

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

COREY FERRELL,)	
)	
Plaintiff,)	
)	C.A. No: _____
v.)	
)	JURY TRIAL DEMANDED
CITY OF WILMINGTON;)	
JOHN HOBAN in his individual and)	
official capacity as)	
Deputy Chief; JOHN LOONEY in his)	
individual and official capacity)	
as Fire Department Chief;)	
ANDRE COOPER in his individual and)	
official capacity as Battalion Chief)	
)	
)	
Defendants.)	

COMPLAINT

INTRODUCTION

1. Plaintiff, Corey Ferrell (“Plaintiff”), files this action against Defendants, City of Wilmington (“Defendant” or “City”), John Hoban in his individual and official capacity as Deputy Chief, John Looney in his individual and official capacity as Fire Department Chief, and Andre Cooper in his individual and official capacity as Battalion Chief for compensatory and punitive damages for violations of the Civil Rights Act of 1964, 42 U.S.C. § 2000(e) *et seq.* (hereinafter, “Title VII”) and violations of 42 U.S.C. § 1983 for rights secured by the Fourteenth Amendment

JURISDICTION

2. This Court has federal question jurisdiction over this cause of action pursuant to 28 U.S.C. § 1331.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1331, as well as 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff, Corey Ferrell, (“Plaintiff”), is a resident of Wilmington, New Castle County, Delaware. At all times relevant to this Complaint, Plaintiff was an employee of Defendant City of Wilmington.

5. Defendant the City of Wilmington (“City”), is a municipal government existing under the laws of the State of Delaware pursuant to 40 Del. Laws, Chapter 179, as amended by 46 Del. Laws, Chapter 236, within the Wilmington City Code Art. I, § I-100.

6. Defendant John Hoban acted both individually and under color of law as an agent or employee of the City of Wilmington at all relevant times hereto.

7. Defendant John Looney acted both individually and under color of law as an agent or employee of the City of Wilmington at all relevant times hereto.

8. Defendant Andre Cooper acted both individually and under color of law as an agent or employee of the City of Wilmington at all relevant times hereto.

ADMINISTRATIVE PROCESS

9. On September 20, 2018, Plaintiff filed a timely Charge of Discrimination with the Delaware Department of Labor (“DDOL”) alleging race and religion discrimination and retaliation against Defendant City of Wilmington.

10. On February 4, 2021, Plaintiff received a “Final Determination and Right to Sue Notice” from the DDOL. *Exhibit A*.

11. On August 13, 2021, Plaintiff received Notice of Right to Sue from the Equal Employment Opportunity Commission. *Exhibit B*.

12. Plaintiff has filed this action under Title VII within ninety (90) days after receipt of his Right to Sue Notice from the EEOC.

13. Plaintiff has satisfied all statutory prerequisites for filing this action.

FACTS

Plaintiff Was Subjected to Constant Discrimination Because of His Race and Religion

14. Plaintiff is a Muslim African American.

15. Plaintiff began his employment with Defendant City of Wilmington in 1998 in the position of firefighter. Plaintiff currently holds this position.

16. From virtually the beginning of Plaintiff's employment, he has been subjected to a hostile work environment because of his race and religion.

17. Shortly after being employed with Defendant City of Wilmington, Lieutenant Rossiter (Caucasian), acting as an agent of Defendant, called a black woman who was walking down the street a "black nigger bitch" while Plaintiff was riding in a truck with him.

18. Plaintiff reported the blatant racial slur to Wilmington Fire Department management.

19. Upon information and belief, despite Lieutenant Rossiter's admission of the statement, he was never disciplined for his behavior.

20. Plaintiff was subjected to retaliation for reporting Lieutenant Rossiter and was disciplined for insubordination.

21. Captain Hodge Nikki (Caucasian) referred to Plaintiff as "boy" and told Plaintiff "get away from me boy."

22. On multiple occasions, firefighters would physically harass Plaintiff and call Plaintiff a “black motherfucker”, “black bastard” and refer to him as “you people” when he was at the Fire Department.

23. Plaintiff reported these statements directly to Deputy Chief William McKim.

24. Even though Plaintiff reported these racial slurs and derogatory terms to his superiors, the Caucasian firefighters were never disciplined.

25. Tom Ruger, the fire inspector, was asked if he wanted a slice of pizza. In front of several other members of the fire department, he stated, “no because Corey and them nigger fucked it with their fingers.”

26. Tom Ruger, who is Caucasian, was never disciplined for his comments.

27. At all times, Wilmington Fire Department management were aware of the misconduct Plaintiff received, however, no actions were ever taken.

