendant Crawford (HR) ultimately imposed only a **one-day suspension**. Despite this documented evidence, and despite Williams's prior July 2023 slur, the only discipline imposed was a one-day suspension

by Defendant Crawford.⁵

59. Garner also reported that Williams had repeatedly told him to "**go back to Charlotte**" and "**go back home**"—statements that, in context, constituted harassment based on Garner's status as a non-local employee and were designed to isolate and ostracize him.

60. On or about September 12, 2023, a male employee caused a hostile scene in Defendant Clark's office, screaming that he "wanted off this girl's team" and threatening to resign or refuse to "go above and beyond" if not reassigned away from Brooks' supervision. Brooks suspended the employee for five days for insubordination.

61. Defendant Clark overturned Brooks' disciplinary decision, reducing this suspension from five days to two days. Clark justified excusing the sex-based insubordination by stating that "a black man's passion can be misinterpreted for hostility." Clark's intervention simultaneously undermined Brooks' supervisory authority, excused overtly sexist conduct by a male subordinate, and signaled to the department that complaints by or about female supervisors would not be taken seriously.

62. **November 9, 2023 — The "Hotties List" and Anti-Gay Harassment of Chesnek.** On November 9, 2023, Defendant Katherine Felton, then-Chief of Staff, convened a meeting with RTA staff including Plaintiff Chesnek, Sarah Porteous, Angele Boutte-Young, David Kroll, Ana Rodriguez, and Eddie Coe to discuss marketing photographs for a store launch. During this meeting, Felton insisted that RTA use only "attractive" and "culturally

⁵ **RTA's Own Admission of the Slur.** In its Position Statement submitted to the Equal Employment Opportunity Commission in response to EEOC Charge No. 461-2026-00692, RTA admitted that Defendant Williams stated, in the presence of supervisors: "what you want me to wear tight pants, I ain't no faggot." RTA further admitted that during its own investigation, Plaintiff Garner reported that Williams "had used the same derogatory term on other occasions in the past." Despite this admission of repeated homophobic slurs, RTA characterized the conduct as an "isolated incident" and imposed only a one-day suspension — a characterization contradicted by RTA's own investigative findings. RTA's Position Statement thus confirms both the slur and RTA's knowledge that the harassment was recurring, while simultaneously demonstrating that RTA's remedial response was designed to minimize liability rather than protect the victim.

ambiguous" staff for the photographs. Felton referenced a "hotties" list she maintained of RTA mechanics based on their physical appearance. Felton requested that staff in attendance suggest names of employees they deemed attractive so she could agree or disagree with the suggestions, rejecting most of the names provided. David Kroll was then instructed to circulate the list of Felton-approved "attractive" employees to the meeting attendees.

63. Felton also made **repeated anti-gay remarks** directed at Plaintiff Chesnek, a gay male, disparaging his professional abilities based on his sexual orientation, including disparaging his event-planning work. This conduct constitutes sexual orientation discrimination and harassment in violation of Title VII, as interpreted by the Supreme Court in *Bostock v. Clayton County*, 590 U.S. 644 (2020).

64. Chesnek filed a formal internal EEO complaint regarding Felton's conduct. The complaint was initially assigned to Deputy CEO Mark Major for investigation.

65. In December 2023, following the compensation study, Brooks emailed Helen Valenzuela objecting to her continued placement at the minimum: "So, if based on those same qualifications, shouldn't I be at the midpoint for a Grade 5? As it stands based on this letter, I'm starting just at the minimum starting salary." Brooks questioned why RTA paid \$166,000 for a compensation study only to "still not listen and pay staff the minimum." She received no substantive response.

Phase 2: January 2024 -- August 2024

66. Clark's February 2024 performance evaluation of Brooks rated her an overall 3.38 out of 4.0 (84.38%), categorized as "Meets Expectations." Clark specifically noted: "Jessica does an incredible job at communicating with her peers and subordinates."

67. In or around June 2024, Clerk Darren Crawford warned Brooks to 'watch her

back.’ Upon information and belief, Defendant Clark actively solicited⁶ complaints against Brooks from her own subordinates in an effort to manufacture a basis for discipline.⁷

68. **July 2, 2024 -- Mark Major’s Termination.** Former Deputy CEO Mark Major had been handling Plaintiff Chesnek's formal EEO complaint against Defendant Felton regarding the "hotties list" and anti-gay remarks. On or about July 2, 2024, Major was terminated by RTA. Upon Major's termination, Chesnek's investigation was abandoned. On information and belief, no meaningful corrective action was ever taken against Felton.

69. On or about August 19, 2024, male Operator Rather Johnson (Badge #1793) exhibited hostile and racially charged behavior toward Supervisor Ashley Terry on Bus #2404, screaming "don't open this door" and addressing Terry as "Black." Terry reported that Johnson created a "hostile environment" for passengers and staff. Management imposed only verbal coaching.

⁶ Defendant Clark demonstrated a consistent pattern of undermining Brooks' authority as a female supervisor while excusing and enabling misconduct by male employees: (a) Clark overturned Brooks' five-day suspension of an employee for sex-based insubordination, reducing it to two days and excusing demand to be removed from "this girl's team" as a "black man's passion" being "misinterpreted for hostility"; (b) Clark issued Brooks a PIP based on an unsubstantiated complaint, without investigation, without witness interviews, and in violation of RTA's own policies — a PIP that was subsequently rescinded in its entirety; (c) Clark actively solicited negative complaints about Brooks from operators in the operators' lounge, telling them to "write me up" regardless of the reason; (d) Clark's January 10, 2025 admission that he missed a grievance deadline regarding Operator Sha'ron Sylvester — resulting in a terminated employee being reinstated and made whole — confirmed Brooks' warnings to the Board that management's incompetent handling of grievances was costing the agency significant sums.

⁷ On or about May 17, 2024, Scheduling and Planning employee Ashleigh Duarte filed a complaint alleging that Brooks had "spoken to her aggressively" during a routine operational discussion about a Westbank route change. The allegation was false. Despite Brooks' written rebuttal and the availability of a corroborating witness, Defendant Clark issued Brooks a Performance Improvement Plan (PIP) on or about July 15, 2024, for "bullying" under Policy HC3. Clark had drafted the PIP before conducting any investigation, without obtaining written statements, without a fact-finding meeting, and without interviewing the witnesses — including Ms. Joy, who would have corroborated Brooks' account. The PIP was issued in direct violation of RTA Policy HC36, which explicitly provides that a PIP is to be issued only to employees who receive a "Needs Improvement" rating on their performance evaluation. Brooks had received a "Meets Expectations" rating just five months earlier — from Clark himself. Brooks filed a three-step grievance challenging the PIP. Clark denied Step I. Chief Transit Officer Justin Cayless denied Step II. At Step III, Employee and Labor Relations Manager Kentrella Crawford rescinded the PIP in its entirety, notifying Brooks: "Be advised that the PIP you were placed on has been rescinded. Therefore, your grievance will be closed and marked as resolved." The rescission confirmed that the PIP had no legitimate basis.

Phase 3: September 2024 -- August 2025

70. **September 2024 — Retaliatory Pattern Against Davis Begins.** From on or about September 11, 2024, through December 21, 2025, and continuing, Plaintiff Shawn Davis was subjected to a systemic pattern of race-based discriminatory treatment, unwarranted discipline, and retaliatory actions. This conduct was designed to punish Davis for his protected association with other Plaintiffs and his public corroboration of their internal and external complaints regarding the hostile work environment at RTA.

71. On or about November 21, 2024, video surveillance captured a bus operator, Rather Johnson, parking Bus #2413 four blocks from the layover point, propping his feet on the dashboard and farebox, sleeping/loafing for twelve minutes, leaving the bus to visit a fast food restaurant (causing a thirty-six-minute total service delay), and driving without a seatbelt. The passenger filed a formal complaint describing the conduct as "completely unprofessional."

72. On or about November 23, 2024, Johnson had a second hostile encounter with Supervisor Terry on Bus #2410, staring at her without moving and telling her "he was trying to see what was up with her skin color, which he repeated several times." Terry reported feeling "unsafe."

73. On December 2, 2024, Brooks emailed the Service Delivery Managers recommending Johnson's termination, stating: "It is my recommendation that Operator Johnson be terminated. I believe his behavior will not change and will possibly get worse. I also believe we have provided him with different tools and resources to equip him in doing his job but this is a behavioral issue that we may not be able to help." Brooks forwarded the recommendation to Kentrella Crawford to ensure timely issuance.

74. **January 6, 2025 — Brian Marshall Appointed Chief Transit Officer.** On or about January 6, 2025, Defendant Brian Marshall was appointed Chief Transit Officer of RTA. Rather than remedying the systemic dysfunction he inherited, Marshall would go on to compound it—suppressing salaries, dismantling seniority systems, engaging in hostile surveillance, referring to Black supervisory staff as "roaches," and making a series of admissions on audio recordings that form the backbone of Plaintiffs' claims.

75. On or about January 17, 2025, having exhausted internal channels including the chain of command, Human Resources, Directors, and the CEO, Brooks emailed the RTA Board of Commissioners reporting pay discrimination, abuse of power, favoritism, and fear of retaliation. The Board did not respond.⁸

76. On or about February 10, 2025, Brooks sent a follow-up email to the Commissioners. The Board again did not respond.

77. **March 17, 2025 — Termination of Shannon Williams.** On or about March 17, 2025, Plaintiff S. Williams was terminated from her employment at RTA. Defendant Tracy Tyler, RTA's Chief Legal Officer, personally upheld the termination despite S. Williams's assertion of protected rights. The termination was pretextual and retaliatory, designed to silence S. Williams and to send a message to other employees that challenging RTA management would result in job loss.

78. On April 17, 2025, Brooks attended an RTA Board meeting and personally confronted Commissioner Fred Neal, asking whether he had received her emails. Commissioner Neal confirmed he had but stated that the newly hired Chief Human Resources Officer, S.

⁸ Brooks' husband, Isaac Brooks, was employed by RTA as a Diesel Mechanic. Following Brooks' January and February 2025 emails to the RTA Board of Commissioners reporting pay discrimination, abuse of power, and favoritism, Isaac Brooks was subjected to three consecutive "random" drug tests in rapid succession.

Allen-Buchanan, "would be the one to look into it." Upon information and belief, no investigation was conducted.

