

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

GERALD WHITE)

Plaintiff,)

NUCOR CORPORATION and NUCOR)
STEEL-BERKELEY)

Defendants.)

CASE NUMBER: 2 : 08 - cv - 2429 - CWH - GCK

JURY DEMAND

COMPLAINT

I. JURISDICTION

_____1. The jurisdiction of this Court is invoked pursuant to the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. §§ 2000e, *et seq.* and 42 U.S.C. § 1981. The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by 42 U.S.C. § 2000e, *et seq.*, and 42 U.S.C. § 1981 providing for injunctive and other relief against race discrimination and retaliation in employment.

2. The plaintiff filed a charge of discrimination with the EEOC alleging retaliation for his discriminatory termination on January 31, 2007. He filed a charge of discrimination with the EEOC alleging discrimination and retaliation in being denied a promotion to Roll Shop Crew Leader on February 7, 2007.

3. The plaintiff received his Dismissal and Notice of Rights from the EEOC on or about April 8, 2008.

II. PARTIES

4. Gerald White is an African American resident of the State of South Carolina and a citizen of the United States. At all times material to this action up until his termination, he was an

employee at Nucor Steel–Berkeley’s plant located in Huger, South Carolina.

5. Defendant Nucor Corporation (“Nucor”) is a corporation doing business in various States, with its corporate headquarters in Charlotte, North Carolina. Nucor is an employer as defined by 42 U.S.C. § 2000e(b). It is also subject to suit under 42 U.S.C. § 1981, as amended. Nucor maintains either actual or constructive control, oversight, or direction over the operation, including the employment practices of the other defendant, Nucor Steel-Berkeley.

6. Defendant Nucor Steel–Berkeley is a corporation doing business in the Sate of South Carolina and an employer as defined by 42 U.S.C. § 2000e(b). It is also subject to suite under 42 U.S.C. § 1981, as amended.

III. CAUSES OF ACTION

7. The plaintiff re-alleges and incorporates by reference paragraphs 1-6 with the same force and effect as if fully set out in specific detail herein below.

8. The plaintiff has been has been subjected to race discrimination and retaliation as a result of his participation in class-action litigation opposing racial discrimination at the Nucor Steel–Berkeley facility in Huger, South Carolina.

9. The plaintiff was discriminatorily denied a promotion to Roll Shop Crew Leader and wrongfully terminated because of his race and in retaliation for his opposition to race discrimination by participation in a class-action race discrimination lawsuit against defendants.

10. Gerald White is a named plaintiff in a pending lawsuit against defendants entitled *Quinton Brown, et al. v. Nucor Corporation, et al.*, Case No. 2:04-cv-22005-CWH, (“*Brown*”) filed in the District of South Carolina, Charleston Division, alleging. This lawsuit was originally filed on December 8, 2003, in the United States District Court, Western District of Arkansas, El Dorado Division styled *Cornelius Bennett, et al. v. Nucor Corporation, et al.* This case was severed, and

the South Carolina plaintiffs, including Gerald White, were transferred to the District of South Carolina, Charleston Division as the *Brown* case.

11. White was employed at the defendants' Huger plant from July 1998 until his retaliatory discharge on or about October 7, 2006.

12. White was terminated from his employment with Nucor on or about October 7, 2006 for reasons of race discrimination and in retaliation for his participation in the *Brown* class-action lawsuit.

13. White was told that he was being terminated because he had exceeded the number of allowed unexcused absences in one year.

14. Defendants' attendance policy does not require management to terminate employees for violating its policy that termination will result if an employee exceeds the number of allowed unexcused absences in one year.

15. White employees and employees who have not filed discrimination lawsuits against Nucor have not been terminated for violating the company's attendance policy or committing other similar or more severe violations of company policy.

16. White was denied a promotion to Roll Shp Crew Leader in retaliation for his continued opposition to race discrimination at Nucor-Steel Berkeley, including his participation in the *Brown* lawsuit.

17. White was more qualified for the position than the white employee who received the position.

18. White's participation in the *Brown* lawsuit was referenced during one of his interviews for the open position.

IV. PRAYER FOR RELIEF

WHEREFORE, the plaintiff respectfully prays that this Court assume jurisdiction of this action and after trial:

a. Issue a declaratory judgment that the employment policies, practices, procedures, conditions and customs of the defendants are violative of the rights of the plaintiff as secured by 42 U.S.C. § § 200e *et seq.* and 42 U.S.C. § 1981.

b. Grant plaintiff a permanent injunction enjoining the defendant, its agents, successors, employees, attorneys and those acting in concert with the defendant and at the defendant's request from continuing to violate 42 U.S.C. § § 2000e *et seq.* and 42 U.S.C. § 1981.

c. Enter an order requiring the defendants to make the plaintiff whole by immediately instating plaintiff into the position as Roll Shop Crew Leader at Nucor Steel–Berkeley, back-pay (plus interest), punitive and compensatory damages and/or nominal damages, declaratory and injunctive relief, and benefits.

d. The plaintiff further prays for such other relief and benefits as the cause of justice may require, including but not limited to, an award of costs, attorney's fees and expenses.

e. The plaintiff demands a trial by jury.

Respectfully submitted this 3rd day of July, 2008.

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