28. Furthermore, Plaintiff had to endure on an almost everyday basis comments and actions from other firefighters that would constantly degrade and insult Plaintiff’s religion.

29. When Plaintiff would pray, firefighters would state to him “there goes ali baba on his magic carpet.”

30. While at the station, firefighters would play the Aladdin theme song to Plaintiff whenever he would go to pray.

31. On another occasion at the fire station, other firefighters poured pork grease into Plaintiff’s coffee cup, even after knowing he cannot consume pork because of his religious beliefs.

32. Plaintiff reported this to Battalion Chief Tim Perkins, however, no one was disciplined.

33. On Thanksgiving in 2017, Plaintiff's wife brought a turducken for the firefighters. When Plaintiff's wife arrived at the station, Captain Reece stated to Plaintiff "I did not think you shama-lama-ding-dong Muslims celebrated Thanksgiving."

34. On July 6, 2021, while Plaintiff was putting on his uniform, Plaintiff found an unopened can of pork sandwich meat in his coat pocket.

35. Probationary Firefighter Berl informed Plaintiff another firefighter, Terry Gatson, is the one who placed the can of pork in his gear.

36. The firefighters involved were all aware of Plaintiff's Muslim religion, which does not permit him to consume pork.

37. Plaintiff reported this to his officer Lieutenant Jeffrey Schaal who advised Plaintiff to write a statement.

38. After submitting the statement, Terry Gatson, who is Caucasian, was never disciplined.

Plaintiff is Disciplined Harsher than non-African American and non- Muslim Firefighters

39. Upon information and belief, none of the firefighters that made the above statements or actions were ever disciplined for their misconduct.

40. In or around June of 2018, right before Plaintiff's shift ended, Captain Reece came into the fire station and told Plaintiff to move his truck as he believed it was too close to the fire hydrant.

41. Plaintiff reported this to Lieutenant Leonetti on June 4, 2018, after Plaintiff believed the Captain was giving him unfair treatment.

42. Shortly thereafter, Plaintiff was at the fire station again when Captain Reese came in and stated to Lieutenant Lindell “why don’t you learn to do your damn job and make Corey move that truck” since he again felt Mr. Ferrell’s truck was too close to a fire hydrant again.

43. Lieutenant Lindell replied to the Captain that Plaintiff’s truck was parked on a city street and not near the fire hydrant to which the Captain replied “I do not care, make him move it.”

44. Following this incident, Plaintiff was suspended on June 27, 2018, for 45 days without pay.

45. Upon information and belief, Captain Reece and multiple other firefighters park in front of the fire hydrant at the station and are not disciplined nor told to move their truck.

46. The harassment and discriminatory discipline continued as Lieutenant Ryan Kincaid brought Plaintiff up on charges on September 18, 2019.

47. The reason for the charges was for wearing civilian clothes when responding to an emergency incident.

48. However, Plaintiff was in civilian clothes since the emergency occurred immediately upon Plaintiff’s arrival at the station.

49. A trial board hearing was held, and Plaintiff was found not guilty.

50. Throughout his employment with Defendant City of Wilmington, Plaintiff had to endure disparate treatment by way of African American employees being disciplined harsher and more frequently than white employees.

Plaintiff reports the harassment he endured

51. In June of 2018, Plaintiff reported the discrimination and harassment he was enduring to Sheila Martin of Human Resources.

52. Plaintiff specifically told Ms. Martin he was being discriminated against by the City.

53. Plaintiff reported the fact that Lieutenant Lindell, a Caucasian firefighter, was charged with five violations of WFD policies, similar to the charges Plaintiff received, however, Lieutenant Lindell was not disciplined as harshly as Plaintiff.

54. Plaintiff further reported to Defendant that Acting Lieutenant Ryan Bowker, a Caucasian firefighter, assaulted and offensively touched a mentally disabled man while on duty, however, Defendant only gave Lieutenant Bowker a one-day suspension.

55. On yet another occasion, in or around February of 2019, Plaintiff reported the harassment he endured to Denecca Guile, a Compliance Specialist with Defendant.

56. During a diversity training in or around September of 2019, Plaintiff reported to Lori Brewington and Sheila Martin the harassment he suffered again.

57. After he reported the harassment to Ms. Brewington and Ms. Martin, Battalion Chief Perkins stood up and said, “were not going to talk about this now” and left the room.

58. After Plaintiff’s multiple reports of the discriminatory treatment he was receiving, Defendant continued to take no action.