79. April 28, 2025 — Physical Assault of Garner by Operator Ernesto Arnold.

On April 28, 2025, while Plaintiff Garner was performing his duties booking out operators at the RTA facility, Operator Ernesto Arnold—a man weighing in excess of 300 pounds—deliberately body-checked Garner three (3) separate times with his full body weight. Arnold then placed his arm around Garner's neck. When Garner asked Arnold what time he was off, Arnold responded: "You tell me no, I'm gonna do it again."

80. Garner immediately reported the assault to management, specifically contacting Floyd Hurts at the garage. Garner expressed his intent to press criminal charges. Security video footage captured Arnold charging Garner three separate times.

81. Defendant Crawford conducted the investigation into Garner's assault complaint. The investigation was negligent and predetermined in its outcome. Specifically: (a) Management relied on silent video footage, using the absence of audio as a reason to discount the verbal threats; (b) Sergeant Jackson, a police officer who was physically present on the lot at the time of the assault, was never interviewed; (c) Garner himself—the victim and complainant—was never interviewed during the investigation.⁹

82. RTA classified the assault as "horseplay" and imposed only a five-day suspension on Arnold. Critically, the suspension was not for the physical assault itself but because Arnold lied about shaking Garner's hand afterward.¹⁰

⁹ As Garner stated: "They interviewed everybody but me. I'm one, but the plaintiff, and no manager ever asked me what happened."

¹⁰ In its EEOC Position Statement, RTA conceded that on April 28, 2025, Operator Ernesto Arnold "rammed his body with force" into Plaintiff Garner multiple times and told Garner: "you know if you tell me not to do something, I'm gonna do it." RTA further admitted that the New Orleans Police Department investigated the incident, reviewed security video footage, and issued Arnold a criminal summons for Simple Battery under Louisiana law. Despite the criminal nature of the assault — confirmed by RTA's own submission to a federal agency — RTA classified the

83. The five-day suspension for a physical assault on a supervisor stands in stark contrast to the discipline imposed on other employees for far lesser offenses.¹¹

84. Following the grossly inadequate discipline, Garner was forced to continue working alongside Arnold, creating an ongoing hostile and unsafe work environment. A management official minimized the assault, stating that Arnold's conduct was merely a reflection of his personality: "That's his demeanor, he's a jollicle person."¹²

85. On May 13, 2025, Plaintiff Garner recorded a meeting with management, identified as Defendant Kentrella Crawford, Employee and Labor Relations Manager. This recording captures the following admissions and evidence:

- (a) Crawford admitted that the "management team did make a decision based on the totality of what their perspective was from what they saw on the video, as well as, I guess, some background information in regards to that operator's demeanor, behavior, and performance." This admission establishes that RTA was aware Arnold had a prior history of "physical boundary violations" and failed to discipline or terminate him—constituting negligent retention;
- (b) Crawford admitted: "The management team made a determination that it was partly

conduct as "rowdiness/roughhousing" and imposed a five-day suspension.

¹¹ RTA's "Not Based on Sex" Defense. In its EEOC Position Statement, RTA argued that Defendant Williams's use of the word "faggot" and Arnold's physical assault were "not based on sex" and that Garner "offers nothing but conclusory allegations that the alleged interaction was due to his sex." This defense is legally and factually untenable. The use of the slur "faggot" is textbook sex-based harassment under *Bostock v. Clayton County*, 590 U.S. 644 (2020), which held that discrimination based on sexual orientation is necessarily discrimination "because of sex" under Title VII. Arnold's physical assault — ramming Garner, wrapping his arm around Garner's neck, then telling him "you know if you tell me not to do something, I'm gonna do it" — was motivated by gender-stereotyping, as Garner himself explained: "that man didn't just run into me for the hell of it, he did that because he felt I was less than a man." RTA's own Position Statement, by conceding both the slur and the assault while arguing they are "not based on sex," reveals an employer that remains willfully blind to sex-based harassment occurring in its own workplace.

¹² On the January 28, 2026 recording, Garner stated that Arnold's assault was motivated by gender-stereotyping: "That man didn't just run into me for the hell of it. He did that because he felt I was less than a man. He would not have done that to Shawn Davis."

[horseplay]... on an administrative side if there was any malice or any violent intent behind to justify... to classify it based on what we have in the rule book."

86. Garner challenged this classification: "It's in the rulebook, no horseplay. That's automatic termination."

87. Garner stated: "This puts our supervisors in a position where we are, it's just like, do whatever you want to the supervisor. You should get five days, that's all, or shake their hand... Y'all can't do shit to us. We can do whatever we want to y'all. We can hit y'all. As long as I say I shook your hand in the end, it's okay."

88. **May 2025 -- RTA Road Supervisors Meeting.** In or about May 2025, Plaintiff Garner recorded an RTA Road Supervisors Meeting attended by Plaintiffs Garner, Davis, and others, as well as Defendant Brian Marshall (Chief Transit Officer) and other RTA executive management. This recording captured the following admissions:

- (a) Defendant Marshall admitted: "The very unfortunate reality is you all have not been organized or structured properly and nor are there scientists with the skill set to perform in terms of industry... It was an absence of management and now you all are trying to fill in that gap."
- (b) Marshall stated: "It's not right to punish a child when that child was never taught what to do. So it's the same here for you all. We can't fault and blame you all when you all don't have the proper tools to do what you need to do." Despite this admission, RTA continued to discipline Plaintiffs for the very failures Marshall acknowledged were management's fault.
- (c) The HR representative admitted: "This is a disjointed team right now, y'all. I'm walking into this, and y'all are not cohesive. And if you are not cohesive, the operators are not

going to be cohesive."

(d) Garner confronted management directly: **"I overheard you with my own ears that supervisors in the lot over the weekend and when they seen a certain person they scattered like roaches... We are not gonna be likened to roaches... we go above and beyond and then right behind our back we roaches."**

(e) Plaintiff Davis publicly supported Garner: "Y'all don't think it's just Demetrius, okay... it's all of us feel that way. What he's saying, he's talking for us."

89. During this meeting, Supervisor Lawrence Williams described a procedure used to move disabled streetcars on the St. Charles Line involving a **"swish bar"** placed between the track and wheel. Williams admitted: **"It's a dangerous situation in some cases... if you touch that swish bar before [the pole is up]... that's a fatality."** This procedure, which poses an imminent risk of death to RTA employees, was permitted.

90. Another RTA Supervisor identified a FTA safety violation: Defendant Lawrence Williams allowed a streetcar operator to enter the same block as a disabled streetcar, in violation of established safety rules. Keondra stated: **"No other streetcar is supposed to be in the same block, regardless of what the situation is."** She confronted Williams directly: **"You're the problem."**

91. Garner described the danger supervisors face: **"This is crazy, we all know we don't have security out there. Every security we got is 70 or better... Supervisors in the last meeting say that they've been attacked... I had somebody jump on the roof of my car and I had to get them off of there."**

92. Garner reported that supervisors are forced to **drive buses with flat tires and missing mirrors** because RTA maintenance staff lack CDLs. This puts supervisors' personal

CDL licenses at risk and endangers public safety. Garner stated: "We bring in faulty buses... flat tires, missing mirrors... our CDL licenses are at stake."

Phase 4: September 2025 --- March 2026

93. In or about September 2025, Director of Bus Petrina Lewis informed Brooks that she would be required to manage both the SDM Operations Department and the Clerk Support Manager's office — effectively performing two full-time management positions — at her existing salary of \$80,981, with no additional compensation.

94. In retaliation for Brooks' refusal to accept uncompensated additional duties, Defendant Lewis emailed the CHRO and Defendant Brian Marshall: "**I first said I would send her home on her insubordination; I then took that back and sent her home pending investigation.**" The following day, Lewis called Brooks after hours and ordered her to return on September 4 or face a formal suspension.

95. Brooks respectfully declined to accept the dual assignment without a written job description and corresponding pay adjustment. Brooks pointed out the discriminatory nature of the directive, stating during the September 4, 2025 meeting: "This clerk's position was offered to Eric, my male counterpart. He said no. He was given an option." Brooks further noted that male SDM Floyd Hurts had been offered a 3% raise to take on similar additional duties: "You guys are saying I must with no compensation, with no option like you gave my male counterparts."

96. Brooks further confronted the pay disparity directly: "I'm 3½ years and I'm still at 80. Everybody else is at 87. You want me to work in two different departments for the same 80, and I'm not even being paid properly and equally to everybody else that's currently in my position."

97. On September 4, 2025, when Brooks returned and asked Lewis whether she intended to suspend her for "asking for a written job description," Lewis consulted with CHRO S. Allen-Buchanan and backed down, telling Brooks: "don't worry about it, you can go to work."

98. On September 5, 2025, Brooks filed EEOC Charge No. 461-2025-03966, alleging gender-based pay discrimination and retaliation. In her charge, Brooks stated: "I was too fearful to do this but I have no other choice because my physical and mental well being is being jeopardized."

99. As a direct result of the hostile work environment, Brooks' blood pressure spiked to 158/115 — a hypertensive crisis. On September 5, 2025, Dr. Schuyler Noelle Williams, M.D. of Touro LCMC Health prescribed Brooks Lorazepam for workplace-induced anxiety and placed her on medical leave through September 10, 2025.

100. On September 8, 2025, Defendant Jonathan Farin issued Plaintiff Smith an unprecedented, negative performance evaluation. Smith had worked at RTA for over 34 years without any comparable evaluation. The timing and content of the evaluation demonstrate that it was retaliatory, designed to punish Smith for engaging in protected activity. Defendant Booth simultaneously subjected Smith to surveillance, monitoring her movements, restricting her work areas, and increasing her shift from 8 to 10 hours—in direct violation of her medical accommodation limiting typing to four hours per day.

101. On or about September 18, 2025, Plaintiff Vernon Julian, Jr. was physically assaulted by Operator Jack Miller at work. Julian reported the assault to Defendant Kentrella Crawford, Employee and Labor Relations Manager. Crawford's investigation concluded with a finding that there was "no evidence to substantiate acts of violence"—despite the assault having occurred. No disciplinary action was taken against Miller. Julian was subsequently subjected to

retaliatory discipline by Defendant Boudreaux, including a verbal warning on December 1, 2025, and a written tardiness citation on January 28, 2026, which was retracted the same day when it was exposed as being based on an ADP system glitch. The retraction itself is evidence of the pretextual nature of the discipline.