59. As a result of Defendant’s severe and pervasive discriminatory conduct Plaintiff has been subjected to a hostile work environment which has caused him stress, anxiety, humiliation, insecurity and emotional damage.

CLAIMS AND DAMAGES

Based upon the above allegations, Plaintiff maintains the following legal claims against Defendants:

COUNT I

**Discrimination Based on Race in Violation of the Title VII of the Civil Rights Act of
1964 (42 U.S.C. §§ 2000e *et al.*)
Against Defendant City of Wilmington**

60. The allegations of Paragraphs 1 through 59 are incorporated by reference as if fully restated herein.

61. Defendant City of Wilmington employs fifteen or more employees and is an “Employer” as defined by 42 U.S.C. § 2000e(b).

62. At all times relevant hereto, Plaintiff was employed by Defendant City of Wilmington and is an “Employee” as defined by 42 U.S.C. § 2000e(f).

63. Plaintiff received a Right to Sue letter from the EEOC on August 13, 2021. (Exhibit B). Plaintiff has satisfied all statutory prerequisites for filing this action.

64. Defendant City of Wilmington discriminated against Plaintiff in the terms and conditions of his employment on the basis of his race in violation of Title VII of the Civil Rights Act of 1964. Defendant subjected Plaintiff to disparate treatment based upon his race, including but not limited to subjecting him to a hostile work environment, refusing to adequately investigate his claims and by providing unfair discipline to him and other African American firefighters.

65. Plaintiff was subjected to an abusive and hostile work environment because of his race.

66. The City’s actions stated above are sufficient to support a continuing violation of race discrimination as they consist of a series of continuous acts that collectively constitute one unlawful employment practice.

67. The City’s conduct motivated by race had the purpose and effect of creating an intimidating, hostile and offensive working environment.

68. The City's conduct had the purpose and effect of unreasonably interfering with Plaintiff's work performance and/or otherwise adversely affected Plaintiff's employment opportunities in violation of Title VII.

69. The discrimination Plaintiff endured was not isolated or sporadic incidents, and therefore, are part of the same unlawful employment practice.

70. The City knew or should have known of the conduct creating a hostile work environment and failed to take prompt and effective remedial action.

71. The discrimination and harassment were severe and pervasive, thus altering the condition of Plaintiff's employment and creating an abusive work environment.

72. The City acquiesced in the discriminatory and harassing conduct by creating and allowing to exist a hostile, intolerable, offensive and abusive workplace that a reasonable person would consider intimidating, hostile, or abusive.

73. The City has intentionally violated Plaintiff's rights under Title VII, with malice or reckless indifference, and as a result, is liable for punitive damages.

74. As a direct result of the discriminatory and wrongful conduct of Defendant City of Wilmington, Plaintiff has suffered and continues to suffer from severe emotional distress, humiliation, anxiety, irreparable damage to his professional career and economic loss.

COUNT II
Discrimination Based on Religion in Violation of the Title VII of the Civil Rights
Act of 1964 (42 U.S.C. §§ 2000e *et al.*)
Against Defendant City of Wilmington

75. The allegations of Paragraphs 1 through 74 are incorporated by reference as if fully restated herein.

76. Defendant City of Wilmington discriminated against Plaintiff in the terms and conditions of his employment on the basis of his religion in violation of Title VII of the Civil

Rights Act of 1964. Defendant subjected Plaintiff to disparate treatment based upon his religion, including but not limited to subjecting him to a hostile work environment, refusing to adequately investigate his claims and by providing unfair discipline to Muslim firefighters.

77. Plaintiff was subjected to an abusive and hostile work environment because of his religion.

78. The City's actions stated above are sufficient to support a continuing violation of religion discrimination as they are a series of continuous acts that collectively constitute one unlawful employment practice.

79. The City's conduct motivated by religion had the purpose and effect of creating an intimidating, hostile or offensive working environment and had the purpose and effect of unreasonably interfering with Plaintiff's work performance and/or otherwise adversely affected Plaintiff's employment opportunities in violation of Title VII.

80. The discrimination Plaintiff endured was not isolated or sporadic incidents, and therefore, are part of the same unlawful employment practice.

81. The City knew or should have known of the conduct creating a hostile work environment and failed to take prompt and effective remedial action.

82. The discrimination and harassment were severe and pervasive, thus altering the condition of Plaintiff's employment and creating an abusive work environment.

83. The City acquiesced in the discriminatory and harassing conduct by creating and allowing to exist a hostile, intolerable, offensive and abusive workplace that a reasonable person would consider intimidating, hostile, or abusive.