102. **RTA Operations Meeting — "Focus of 2026."** In late November 2025, Plaintiff Garner recorded an RTA Operations Meeting. This recording captures admissions about RTA's institutional failures:

- (a) The RTA executive stated: **"Our safety culture, as we all know, has some bumps in the road. The fact that the SSO [State Safety Oversight] is on us about derailments, some of the fixed-object accidents are highly avoidable..."**
- (b) The RTA executive stated: **"I look at these laptops and say, here it is where I installed laptops in one of the systems that I worked at 20 years ago. 20 years ago. We're just now doing it. So it's just, we're behind in that area."**
- (c) The RTA executive compared RTA's own workforce to an unfit product: **"I feel like we're taking a 300-pound person and trying to turn them into a sprinter. So we're starting with something that's not suited for what we're trying to do... You need a better product to work with. That's just the reality. Let's not fool ourselves."**
- (d) The RTA executive admitted to the deliberate decision to understaff: "I would rather us be thin at some times than have some people absent from this room... We need to be a little thin at times. I don't like it, you don't like it." This deliberate understaffing directly endangered the safety of supervisors and the riding public.
- (e) The RTA executive admitted management had been withholding information from

employees: **"I understand you all were in the dark... What I totally understand about life, in the absence of the truth comes a story."**

103. An employee stated: **"People hadn't had a raise in three years or a cost of living, they do get frustrated."** Employees explained they are forced to "clamor" for overtime just to afford basic necessities—"gas, eggs, milk"—because RTA has suppressed their wages while the cost of living has risen.

104. When a supervisor attempted to raise a legitimate safety concern about being assigned to cover the entire New Orleans transit system alone during a major event weekend, he was interrupted: **"I'm gonna stop you... one of the things we have to do is communicate in a different way. It's not a matter of being pejorative about what happened."**

105. During the Thanksgiving/Bayou Classic weekend—one of the highest-ridership weekends of the year—a schedule change resulted in **a single supervisor being assigned to cover the entire New Orleans transit system**, including the Canal line, the St. Charles line, and all bus operations simultaneously. An employee pointed out that if an accident occurred, the response time would be **"unacceptable"** and the operator might not be able to be pulled from service.

106. In or about December 2025, Plaintiff Garner met privately with S. Allen-Buchanan, RTA's Chief of Human Resources. The CHRO made the following admissions against interest:

- (a) The CHRO admitted that the prior administration deliberately concealed employee complaints, stating, "Your administration, they tried to bury it. They tried to—they overlooked it. They wanted me to gloss it over."

(b) When Garner inquired about the status of his formal complaints, the CHRO admitted:

"It may not even be, it may have disappeared. It may have disappeared in the emails."

(c) The CHRO admitted she had never even asked to review employee complaints, "I've never asked for any of the complaints. But now that you've said that, I will go ask."

(d) The CHRO acknowledged the systemic nature of the hostile environment, repeating four times, "That's the culture... And I know it's loud. I'm trying to help change that culture."

(e) The CHRO admitted that harassers feel insulated from consequences, "They feel comfortable in the culture that they're in, they're protected."

107. The CHRO responded with a startling admission of her own: **"Horseplaying is against the rules. I found that out. So I did do some research into it after the fact."**

108. Garner reported to the CHRO that Marshall referred to Black supervisory staff as **"roaches"** who **"spread"** when he pointed at them. The CHRO defended the comparison, stating:

"But that is a terminology that's used in many places. It's roaches and ants. That's usually the term... It was just how quick everybody spread."

109. Garner reported that Defendant Lawrence Williams allowed an operator to drive a personal vehicle from Carrollton to the testing site for a "random" drug test, in violation of DOT/FTA chain-of-custody protocols, because it allowed the operator to potentially compromise the specimen. Garner stated: "The operator could compromise the test... don't know if they got urine in the car where they could heat up on the heater." Garner reported this violation. Nothing happened.

110. On December 18, 2025, suffering from severe anxiety, hypertension, and

physical distress caused by RTA's hostile work environment, Brooks submitted her resignation effective January 2, 2026. Brooks stated: "I chose to resign on January 2, 2026 because my body and mind could not take the stress."

111. On or about December 21, 2025 — after Brooks had already submitted her resignation — Chief Transit Officer Brian Marshall and CHRO S. Allen-Buchanan sent an email to CFO Giselle Banks formally recommending that Brooks' salary be adjusted to \$87,500, retroactive to July 1, 2023. CFO Banks ignored the recommendation.

112. Director of Bus Petrina Lewis later confirmed in writing that RTA's use of Policy HC14 (Section 3.2.2, Waiver of Minimum Qualifications) to justify Brooks' lower pay was improper, stating: "If the minimum qualifications were waived, it should not have been used as a means to not pay her midpoint."

113. On or about January 2, 2026, Plaintiff Brooks was constructively discharged from her position as Service Delivery Manager. Brooks had performed the same duties as her male counterparts—Defendants Hurts and Boudreaux, and non-party Oscar Duplessis—but was paid significantly less. Oscar Duplessis earned approximately \$87,470 per year; Brooks earned substantially less for equal work requiring equal skill, effort, and responsibility performed under similar working conditions. Brooks's repeated complaints about pay disparity were ignored. The combination of sex-based pay discrimination, hostile working conditions, and deliberate indifference to her complaints rendered the conditions of her employment so intolerable that a reasonable person in Brooks's position would have felt compelled to resign.

114. On January 23, 2026, the Louisiana Workforce Commission ruled in Brooks' favor, determining that Brooks "left [her] employment because [she] was dissatisfied with the

work/working conditions" and that she met "Louisiana Employment Security Law requirements for receipt of benefits" effective December 28, 2025. The State of Louisiana thus independently confirmed that RTA's working conditions constituted good cause to resign.

115. On January 28, 2026, Plaintiff Garner recorded three separate meetings at the RTA facility in New Orleans. These recordings, made lawfully under La. R.S. 15:1303(C)(4), capture admissions from three separate RTA officials that establish willful FLSA violations, premeditated retaliation, systemic wage theft, and ongoing harassment.

116. **Recording 1 — 11:55 a.m.:** Plaintiff Garner met with Defendant S. Allen-Buchanan, CHRO. Here, Defendant S. Allen-Buchanan admitted that RTA supervisors are willfully misclassified under the Fair Labor Standards Act, stating: *"Supervisors are probably going to all y'all at a point they're probably going to become exempt because I have to follow the FLSA rules and regulations... we're going to get in trouble as an organization because they're going to say these people are doing management type duties and getting paid hourly, that could be a problem."* S. Allen-Buchanan admitted to deliberately delaying FLSA reclassification to avoid paying overtime during RTA's busiest and most lucrative season: "I'm giving it time so like Mardi Gras... y'all can make whatever money y'all gonna make before I go and I have to enact the FLSA rules."

117. Garner reported that a Director circulated an internal email proposing to **"get rid of the leads"**—the very positions held by Plaintiffs engaged in protected activity. S. Allen-Buchanan acknowledged the email and agreed it was concerning, stating that it **"seems very retaliatory."** Despite this acknowledgment by the CHRO herself, no action was taken to protect the employees or discipline the Director.

118. **Garner reported that the Director also made false statements accusing Garner and other leads of conspiring to "oust" the Director from the company**—a narrative designed to create pretext for adverse actions against employees engaged in protected activity. Garner stated: "You're getting people to form an opinion against us and it does make you feel... now you got everybody in that room looking at us like okay what are they doing."

119. **Recording 2 — 12:09 p.m.:** This recording captures:

(a) S. Allen-Buchanan admitted that RTA supervisors are paid less than the employees they manage—a practice known as "pay inversion"—and that it is systemic:

"Is this the way it should be done? No, this is not the way it's done... But it's the RTA way. Is it right? Absolutely not. It's not right. You should never be managing somebody and you're making less. There's no incentive of doing it."

(b) S. Allen-Buchanan admitted that RTA executives received raises while supervisors received none.

(c) Previous pay grievances filed by supervisors were **"laughed off by the management team,"** demonstrating willful indifference to wage suppression.

(d) S. Allen-Buchanan admitted that the retaliatory discipline imposed on Plaintiff Garner—a proposed demotion for a single missed incident report out of more than 300—was driven by the pending litigation.

(e) S. Allen-Buchanan conceded that Garner's record was exemplary, with **"absolutely nothing in their folder at all, period,"** and that Garner was **"very good with your... report writing"** and **"the better of the two."** Despite this, RTA sought to demote Garner based on a single incident—classic pretext for retaliation.

- (f) S. Allen-Buchanan implicitly acknowledged the intolerable nature of the working conditions:

"When you feel like you can't do something no more, what you do? Right? You do what you gotta do."

- (g) S. Allen-Buchanan acknowledged that understaffing forces a single supervisor to simultaneously operate **the Canal line, the system, and the afternoon lot**—an impossible and dangerous assignment.
- (h) S. Allen-Buchanan admitted: "I think sometimes that managers react off impulse instead of stopping, thinking, and taking responsibility for some things that happen as well."

120. **Recording 3 — 1:14 p.m.:** Plaintiff Garner met with Director Petrina Lewis in which the following set of facts are set forth:

- (a) Garner reported that Supervisor Williams looked directly at him and stated: **"I ain't no faggot."** Garner stated that when the slur was documented by Supervisors Ashley and Eric and submitted to Kentrella Crawford, Crawford **took no action and "found it funny because he didn't know how to spell faggot."**
- (b) **"I've been bought porn magazines that your supervisor left in the car for me to find, and you've done nothing. Nothing."** The magazine, depicting explicit oral and anal sexual content, bore Lawrence Williams's name and address on the mailing label.
- (c) Garner stated: **"They interviewed everybody but me. I'm one, but the plaintiff, and no manager ever asked me what happened."** He described management as **"sweeping shit under the rug to cover up for your own."** Security video confirms Arnold charged Garner three separate times. Management used the lack of audio on the video as pretext: **"Because we can't hear what he's saying to you, we can't, we**

don't know what's going on." Garner responded: **"You see the 300-pound man ramming his body into me. So you think he's saying 'good morning' to me?"**

(d) Garner stated: "I've been hurt, I've been called fags before, I've been told to go home, leave here, everything else by your supervisors... that was my tipping point because that man didn't just run into me for the hell of it, he did that because he felt I was less than a man."

(e) Garner identified a fraternal network that protects harassers: Arnold and certain managers share **"Mason"** (Freemasonry) affiliations that insulate them from accountability.

121. **January 28, 2026 — Garner Suspended.** On the same date as the three recordings, Plaintiff Garner was suspended. The suspension was for a single missing incident report from November 30, 2025—one report out of more than 300 that Garner successfully completed. Garner had the physical report in his binder and had physically handed it to Manager Floyd Hurts, who claimed it was never received. Garner received a five-day suspension.

122. As Defendant Floyd Hurts acknowledged, the discipline was "supposed to be worse than this"—management had initially proposed a **demotion** for a single administrative error by an employee with an otherwise spotless record. This discipline was retaliatory, imposed solely to punish Garner for his protected activity.

123. Following his suspension, Garner filed an EEOC complaint and multiple internal EEO complaints against Defendant Floyd Hurts, alleging retaliation, unprofessional conduct, and discriminatory treatment. In one complaint, Garner alleged that Hurts bypassed Lead Supervisors and granted preferential treatment to a personal acquaintance, Shona Woods. In another, Garner

documented a February 2026 incident involving dispatcher instructions to Operator Lisa White and delays caused by noncompliance. Garner requested a meeting with HR and leadership on February 4, 2026, seeking immediate intervention.

124. **February 24, 2026 — Sex-Based Epithet Directed at Ashley Terry.** On February 24, 2026, while Plaintiff Terry was performing her supervisory duties, a male operator called her a "**bitch**" directly to her face. RTA's Employee Handbook, Section 3.08, expressly authorizes **termination** for the use of profanity directed at supervisors. Instead of termination, the operator received a "**nominal suspension**" of effectively zero hours—because he had already worked seven hours that day when the suspension was imposed. The operator had previously been involved in hostile conduct toward Terry beginning August 19, 2024, involving Operator Rather Johnson, demonstrating a pattern of gender-based harassment that RTA refused to address.

125. **March 5, 2026 —** On March 5, 2026, Plaintiff Terry recorded Defendant Floyd Hurts, Service Delivery Manager, regarding the inadequate discipline imposed on the operator who called her a "bitch." During this recording, Hurts admitted that his disciplinary recommendations are routinely overridden by upper management and HR:

"We have to get the permission from other people to do our job."

126. Hurts further confirmed that the operator had **acknowledged calling Terry a "bitch,"** yet upper management still reduced the discipline. Terry expressed her fear for her physical safety: "**Y'all are supposed to defend us and it's not happening.**" This recording establishes that even the Defendants tasked with enforcing discipline recognized the system was broken—and that the decision to protect harassers over victims was made at the highest levels of RTA management.

127. **March 24, 2026 — RTA Road Supervisors Meeting.** On March 24, 2026, an RTA Road Supervisors Meeting was attended by Plaintiffs Garner, Davis, Julian, and others, as well as Defendants Lewis, Hurts, and Marshall. The following facts are set forth herein:

- (a) Defendant Marshall admitted that RTA's compensation structure is fundamentally unjust: "**[Pay is] almost completely out of balance**" and that RTA "**suppress[ed] salaries.**"
- (b) Marshall admitted: "**HR did not have the leadership enough**" to address the systemic failures at RTA.
- (c) Marshall admitted the disciplinary system is "**out of balance,**" giving the example that **four mirror taps equal termination** while **three heavy wrecks equal termination**—an irrational system that punishes minor infractions as severely as major safety violations.
- (d) Reports of **armed individuals on buses** went unanswered by RTA management and security, endangering operators, supervisors, and the riding public.
- (e) The radios that serve as the "**lifeline**" for operators and supervisors were failing, leaving them without means of communication during emergencies.
- (f) Union negotiations had been stopped for "**political reasons,**" leaving employees without recourse through collective bargaining to address the wage suppression and dangerous conditions.

128. The additional facts set forth below are presented to demonstrate the continuous, escalating, and unremedied nature of Defendants' unlawful conduct:

- (a) Throughout 2025, Defendant Jacques Robichaux, Senior Director of Maintenance,

subjected Plaintiff L. Duplessis to persistent harassment and intimidation. L. Duplessis reported this conduct to Human Resources. No corrective action was taken, and L. Duplessis was instead subjected to retaliatory actions.

(b) Throughout 2025, Defendant Eric Boudreaux, Service Delivery Manager, subjected Plaintiff Solomon to sexual harassment including bullying, stalking, unwanted advances, and deliberate scheduling manipulation designed to isolate Solomon and maximize Boudreaux's access to her. When Solomon reported this conduct, RTA responded not by disciplining Boudreaux, but by increasing scrutiny of Solomon and imposing adverse conditions on her employment—a textbook retaliatory response.

(c) Plaintiff Barra, a Black male over the age of forty, has been systematically denied promotions despite possessing superior qualifications. Less-qualified, younger, and/or non-minority candidates have been selected over Barra for positions for which he was the most qualified applicant.

(d) Plaintiff Smith has a documented disability requiring a medical accommodation of limited typing to four hours per day. RTA initially provided this accommodation. After Smith engaged in protected activity, Defendant Booth increased her shift from 8 to 10 hours, effectively nullifying her accommodation and forcing her to choose between her health and her employment. This constitutes a failure to accommodate under the ADA, 42 U.S.C. § 12112(b)(5)(A), and retaliation for the exercise of ADA rights.

TIMELINESS, CONTINUING VIOLATIONS, AND ANTICIPATORY RESPONSE TO FORESEEABLE DEFENSES

129. Plaintiffs anticipate that Defendants will assert various affirmative defenses designed to avoid accountability for their unlawful conduct. Plaintiffs address each

foreseeable defense herein to demonstrate that none has merit.

Statute of Limitations / Timeliness

130. All claims asserted herein are timely. To the extent any discrete act falls outside the applicable limitations period, such acts are nonetheless actionable under the **continuing violation doctrine** recognized by the Supreme Court in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002). The hostile work environment at RTA is not a series of isolated incidents but a single, continuous, and indivisible pattern of harassment, discrimination, and retaliation. At least one act contributing to each Plaintiff's hostile work environment claim occurred within the applicable filing period, and the earlier acts are part of the same actionable practice. The Fifth Circuit has held that a hostile work environment claim "is composed of a series of separate acts that collectively constitute one unlawful employment practice" and that "it does not matter that some of the component acts of the hostile work environment fall outside the statutory time period" so long as an act contributing to the claim occurs within the filing period. *Stewart v. Miss. Transp. Comm'n*, 586 F.3d 321, 328–29 (5th Cir. 2009); *Pegram v. Honeywell, Inc.*, 361 F.3d 272, 279 (5th Cir. 2004), abrogated on other grounds by *Hamilton v. Dallas Cnty.*, 79 F.4th 494 (5th Cir. 2023) (*en banc*).

131. The audio recordings obtained in May 2025, November 2025, late November/early December 2025, January 28, 2026, March 5, 2026, and March 24, 2026, constitute **newly discovered evidence** of the systemic nature and continuing character of the hostile environment. The admissions captured on these recordings—particularly the CHRO's admission that the prior administration "tried to bury" complaints, that complaints "disappeared," and that "this is the culture"—demonstrate that acts occurring prior to the

filing period were part of the same continuous pattern that persists to the present day.

132. With respect to FLSA claims, Defendant S. Allen-Buchanan's January 28, 2026 admission that she was **deliberately delaying** FLSA reclassification constitutes a **willful** violation under 29 U.S.C. § 255(a), entitling Plaintiffs to a **three-year statute of limitations** rather than the standard two-year period.

133. Chesnek's EEOC Charge identifies events beginning November 9, 2023, and continuing. The abandonment of his internal EEO investigation upon Mark Major's termination on July 2, 2024, constitutes a discrete retaliatory act. RTA's failure to remedy the hostile environment created by Defendant Felton is ongoing. Under the continuing violation doctrine, the entire course of conduct—from the "hotties list" through the present failure to investigate—is timely.

134. Smith's retaliatory evaluation occurred on September 8, 2025, and Defendant Booth's ongoing surveillance, monitoring, and ADA accommodation violations continued into 2026. Her EEOC Charge was timely filed. Each act of harassment, each day of denied accommodation, and each instance of surveillance constitutes a continuing violation. All claims are timely.

135. Verrett was terminated on September 30, 2022. While this discrete act predates the 300-day filing window, Verrett's claims are timely on multiple independent grounds: (a) equitable tolling applies because RTA actively concealed its discriminatory motive, as the CHRO admitted in December 2023 that the administration "tried to bury" complaints and that files "may have disappeared"; (b) the continuing violation doctrine applies because Verrett's termination was part of the same systemic pattern of discrimination, retaliation, and cover-up that has continued without interruption through the present

action—as demonstrated by the nine audio recordings capturing ongoing institutional dysfunction; (c) Verrett's FMLA interference and retaliation claims are subject to a two-year statute of limitations (three years for willful violations) under 29 U.S.C. § 2617(c), and RTA's willful destruction or concealment of complaint records supports the willful tolling provision; and (d) the discovery rule applies because the full scope of RTA's discriminatory conduct was not and could not have been known to Verrett until the audio recordings came to light, revealing that the same institutional pattern that led to her termination persisted systemically.

136. Davis's EEOC Charge identifies discriminatory and retaliatory conduct from September 11, 2024, through December 21, 2025, and continuing. Multiple discrete acts fall within the 300-day period. Davis's public corroboration of Garner at the March 24, 2026 meeting constitutes additional protected activity, and any adverse action thereafter is independently timely.

137. Barra's EEOC Charge alleges ongoing race and age discrimination in promotions and retaliation. Each denied promotion constitutes a discrete adverse action. At least one denial occurred within 300 days of filing. His ADEA claim is subject to the same 300-day filing requirement, which has been satisfied.

138. Terry's EEOC Charge identifies incidents beginning August 19, 2024, and continuing. The February 24, 2026 incident (operator calling her a "bitch") and the March 5, 2026 recording of Defendant Hurts are among the most recent acts. All claims are timely both as discrete acts and under the continuing violation doctrine.

139. Solomon's sexual harassment by Defendant Boudreaux was ongoing throughout 2025 and continuing, including bullying, stalking, unwanted advances, and scheduling manipulation. Her EEOC Charge was timely filed. At least one act of harassment

falls within the 300-day period, and the entire pattern is actionable under the continuing violation doctrine.

140. Julian was physically assaulted on September 18, 2025—a discrete act well within 300 days of his EEOC filing. He was subsequently subjected to retaliatory discipline by Defendant Boudreaux on December 1, 2025 (verbal warning) and January 28, 2026 (written citation retracted same day). Each retaliatory act is independently timely.