84. The City has intentionally violated Plaintiffs rights under Title VII, with malice or reckless indifference, and as a result, is liable for punitive damages.

85. As a direct result of the discriminatory and wrongful conduct of Defendant City of Wilmington, Plaintiff has suffered and continues to suffer from severe emotional distress, humiliation, anxiety, irreparable damage to his professional career and economic loss.

COUNT III
42 U.S.C. § 1983 –Hostile Work Environment
Against all Defendants

86. The allegations of Paragraphs 1 through 85 are incorporated by reference as if fully restated herein.

87. The incidents of race and religion harassment described in the above paragraphs had the effect of substantially interfering with Plaintiff's work performance by creating a hostile, intimidating and offensive working environment amounting to discrimination in violation of Plaintiff's right under 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

88. Defendants violated the rights secured to Plaintiff by 42 U.S.C. § 1983 and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution to be free from race and religion discrimination in public employment in that, having actual or constructive knowledge of the harassment and discrimination, Defendants acted with deliberate indifference to Plaintiff's rights, in failing to intervene to stop the unlawful conduct.

89. These acts constitute a pattern, custom and practice in violation of plaintiff constitutional rights under 42 U.S.C. § 1983.

90. Defendants consciously acquiesced to the known discrimination by willfully failing to respond to it or take any action.

91. Defendants Deputy Chief John Hoban, Chief John Looney and Battalion Chief Andre Cooper, knew of the discriminatory conduct, acted with deliberate indifference and failed

to report or investigate the misconduct occurring at the Wilmington Fire Department, and thereby acquiesced the discriminatory behavior. This allowed Plaintiff to be continually discriminated against and subjected to a hostile work environment.

92. As a result of Defendant's deliberate indifference to Plaintiff's rights and acquiescence of the misconduct outlined above, Plaintiff continued to be harmed by the hostile environment Defendant created.

93. As a direct and proximate result of Defendant's acts and conduct which caused Plaintiff to be denied equal protection under the law, Plaintiff has suffered those emotional distress damages and losses alleged herein and has incurred attorney's fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests this Court order the following relief in favor of Plaintiff:

- A. Declare the conduct by Defendants to be in violation of Plaintiff's statutory rights and common law rights.
- B. Awarding Plaintiff any and all consequential damages, including but not limited to lost wages, salary, employment benefits, back pay, front pay, pre and post judgement interest, equity, liquidated damages, and any or all pecuniary damages.
- C. Awarding Plaintiff all compensation due as a result of Defendant's violations herein.
- D. Awarding Plaintiff punitive damages.
- E. Awarding Plaintiff an equal and additional amount as liquidated damages.
- F. Awarding Plaintiff costs and reasonable attorney's fees.
- G. Awarding Plaintiff pre and post judgment interest at the legal rate.

H. Any and all such other relief as the Court deems appropriate under the circumstances.

ALLEN & ASSOCIATES

/s/ Michele D. Allen

Michele D. Allen (#4359)
4250 Lancaster Pike Suite 230
Wilmington, DE 19805
302-234-8600
302-397-3930 (fax)
michele@allenlaborlaw.com
Attorney for Plaintiff

Dated: November 10, 2021

EXHIBIT A

STATE OF DELAWARE
DEPARTMENT OF LABOR
DIVISION OF INDUSTRIAL AFFAIRS – OFFICE OF ANTI-DISCRIMINATION

Corey M. Ferrell
501 N. Ogle Avenue
Wilmington, DE 19805

DDOL No.: FER080218
EEOC No.: 17C-2018-00623

vs.

WILMINGTON FIRE DEPARTMENT
23 S. Heald Street,
Wilmington, DE 19801

FINAL DETERMINATION AND RIGHT TO SUE NOTICE

Pursuant to 19 Del. C. § 710, *et seq.*, the parties in the above-captioned matter are hereby Noticed of the Department's Final Determination and Right to Sue Notice, as follows:

No-Cause Determination and Dismissal with Corresponding Right to Sue Notice

In this case, the Department has completed its investigation and found that there is no reasonable cause to believe that an unlawful employment practice has occurred. The Department hereby issues a No-Cause Determination and Dismissal and provides the Charging Party with a Delaware Right to Sue Notice.