141. Duplessis's hostile work environment claim is based on ongoing harassment by Defendant Robichaux throughout 2025 and continuing. He filed EEOC Charge No. Pending. At least one act of harassment occurred within the 300-day filing period, rendering the entire course of conduct timely under the continuing violation doctrine.

142. S. Williams was terminated on March 17, 2025. She filed EEOC Charge No. 461-2025-01952. Her termination is a discrete adverse action occurring within 300 days of her EEOC filing. Defendant Tyler's personal involvement in upholding the termination establishes individual liability. All claims arising from the termination are timely.

143. Brooks was constructively discharged on January 2, 2026. She filed EEOC Charge No. 461-2025-03966. Her Equal Pay Act claim is subject to a two-year statute of limitations (three years if willful) under 29 U.S.C. § 255(a), and each paycheck reflecting the discriminatory wage constitutes a new violation. Her constructive discharge is a discrete act occurring on January 2, 2026, well within any limitations period.

144. Garner's hostile work environment claim encompasses a continuous pattern of harassment from August 2022 (Williams's first homophobic slur) through March 2026 (the 132-minute recorded supervisors meeting). Garner filed EEOC Charge No. 461-2025-01952 and multiple internal EEO complaints in 2026. His most recent adverse actions—the January

28, 2026 suspension, ongoing retaliatory discipline by Defendant Hurts in February 2026, and the continued hostile environment documented in the March 24, 2026 recording—all fall well within the 300-day EEOC filing period. Under the continuing violation doctrine, all prior acts forming part of the same hostile work environment are timely. Additionally, Garner's FLSA claims are subject to a three-year statute of limitations due to the willful nature of RTA's violations, as admitted by S. Allen-Buchanan on January 28, 2026.

Exhaustion of Administrative Remedies

145. Each Plaintiff has filed a timely EEOC Charge, as set forth in Section IV above. Plaintiff Chesnek has received a Notice of Right to Sue from the EEOC, issued April 3, 2026, in connection with Charge No. 461-2026-02148. The remaining Plaintiffs have not yet received Notices of Right to Sue. However, Title VII's charge-filing requirement is not jurisdictional but rather a waivable claim-processing rule. *Fort Bend County v. Davis*, 139 S. Ct. 1843 (2019). Plaintiffs anticipate receiving their right-to-sue notices prior to dispositive motions in this matter, at which point exhaustion will be fully satisfied. Moreover, the majority of Plaintiffs' claims—including those under 42 U.S.C. § 1983, the FLSA, the Equal Pay Act, and Louisiana state law—require no administrative exhaustion whatsoever.

Governmental Immunity

146. RTA, as a political subdivision, may assert governmental immunity under Louisiana law. However, **La. R.S. 23:303** expressly waives immunity for claims brought under Louisiana's employment discrimination statutes. Furthermore, 42 U.S.C. § 1983 provides an independent federal cause of action against state actors, and the Eleventh Amendment does not bar suits against political subdivisions. *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978). Additionally, Title VII, the ADA, the ADEA, the FMLA, and the FLSA

all expressly cover state and local government employers. To the extent RTA claims immunity, Plaintiffs assert that RTA has waived any such immunity through its participation in federal programs and its acceptance of federal transit funding.

Faragher- Ellerth / Employer Avoidable Consequences Defense

147. RTA cannot avail itself of the **Faragher- Ellerth** affirmative defense because: (a) multiple Plaintiffs suffered **tangible employment actions** (termination, constructive discharge, demotion, suspension), which renders the defense unavailable as a matter of law; (b) Plaintiffs who were subjected to harassment **did report** the harassment through RTA's internal complaint procedures, and RTA **failed to take prompt, remedial action**—in fact, RTA took retaliatory action against the complainants; and (c) RTA's complaint procedures were themselves defective, as demonstrated by the CHRO's admission that complaints "disappeared," that the prior administration "tried to bury" them, and that the CHRO "never asked for any of the complaints." A reporting procedure that does not actually function cannot support the Faragher- Ellerth defense.

After-Acquired Evidence

148. To the extent RTA attempts to invoke the **after-acquired evidence** doctrine under *McKennon v. Nashville Banner Publ'g Co.*, 513 U.S. 352 (1995), any such defense is inapplicable because: (a) the audio recordings were made lawfully under Louisiana's one-party consent statute and do not constitute employee misconduct; (b) RTA cannot demonstrate that it would have made the same employment decisions absent the protected activity, given that S. Allen-Buchanan admitted on tape that Garner had "**absolutely nothing in [his] folder**" and was "**the better of the two**"; and (c) any alleged misconduct by Plaintiffs is vastly outweighed by the systematic violations of federal and state law

committed by Defendants.

Business Judgment / Legitimate Non-Discriminatory Reason

149. Defendants' own recorded admissions eliminate any claim of legitimate business judgment. RTA executives have admitted that Garner's discipline occurred **"because the lawyers and all these other big reasons involved"**—an explicit admission that the discipline was motivated by the pending litigation, not by any legitimate business reason. The CHRO admitted to deliberately delaying FLSA compliance to avoid financial liability. Marshall admitted that salaries were "suppressed" and the disciplinary system was "unjust." These admissions constitute direct evidence of discriminatory and retaliatory intent, shifting the burden to Defendants to prove that they would have made the same decisions absent the unlawful motive—a burden they cannot meet.

Failure to Mitigate

150. Plaintiffs have made reasonable efforts to mitigate their damages. To the extent any Plaintiff remains employed at RTA, continued employment in a hostile environment does not constitute a failure to mitigate—employees are not required to resign their positions to avoid ongoing harassment. *Pa. State Police v. Suders*, 542 U.S. 129, 148 (2004). Those Plaintiffs who were terminated or constructively discharged have sought or are seeking alternative employment commensurate with their qualifications.

Legality of Audio Recordings

151. All audio recordings referenced in this Complaint were made lawfully under Louisiana's one-party consent statute, **La. R.S. 15:1303(C)(4)**, which permits the recording of oral communications by a party to the conversation without the consent of the other

parties. Each recording was made by Plaintiff Garner or Plaintiff Terry, both of whom were parties to the conversations. The recordings are admissible as admissions by party opponents under **Fed. R. Evid. 801(d)(2)** and as evidence of the hostile work environment, discriminatory intent, and retaliatory animus.

RTA'S SYSTEMATIC VIOLATION OF ITS OWN WRITTEN POLICIES

152. RTA maintained an Employee Handbook setting forth written policies governing employee conduct, workplace safety, complaint procedures, and anti-harassment protections. RTA's own policies, quoted verbatim below, establish that RTA knew exactly what standards applied, communicated those standards to all employees, and then systematically refused to enforce them when violations were reported by Plaintiffs. RTA's deliberate failure to enforce its own written policies constitutes the "persistent and widespread" practice required to establish municipal liability and demonstrates that the hostile work environment, retaliation, and unsafe conditions were not the acts of rogue employees but the product of official custom and practice.

153. **Section 3.08 — Zero Tolerance for Harassment and Slurs.** RTA Employee Handbook Section 3.08, "Language and Conduct," provides:

There is ZERO TOLERANCE for unacceptable behavior... Harassment, physical assault, verbal abuse, fights... will not be tolerated. Employees who commit acts of harassment, including but not limited to the use of slurs or derogatory statements involving race, color, national origin, creed, sex, age or disability, will be subject to disciplinary action up to termination.

154. Despite this "Zero Tolerance" mandate, Defendant Lawrence Williams repeatedly used homophobic slurs directed at Plaintiff Garner, displayed pornographic material on an RTA vehicle, and was never disciplined. RTA management was informed of Williams's conduct and, as captured on audio recording, chose to bury the complaints

rather than enforce Section 3.08.

155. RTA Employee Handbook Section VII establishes a "Safe Reporting Program" and provides:

No disciplinary action will be taken against any employee who conveys a safety concern through RTA's safety reporting program.

156. RTA violated this express anti-retaliation commitment by disciplining, terminating, suspending, and constructively discharging Plaintiffs who reported safety concerns and workplace misconduct.

157. RTA's Employee Handbook Introductory Safety Statement imposes a mandatory duty to investigate:

The RTA shall investigate and handle all incidents and accidents fairly and completely with the goal of understanding the safety rule and safe work expectation that was violated.

158. RTA breached this mandatory "shall" obligation. As the Chief Human Resources Officer admitted on the recorded January 28, 2026 meeting, complaints were buried, investigations were never conducted, and the CHRO "never asked for any of the complaints." The word "shall" in RTA's own policy imposes a non-discretionary duty — a duty RTA deliberately and repeatedly violated.

159. **Section 6.01** — RTA Employee Handbook Section 6.01, "Pre-Trip Safety Inspection," provides:

Vehicles with identified safety defects... MUST not be operated until approved by a qualified individual. Failure to comply with rules relating to proper pre-trip is considered cause for corrective action, up to and including termination.

160. RTA management directed supervisors to take out buses and streetcars with

known mechanical defects including brake failures, inoperative safety equipment, and other dangerous conditions — in direct violation of the handbook's prohibition that such vehicles "MUST not be operated." Plaintiffs who refused to operate unsafe vehicles or reported defects were subjected to discipline and retaliation.

161. **Sections 3.24 and 10.03 — Electronic Devices.** RTA Employee Handbook Sections 3.24 and 10.03 establish an electronic device policy:

Violation of the Electronic Device Policy is a major infraction... up to and including termination for the first infraction. Any employee bringing any audio device, TV, or laptop onto the vehicle: 1st Offense = Termination.

162. Defendant Williams used an electronic device to display pornographic material on an RTA vehicle. Under RTA's own policy, this warranted immediate termination on the first offense. RTA took no action. The disparity between the handbook's mandatory termination requirement and RTA's deliberate inaction demonstrates that discipline at RTA was applied selectively — enforced against those who reported misconduct and ignored for those who committed it.

163. RTA's Equal Employment Opportunity Policy provides:

RTA is proud of its tradition and maintaining a safe work environment in which we treat all individuals with dignity and respect. RTA prohibits discriminatory practices in all aspects of employment, including compensation.

164. RTA violated its own EEO policy by maintaining pay disparities between male and female employees performing substantially equal work, by failing to provide a workplace of "dignity and respect," and by permitting executives to engage in discriminatory conduct that the policy expressly prohibits.

165. RTA's Americans with Disabilities Act Policy provides:

The RTA will take such requests seriously and will promptly determine whether a reasonable accommodation exists. The Regional Transit Authority must adopt procedures that provide for the prompt and equitable resolution of complaints.

166. RTA violated this policy by destroying Plaintiff Smith's existing accommodation and by failing to promptly determine or provide reasonable accommodations for Plaintiff Verrett. Rather than "take such requests seriously," RTA used accommodation requests as a basis for adverse employment actions.

167. **Section 3.06 — Courtesy and Respect.** RTA Employee Handbook Section 3.06, "Courtesy and Respect," provides:

All RTA employees are expected to exercise courtesy and treat customers and co-workers with respect and dignity at all times. Words or acts of hostility will not be tolerated.

168. Defendants' conduct — including homophobic slurs, physical intimidation, threats, and public humiliation of Plaintiffs — constitutes precisely the "words or acts of hostility" that Section 3.06 states "will not be tolerated." RTA tolerated all of it.

169. **Section 3.07 — Physical Altercations.** RTA Employee Handbook Section 3.07 provides:

Fighting is prohibited at any time while on duty or on RTA property. Employees must do everything reasonable to deescalate potentially violent situations.

170. Rather than de-escalate, Defendant Ernesto Arnold physically pushed Plaintiff Garner. RTA Executives engaged in intimidation of subordinates who raised complaints.

171. **Section 1.02 — Duty to Report.** RTA Employee Handbook Section

1.02, "Reporting Safety Events and Hazards," provides:

Employees must immediately inform their supervisor of any unsafe condition or defective equipment. A written report must be given, as soon as possible, to the Supervisor.

172. Plaintiffs complied with this mandatory reporting duty. RTA weaponized their compliance by using the reports to identify who was raising concerns and then retaliating against those individuals — converting a safety obligation into a mechanism for punishment.

173. In sum, RTA violated numerous rules in its own Employee Handbook. These were not aspirational guidelines — they were written, published, mandatory policies that RTA distributed to all employees and held out as binding standards of conduct. RTA's systematic refusal to enforce these policies when Plaintiffs reported violations, combined with RTA's selective enforcement of discipline against Plaintiffs who reported misconduct, establishes both the "persistent and widespread practice" and the "deliberate indifference" required for municipal liability under Monell and its progeny. RTA cannot now claim ignorance of the standards it wrote, published, and chose not to enforce.

PROPER JOINDER OF ALL PLAINTIFFS

174. Federal Rule of Civil Procedure 20(a)(1) provides that persons may join as plaintiffs if: (A) they assert a right to relief jointly, severally, or in the alternative "arising out of the same transaction, occurrence, or series of transactions or occurrences"; and (B) "any question of law or fact common to all plaintiffs will arise in the action." Both requirements are satisfied here. The Fifth Circuit has consistently held that "'transaction or occurrence' should be given a broad interpretation in order to promote trial convenience and avoid multiple lawsuits." *Acevedo*

v. Allsup's Convenience Stores, Inc., 600 F.3d 516, 522 (5th Cir. 2010); *Applewhite v. Reichhold Chemicals, Inc.*, 67 F.3d 571, 574 (5th Cir. 1995).

175. All twelve Plaintiffs are current or former employees of a single employer — the New Orleans Regional Transit Authority — who were subjected to a single, continuous, and interrelated pattern of hostile work environment, discrimination, and retaliation orchestrated by RTA's senior executive leadership—including successive Chief Executive Officers, Chief Legal Officers, and Chiefs of Human Resources—who established, perpetuated, and ratified the institutional policies and practices that harmed every Plaintiff, including the systematic suppression of employee complaints, the protection of known harassers from meaningful discipline, and the targeted retaliation against employees who exercised their rights under federal and state law.

176. The individual-level harassment and discrimination experienced by each Plaintiff was carried out by mid-level managers — including Floyd Hurts (Assistant Superintendent), Eric Boudreaux (Road Supervisor), Jacques Robichaux (Road Supervisor), and others — who operated under and at the direction of the same executive leadership. The line-level misconduct was not isolated; it was the predictable and intended product of institutional directives from the C-Suite. Chief Transit Officer Brian Marshall openly referred to RTA employees as "roaches" to be "cleaned out," establishing the tone that line managers carried out. When Plaintiffs reported harassment, discrimination, and safety violations through RTA's own mandatory reporting channels, the complaints were received by the same Human Resources apparatus — overseen by S. Allen-Buchanan and investigated by Employee Relations Manager Crawford — which uniformly failed to take corrective action, exonerated known harassers, and instead initiated retaliatory investigations against the reporting employees.

177. The discriminatory policies and practices at RTA did not originate with the current CHRO; they are institutional. Plaintiff Kerisher Verrett was subjected to disability discrimination and terminated in September 2022 under the prior CHRO. When S. Allen-Buchanan succeeded as CHRO, she inherited, adopted, and ratified the identical institutional practices: suppressing complaints, protecting supervisors, and retaliating against employees who raised concerns. The system did not change — only the names on the office doors changed. The retaliatory termination of Verrett in 2022 and the retaliatory discipline of Garner, Julian, Terry, Barra, and others in 2023–2026 are not isolated events; they are successive applications of the same institutional policy of punishing employees who assert their rights. *See Acevedo v. Allsup's Convenience Stores, Inc.*, 600 F.3d 516, 522 (5th Cir. 2010) (joinder proper where claims arise from "a company-wide policy" of discrimination even where individual acts occurred at different times); cited with approval in *Acevedo*, 600 F.3d at 522.

178. Plaintiff Francis Mark Chesnek, although employed in RTA's Marketing and Sales division rather than Transit Operations, was harmed by the same institutional failure. Chesnek reported sexual harassment by the Chief of Staff and was subjected to the same pattern: the complaint was routed to the same HR department under S. Allen-Buchanan, the same CLO Tracy Tyler oversaw the legal response, and the "investigation" was outsourced to Boykin & Utley — the same firm RTA used to represent RTA in other civil matters — which produced a predetermined exoneration of the harasser. That the harassment occurred in a different department than the bus yard incidents does not defeat joinder; what unifies the claims is the institutional response — the same C-Suite officers applying the same policy of suppression, the same HR apparatus conducting the same investigations, and the same retaliation against the reporting employee. *See Allen v. Atl. Richfield*, 724 F.2d 1131, 1133 (5th Cir. 1984) (22 plaintiffs

in different positions at same facility properly joined where common employer policies challenged).

179. The claims of all twelve Plaintiffs will be proved through substantially the same evidence, including: (a) no less than nine audio recordings of RTA management meetings spanning May 2025 through March 2026, in which supervisors and executives made admissions relevant to every Plaintiff's claims; (b) RTA's Employee Handbook and written policies, which RTA systematically violated with respect to every Plaintiff; (c) the testimony of common defendants Hankins, Tyler, S. Allen-Buchanan, Marshall, Crawford, and Hurts, whose actions and omissions harmed multiple Plaintiffs; (d) RTA's personnel and disciplinary records, which will demonstrate a pattern of retaliatory discipline applied uniformly against employees who reported misconduct; (e) the EEOC charges filed by multiple Plaintiffs, which arise from the same pattern and practice; and (f) RTA's own Position Statement submitted to the EEOC, which contains admissions by RTA that corroborate Plaintiffs' allegations regarding the use of homophobic slurs, the occurrence of physical assault, the issuance of criminal battery charges against an RTA employee, and RTA's grossly inadequate remedial response.

180. The following questions of law and fact are common to all Plaintiffs and will be resolved in a single proceeding:

- (a) whether RTA maintained an institutional policy or custom of suppressing employee complaints of harassment, discrimination, and unsafe working conditions;
- (b) whether RTA's Human Resources department, under S. Allen-Buchanan and Employee Relations Manager Crawford, systematically failed to investigate or take corrective action on employee complaints;
- (c) whether RTA retaliated against employees who utilized internal reporting channels or

filed EEOC charges;

- (d) whether the individual defendants acted under color of state law;
- (e) whether RTA's conduct constitutes a "persistent and widespread practice" sufficient to establish municipal liability under *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978);
- (f) whether RTA's executive leadership, including successive Chief Executive Officers, Chief Legal Officers, and Chiefs of Human Resources, had actual or constructive knowledge of the hostile work environment and were deliberately indifferent to it; and
- (g) whether Plaintiffs are entitled to compensatory damages, punitive damages, back pay, front pay, and injunctive relief.

181. Trying these claims together promotes judicial economy and avoids the waste of judicial resources that would result from twelve separate actions involving the same employer, the same executive defendants, the same institutional policies, the same audio recordings, the same Employee Handbook, and the same HR apparatus. The factual overlap is not incidental — it is structural. Severing these claims would require the same witnesses to testify repeatedly about the same policies, the same recordings to be authenticated multiple times, and the same institutional failures to be proved in twelve separate proceedings. *See Applewhite*, 67 F.3d 571, 574 (5th Cir. 1995) (noting that the "impulse" of Rule 20 "is toward the broadest possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged").

182. Joinder of all twelve Plaintiffs will not cause prejudice to Defendants. The Defendants are the same individuals alleged to have harmed every Plaintiff. The same audio recordings are admissible against RTA in every Plaintiff's case as admissions of party-opponents under Federal Rule of Evidence 801(d)(2)(D). The same institutional policies — and their

systematic violation — are at issue in every claim. Unlike cases in which joinder has been denied due to the sheer number of plaintiffs and geographical dispersion of claims, *see, e.g., Acevedo*, 600 F.3d at 523 (800+ plaintiffs across 300+ stores in multiple states), this action involves twelve employees of a single public entity, working in a single metropolitan area, subjected to the same institutional misconduct by the same executive leadership during an overlapping and continuous time period.

183. Plaintiffs are aware that Defendants may seek to sever these claims under Federal Rule of Civil Procedure 21. Plaintiffs submit that any such motion should be denied. The Fifth Circuit has warned against precisely this abuse of the severance mechanism: "The purpose of the rule is to promote trial convenience and expedite the final determination of disputes, thereby preventing multiple lawsuits." *Applewhite*, 67 F.3d at 574. Severance here would not promote convenience — it would multiply litigation, waste judicial resources, and serve no purpose other than to disadvantage Plaintiffs whose claims are properly and inextricably joined.

184. Accordingly, the joinder of all twelve Plaintiffs in this action is proper under Federal Rule of Civil Procedure 20(a)(1). Their claims arise from the same series of transactions or occurrences — namely, RTA's institutional policy of maintaining a hostile work environment, suppressing complaints, protecting harassers, and retaliating against whistleblowers — and the action presents common questions of law and fact that predominate over any individualized issues.