This No Cause determination is based on the following facts:

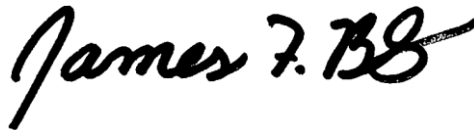
Charging Party is alleging Respondent subjected him to Harassment on the basis of his elected Race (Black) and Religion (Muslim) and in Retaliation for engaging in covered activity. The Respondent denied the allegations of discrimination. The Department of Labor conducted an investigation and determined that the evidence did not establish reasonable cause to believe the Respondent violated the anti-discrimination laws. On **January 20, 2021**, we notified the Charging Party of our preliminary findings. We gave the Charging Party an opportunity to respond.

Charging Party did not contest our findings. Therefore, we are making a finding of No Reasonable Cause.

This final determination is not intended to be construed as an endorsement of Respondent's actions, nor is it intended to impact any rights Charging Party may have under other laws.

See the attached Notice of Rights.

This Final Determination is hereby issued on behalf of the Department of Labor, Division of Industrial Affairs, Office of Anti-Discrimination.



February 4, 2021

James F. Billups III, Administrator
Division of Industrial Affairs, Office of Anti-Discrimination

Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802

NOTICE OF DELAWARE RIGHTS

The Department of Labor Office of Anti-Discrimination provides the following excerpt from 19 Del. C. § 710, et seq. as information regarding the Delaware Right to Sue Notice. If you need legal advice, please seek your own legal counsel.

§ 714. Civil action by the Charging Party; Delaware Right to Sue Notice; election of remedies.

(a) A Charging Party may file a civil action in Superior Court, after exhausting the administrative remedies provided herein and receipt of a Delaware Right to Sue Notice acknowledging same.

(b) The Delaware Right to Sue Notice shall include authorization for the Charging Party to bring a civil action under this Chapter in Superior Court by instituting suit within ninety (90) days of its receipt or within ninety (90) days of receipt of a Federal Right to Sue Notice, whichever is later.

(c) The Charging Party shall elect a Delaware or federal forum to prosecute the employment discrimination cause of action so as to avoid unnecessary costs, delays and duplicative litigation. A Charging Party is barred by this election of remedies from filing cases in both Superior Court and the federal forum. If the Charging Party files in Superior Court and in a federal forum, the Respondent may file an application to dismiss the Superior Court action under this election of remedies provision.

NOTICE OF FEDERAL RIGHTS

1. If your case was also filed under federal law and resulted in a “No Cause” finding, you have additional appeal rights with the Equal Employment Opportunity Commission. Under Section 1601.76 of EEOC’s regulations, you are entitled to request that EEOC perform a Substantial Weight Review of the DDOL’s final finding. To obtain this review, you must request it by writing to EEOC within **15 days of your receipt** of DDOL’s final finding in your case. Otherwise, EEOC will generally adopt the DDOL’s findings.

2. If your case was also filed under federal law, you have the right to request a federal Right to Sue Notice from the EEOC. To obtain such a federal Right to Sue Notice, you must make a written request directly to EEOC at the address shown below. Upon its receipt, EEOC will issue you a Notice of Right to Sue and you will have ninety (90) days to file suit. The issuance of a Notice of Right to Sue will normally result in EEOC terminating all further processing.

3. Requests to the EEOC should be sent to:

Equal Employment Opportunity Commission
801 Market Street
Penthouse, Suite 1300
Philadelphia, PA 19107

Delaware Department of Labor, Division of Industrial Affairs, 4425 N. Market St., Wilmington, DE 19802

EXHIBIT B

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Corey M. Ferrell**
501 N. Ogle Avenue
Wilmington, DE 19805

From: **Philadelphia District Office**
801 Market Street
Suite 1000
Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

17C-2018-00623

Damon A. Johnson,
State, Local & Tribal Program Manager

(267) 589-9722**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☐

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☒

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)


- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Dana R. Hutter,
Deputy Director

August 13, 2021

(Date Issued)

Enclosures(s)

cc:

For Respondent:

Lori A. Brewington, Esq.
RICHARDS, LAYTON & FINGER
One Rodney Square
920 North King Street
Wilmington, DE 19801

Enclosure with EEOC
Form 161 (11/2020)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Corey Ferrell

(b) County of Residence of First Listed Plaintiff New Castle County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Michele D. Allen, Esq., Allen & Associates
4250 Lancaster Pike, Suite 230, Wilmington, DE 19805
(302) 234-8600

DEFENDANTS

City of Wilmington, John Hoban, John Looney, and Andre Cooper

County of Residence of First Listed Defendant New Castle County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 2000(e) et seq., 42 U.S.C. § 1983

Brief description of cause:
Defendant engaged in discrimination against Plaintiff by virtue of his race and religion.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/10/2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Michele D. Allen

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.