CAUSES OF ACTION

COUNT I: HOSTILE WORK ENVIRONMENT — TITLE VII (All Plaintiffs v. RTA)

185. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in the preceding paragraphs as though fully set forth herein.

186. RTA maintained a hostile work environment that was permeated with discrimination based on race, sex, sexual orientation, and/or disability, and that was sufficiently severe or pervasive to alter the conditions of Plaintiffs' employment and create an abusive working environment.

187. The hostile environment included, but was not limited to: physical assaults dismissed as "horseplay"; homophobic slurs resulting in trivial discipline; sexual harassment with no corrective action; sex-based epithets directed at female supervisors with impunity; racial slurs comparing Black employees to "roaches"; dehumanizing descriptions of employees as an unfit "product"; surveillance, monitoring, and intimidation of employees who complained; dangerous working conditions including faulty vehicles, inoperable radios, extreme understaffing, and fatality-risk rail procedures; and sham investigations designed to protect harassers.

188. RTA knew or should have known of the harassment and failed to take prompt, remedial action. In fact, RTA's own CHRO and CTO (formerly Chief of Operations) have been recorded admitting to the systemic nature of the hostile environment. RTA's response to complaints was not to remedy the harassment but to retaliate against the complainants.

189. As a direct and proximate result of the hostile work environment, Plaintiffs have suffered emotional distress, mental anguish, humiliation, loss of enjoyment of life, lost wages and benefits, damage to their professional reputations, and other compensable injuries.

COUNT II: RETALIATION — TITLE VII
(All Plaintiffs v. RTA)

190. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

191. Each Plaintiff engaged in protected activity, including filing EEOC Charges, filing internal EEO complaints, reporting harassment and discrimination, opposing unlawful

employment practices, and/or participating in investigations of discrimination.

192. RTA took materially adverse actions against Plaintiffs because of their protected activity, including: termination (S. Williams, Verrett); constructive discharge (Brooks); suspension and proposed demotion (Garner); retaliatory evaluations (Smith); retaliatory discipline (Julian, Davis, Barra, Terry); increased scrutiny and adverse conditions (Solomon); hostile surveillance (Garner, Smith); circulation of emails seeking to "get rid of the leads" (all Lead Supervisors); fabrication of false narratives to manufacture pretext (Garner); dismantling of seniority systems (all supervisors); and schedule changes designed to punish employees who exercised their rights.

193. The causal connection between the protected activity and the adverse actions is established by, *inter alia*: (a) the temporal proximity between protected activity and adverse actions; (b) An RTA executive's recorded admission that discipline occurred "because the lawyers and all these other big reasons involved"; (c) the CHRO's acknowledgment that the email to "get rid of the leads" was "very retaliatory"; and (d) the pattern of escalating adverse actions following each instance of protected activity.

COUNT III: RACE DISCRIMINATION — TITLE VII
(Garner, Davis, Barra, Terry, Julian, Smith v. RTA)

194. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

195. RTA discriminated against the above-named Plaintiffs on the basis of race (Black/African American) in violation of Title VII, 42 U.S.C. § 2000e-2(a). The discrimination included disparate treatment in discipline (Black supervisors disciplined more harshly than non-Black employees for comparable or lesser offenses), failure to protect Black employees from physical violence, tolerance of racial hostility (the "roaches" slur, dehumanizing comparisons to unfit "products"), and denial of promotions to qualified Black employees.

COUNT IV: SEX DISCRIMINATION — TITLE VII
(Brooks, Solomon, Terry v. RTA)

196. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

197. RTA discriminated against Plaintiffs Brooks, Solomon, and Terry on the basis of sex in violation of Title VII. Brooks was paid less than male counterparts for equal work. Solomon was subjected to sexual harassment by Boudreaux. Terry was subjected to sex-based epithets ("bitch") with no meaningful consequences for the harasser. In each case, RTA knew of the discrimination and failed to take remedial action or actively retaliated against the complainant.

COUNT V: SEXUAL ORIENTATION DISCRIMINATION — TITLE VII
(Chesnek and Garner v. RTA)

198. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

199. RTA discriminated against Plaintiffs Chesnek and Garner on the basis of sexual orientation in violation of Title VII, as interpreted by the Supreme Court in *Bostock v. Clayton County*, 590 U.S. 644 (2020). Chesnek was subjected to anti-gay remarks and disparagement by Felton based on his sexual orientation. Garner was subjected to repeated homophobic slurs ("fag," "faggot"), pornographic material left in his vehicle, and physical assault motivated by gender stereotyping ("he felt I was less than a man"). RTA failed to take meaningful disciplinary action against the perpetrators.

COUNT VI: EQUAL PAY ACT — 29 U.S.C. § 206(d) (Brooks v. RTA)

200. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

201. RTA paid Plaintiff Brooks, a female, less than her male counterparts (Hurts, Boudreaux, Oscar Duplessis) for equal work requiring equal skill, effort, and responsibility performed under similar working conditions, in violation of the Equal Pay Act, 29 U.S.C. §

206(d). Oscar Duplessis was paid approximately \$87,470; Brooks was paid substantially less. The pay disparity was not justified by seniority, merit, quantity of production, or any factor other than sex.

COUNT VII: FLSA VIOLATIONS — 29 U.S.C. § 201 et seq.
(Garner and All Similarly Situated Supervisors v. RTA)

202. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

203. RTA willfully misclassified Transit Operations Supervisors, including Plaintiff Garner, as non-exempt hourly employees while requiring them to perform exempt "management type duties," or conversely, classified them in a manner that denied them overtime compensation to which they were entitled. An RTA executive admitted that supervisors' classification status was improper and that she was deliberately delaying reclassification to avoid paying overtime after Mardi Gras.

204. The violations were **willful** within the meaning of 29 U.S.C. § 255(a), as the CHRO demonstrated actual knowledge of the FLSA requirements and a deliberate decision to delay compliance for RTA's financial benefit. Accordingly, the three-year statute of limitations applies. Plaintiffs are entitled to unpaid overtime wages, liquidated damages in an equal amount, and reasonable attorney's fees and costs under 29 U.S.C. § 216(b).

COUNT VIII: 42 U.S.C. § 1983 — DEPRIVATION OF CONSTITUTIONAL RIGHTS
(All Plaintiffs v. RTA and Individual Defendants)

205. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

206. RTA is a political subdivision of the State of Louisiana and a "person" subject to suit under 42 U.S.C. § 1983. The Individual Defendants are "persons" who acted under color of state law. Defendants deprived Plaintiffs of rights secured by the **First Amendment** (freedom of speech, right to petition for redress of grievances) and the **Fourteenth**

Amendment (equal protection, due process) through their official policies, customs, and practices of retaliation, discrimination, and harassment.

207. RTA's unconstitutional policies, customs, and practices include: (a) a custom of retaliating against employees who report misconduct; (b) a custom of conducting sham investigations designed to exonerate harassers; (c) a policy of suppressing employee complaints through burial, disappearance, or deliberate inaction; (d) a custom of imposing disparate discipline based on race, sex, and protected activity; and (e) a policy of deliberate indifference to known constitutional violations. These customs and policies were so widespread and persistent as to constitute the "standard operating procedure" of RTA. *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978); *Piotrowski v. City of Houston*, 237 F.3d 567, 578 (5th Cir. 2001).

COUNT IX: VIOLATION OF La. R.S. 23:332
(All Plaintiffs v. All Defendants)

208. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

209. Defendants discriminated against Plaintiffs on the basis of race, color, sex, sexual orientation, age, disability, and/or retaliation for engaging in protected activity, in violation of the Louisiana Employment Discrimination Law, La. R.S. 23:332. Governmental immunity is waived under La. R.S. 23:303.

COUNT X: LOUISIANA WHISTLEBLOWER STATUTE — La. R.S. 23:967
(All Plaintiffs v. All Defendants)

210. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

211. Plaintiffs reported or threatened to disclose violations of state and federal law, including FLSA violations, FTA safety violations, DOT drug testing violations, and dangerous working conditions. RTA and the Individual Defendants retaliated against

Plaintiffs for these reports through adverse employment actions including termination, constructive discharge, suspension, hostile surveillance, and retaliatory discipline. Such retaliation violates La. R.S. 23:967.

COUNT XI: ASSAULT AND BATTERY (Garner and Julian v. RTA)

212. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

213. Plaintiff Garner was physically assaulted by Operator Ernesto Arnold on April 28, 2025, when Arnold deliberately body-checked Garner three times and placed his arm around Garner's neck. Plaintiff Julian was physically assaulted by Operator Jack Miller on September 18, 2025. RTA is liable for these assaults under the doctrine of respondeat superior and/or for its negligent failure to provide a safe workplace. RTA had actual knowledge of Arnold's prior history of "physical boundary violations" and failed to discipline or terminate him, constituting negligent retention. RTA found "no evidence to substantiate acts of violence" regarding Julian's assault, enabling further dangerous conduct.

**COUNT XII: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(All Plaintiffs v. All Defendants)**

214. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

215. Defendants' conduct was extreme and outrageous, going beyond all possible bounds of decency and utterly intolerable in a civilized community. Specifically: dismissing physical assaults as "horseplay" and punishing the victim; finding homophobic slurs "funny" because of misspelling; referring to Black employees as "roaches"; leaving pornographic material in an employee's vehicle; conducting sham investigations that interview everyone except the victim; admitting that discipline is driven by "the lawyers" rather than job performance; admitting to deliberately delaying legal compliance to avoid paying employees; and creating conditions so dangerous that employees face fatality risks, armed individuals,

and physical attacks from the public with no security support. Defendants acted intentionally or with reckless disregard for the probability of causing emotional distress, and Plaintiffs have suffered severe emotional distress as a result.

COUNT XIII: VIOLATION OF FMLA — 29 U.S.C. § 2601 et seq.
(Verrett v. RTA)

216. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

217. Plaintiff Verrett was on approved FMLA leave from September 1 through September 10, 2022, for anxiety and panic attacks caused by the hostile work environment created by former COO Guter. RTA interfered with Verrett's FMLA rights by terminating her effective September 30, 2022, citing "failure to follow RTA's leave policies." RTA further retaliated against Verrett for exercising her FMLA rights. These actions violate 29 U.S.C. § 2615(a)(1) (interference) and § 2615(a)(2) (retaliation).

COUNT XIV: AMERICANS WITH DISABILITIES ACT — 42 U.S.C. § 12111 et seq.
(Smith and Verrett v. RTA)

218. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

219. Plaintiff Smith has a documented disability requiring a medical accommodation of limited typing to four hours per day. RTA initially provided this accommodation. After Smith engaged in protected activity, Defendant Booth increased her shift from 8 to 10 hours, effectively nullifying her accommodation. This constitutes a failure to reasonably accommodate under 42 U.S.C. § 12112(b)(5)(A) and retaliation for the exercise of ADA rights. Plaintiff Verrett was regarded as having a disability (anxiety and panic attacks) and was terminated because of that perceived disability, in violation of the ADA.

COUNT XV: AGE DISCRIMINATION IN EMPLOYMENT ACT — 29 U.S.C. § 621 et seq. (Barra v. RTA)

220. Plaintiffs re-allege and incorporate by reference all preceding paragraphs.

221. Plaintiff Barra, who is over the age of forty, has been systematically denied promotions in favor of younger, less-qualified candidates. RTA's decision to deny Barra promotions was motivated by age-based animus in violation of the ADEA, 29 U.S.C. § 623(a). Barra is a member of a protected class, was qualified for the positions sought, was denied the positions, and the positions were filled by substantially younger individuals.

WHEREFORE, Plaintiffs respectfully pray this Honorable Court enter judgment in their favor and against Defendants, jointly and severally, and award the following relief:


- (a) Compensatory damages in an amount including but not limited to lost wages, lost benefits, emotional distress, mental anguish, humiliation, embarrassment, loss of enjoyment of life, damage to professional reputation, and all other compensable injuries sustained as a result of Defendants' unlawful conduct;
- (b) Back pay, front pay, and all associated benefits lost as a result of Defendants' discriminatory and retaliatory actions, with pre-judgment and post-judgment interest;
- (c) Punitive damages against each Individual Defendant in an amount sufficient to punish the egregious, willful, and malicious nature of their conduct and to deter future violations;
- (d) Liquidated damages under the Fair Labor Standards Act, 29 U.S.C. § 216(b), in an amount equal to the unpaid overtime wages owed to Plaintiffs;
- (e) Liquidated damages under the Equal Pay Act, 29 U.S.C. § 216(b), in an amount equal to the unpaid wage differential owed to Plaintiff Brooks;
- (f) Reinstatement of Plaintiffs S. Williams, Verrett, and Brooks to their former positions,

or in the alternative, front pay in lieu of reinstatement;

- (g) A declaratory judgment that the acts, omissions, policies, customs, and practices of Defendants as alleged herein violate Title VII, the Equal Pay Act, the FLSA, the FMLA, the ADA, the ADEA, 42 U.S.C. § 1983, La. R.S. 23:332, La. R.S. 23:967, and applicable constitutional provisions;
- (h) Permanent injunctive relief requiring RTA to: (i) implement comprehensive anti-discrimination, anti-harassment, and anti-retaliation policies and training programs; (ii) establish an independent ombudsman or monitoring system to receive and investigate employee complaints; (iii) conduct a system-wide audit of its compensation practices to remedy pay disparities; (iv) comply with the FLSA and properly classify all employees; (v) remedy the unsafe working conditions identified herein, including repairing or replacing faulty vehicles, providing functioning radios, and ensuring adequate staffing and security;
- (i) Reasonable attorney's fees and costs of suit pursuant to 42 U.S.C. § 1988, Title VII (42 U.S.C. § 2000e-5(k)), the FLSA (29 U.S.C. § 216(b)), the ADA, and all other applicable fee-shifting statutes;
- (j) Pre-judgment and post-judgment interest at the highest lawful rate; and
- (k) Any and all legal remedies determined by this Honorable Court.

Plaintiffs demand a trial by jury on all issues so triable pursuant to the Seventh Amendment to the United States Constitution and Fed. R. Civ. P. 38.

Respectfully submitted,



Brian King, La. Bar No. 24817

John Love Norris, IV, La. Bar No. 35269

Michael J. Simonson, La. Bar No. 34091

King ♦ Norris

2912 Canal Street

New Orleans, LA 70119

Phone 504-909-5464

Fax 800-901-6470

E-mail: jnorris@kinginjuryfirm.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEMETRIUS GARNER, et al.

Plaintiffs,

v.

NEW ORLEANS REGIONAL
TRANSIT
AUTHORITY, et al.

Defendants.

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CIVIL ACTION NO. _____

JUDGE: _____

MAGISTRATE: _____

VERIFICATION OF DEMETRIUS GARNER

I, Demetrius Garner, am a plaintiff in the above-captioned matter. I am over the age of eighteen (18) years and am competent to make this declaration. I make this verification upon my own personal knowledge.

I have read the foregoing Complaint for Damages and the allegations contained therein that pertain to me. The facts stated therein are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed pursuant to 28 U.S.C. § 1746.

Executed on this 10 day of April, 2026.



DEMETRIUS GARNER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEMETRIUS GARNER, et al.

Plaintiffs,

v.

NEW ORLEANS REGIONAL
TRANSIT
AUTHORITY, et al.

Defendants.

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CIVIL ACTION NO. _____

JUDGE: _____

MAGISTRATE: _____

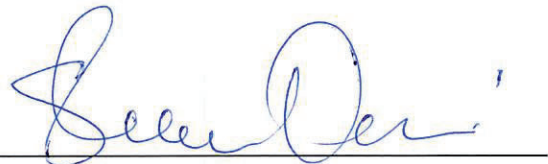
VERIFICATION OF SHAWN DAVIS

I, Shawn Davis, am a plaintiff in the above-captioned matter. I am over the age of eighteen (18) years and am competent to make this declaration. I make this verification upon my own personal knowledge.

I have read the foregoing Complaint for Damages and the allegations contained therein that pertain to me. The facts stated therein are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed pursuant to 28 U.S.C. § 1746.

Executed on this 10 day of April, 2026.



SHAWN DAVIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEMETRIUS GARNER, et al.

Plaintiffs,

v.

NEW ORLEANS REGIONAL
TRANSIT
AUTHORITY, et al.

Defendants.

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CIVIL ACTION NO. _____

JUDGE: _____

MAGISTRATE: _____

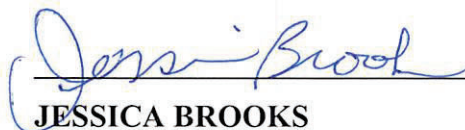
VERIFICATION OF JESSICA BROOKS

I, Jessica Brooks, am a plaintiff in the above-captioned matter. I am over the age of eighteen (18) years and am competent to make this declaration. I make this verification upon my own personal knowledge.

I have read the foregoing Complaint for Damages and the allegations contained therein that pertain to me. The facts stated therein are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed pursuant to 28 U.S.C. § 1746.

Executed on this 10 day of April, 2026.



JESSICA BROOKS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEMETRIUS GARNER, et al.

Plaintiffs,

v.

NEW ORLEANS REGIONAL
TRANSIT
AUTHORITY, et al.

Defendants.

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CIVIL ACTION NO. _____

JUDGE: _____

MAGISTRATE: _____


VERIFICATION OF ASHLEY TERRY

I, Ashley Terry, am a plaintiff in the above-captioned matter. I am over the age of eighteen (18) years and am competent to make this declaration. I make this verification upon my own personal knowledge.

I have read the foregoing Complaint for Damages and the allegations contained therein that pertain to me. The facts stated therein are true and correct to the best of my knowledge, information, and belief.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed pursuant to 28 U.S.C. § 1746.

Executed on this 10 day of April, 2026.



ASHLEY TERRY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DEMETRIUS GARNER, et al.,

Plaintiffs,

versus

NEW ORLEANS REGIONAL TRANSIT
AUTHORITY, et al.,

Defendants.

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CIVIL ACTION NO. _____

SECTION: _____

JUDGE: _____

MAGISTRATE: _____

VERIFICATION OF FRANCIS MARK CHESNEK

STATE OF LOUISIANA

PARISH OF Lafayette

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in and for the State and Parish aforesaid, personally came and appeared:

FRANCIS MARK CHESNEK

who, after being duly sworn, did depose and state as follows:

1. I am a Plaintiff in the above-captioned matter, Garner, et al. v. New Orleans Regional Transit Authority, et al., filed in the United States District Court for the Eastern District of Louisiana.
2. I have reviewed the Complaint for Damages filed in this matter, including all allegations contained therein that pertain to me and my claims against Defendants.
3. The factual allegations set forth in the Complaint, insofar as they pertain to me personally, are true and correct to the best of my knowledge, information, and belief.
4. Specifically, and without limitation, I verify the following:

a. On or about January 18, 2023, during a meeting held to discuss plans for the RTA Canal Ferry Terminal ribbon cutting ceremony, Defendant Katherine Felton stated that "gay people like planning events" and directed that I manage the event because, in her words, I "would like it and be good at it since [I am] gay." I objected to the assignment and requested not to serve as the lead, as event planning was not part of my hired responsibilities. Despite my objection, I was instructed to manage the event.

b. On or about November 9, 2023, Defendant Felton convened a meeting and insisted that RTA use only "attractive" and "culturally ambiguous" staff for marketing photographs. Felton requested that staff in attendance suggest names of employees they deemed attractive so she could agree or disagree with the suggestions, rejecting most of the names provided. Felton referenced a "hotties" list she maintained of RTA mechanics based on their physical appearance. David Kroll was instructed to circulate the list of Katherine-approved "attractive" employees to the meeting attendees.

c. Defendant Felton made repeated anti-gay remarks disparaging my professional abilities based on my sexual orientation.

d. I filed an internal EEO complaint, which was initially handled by Former Deputy CEO Mark Major. When Major was terminated on or about July 2, 2024, the investigation was abandoned despite not having fully addressed the complaints I submitted.

f. After I filed my internal EEO complaint against Defendant Felton, she attempted to terminate my employment. She was advised that doing so would constitute retaliation. Rather than cease her hostile conduct, Felton created a tense, hostile, and volatile work environment targeting me, which persisted until her departure from RTA in or about August 2024.

g. I have filed a timely Charge of Discrimination with the United States Equal Employment Opportunity Commission ("EEOC"), alleging sexual orientation discrimination, sexual harassment, and retaliation under Title VII of the Civil Rights Act of 1964, as amended. I received my Notice of Right to Sue on or about April 3, 2026.

5. I understand that this Verification is made under penalty of perjury pursuant to 28 U.S.C. § 1746, and that any false statements contained herein may subject me to criminal penalties.



FRANCIS MARK CHESNEK

Affiant