

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION
FILE NO.**

ROBERT PATTERSON,)
Plaintiff,)
v.)
CITY OF GRAHAM, JASON MOORE,)
individually and in his official capacity)
TOMMY COLE, individually and in his)
official capacity, MEGAN GARNER,)
individually and in her official capacity,)
Defendants.)
_____)

COMPLAINT
(JURY TRIAL DEMANDED)

NOW COMES the Plaintiff, by and through counsel, and alleges the following:

PARTIES, CAPACITY, JURISDICTION, AND VENUE

1. Plaintiff, **ROBERT PATTERSON** (hereinafter referred to as “Plaintiff”) is a resident of Alamance County, North Carolina and has been so within the preceding six months.
2. Defendant **CITY OF GRAHAM**, located in Graham, North Carolina, in the County of Alamance, is a municipal body politic and corporate with its principal place of business at 201 South Main Street, Graham, NC 27253.
3. Defendant City of Graham will for all intent and purposes be referred to as “Defendant Graham” or “the City” throughout this Complaint.
4. Defendant Jason Moore (“Defendant Moore” or “Capt. Moore”) is an employee of the City and is a resident of Alamance County, North Carolina and has been so within the preceding six months.

5. Defendant John T. “Tommy” Cole (“Defendant Cole” or “Chief Cole”) is the fire chief and an employee of the City and is a resident of Alamance County, North Carolina and has been so within the preceding six months.
6. Defendant Megan Garner (“Defendant Garner” or “Ms. Garner”) is the City Manager and an employee of the City and is a resident of Alamance County, North Carolina and has been so within the preceding six months.
7. Plaintiff was an employee of the City who was over the age of 40 at the time of the acts and occurrences described in the Complaint.
8. That the primary acts occurred in Graham, Alamance County, North Carolina.
9. That this is an action for retaliation, discrimination and hostile work environment on the basis of age pursuant to 29 U.S.C. § 623; retaliation and failure to promote pursuant to 42 U.S.C. 2000e-3; wrongful termination in violation of public policy; deprivation of rights pursuant to 42 U.S.C. § 1983; and tortious interference of an employment contract.

CONDITIONS PRECEDENT

10. All conditions precedent to jurisdiction under 42 U.S.C. § 2000e-5(e)(1) have occurred or have been complied with. On or about May 16, 2023, Plaintiff timely submitted a charge of employment discrimination on the basis of race and retaliation to the Equal Employment Opportunity Commission (hereinafter EEOC). On February 13, 2024, the EEOC issued to Plaintiff a Notice of Right to Sue. The instant action is filed within ninety (90) days of the receipt of the said Notice.

FACTUAL ALLEGATIONS

11. On or around November 16, 1994, Plaintiff started working with the City and began working for the Fire Department September 2003.

12. Capt. Moore arrived at the Fire Department in May of 2020.
13. On or around, May 30, 2020, a paramedic expressed her displeasure with Capt. Moore's actions on an automobile collision call. The members of the Graham Fire Department apologized for his actions.
14. Plaintiff was voted firefighter of the year in 2020.
15. On or around November 9, 2021, Plaintiff along with twenty (20) additional members of the City of Graham Fire Department, signed an EEOC protected complaint against Capt. Jason Moore for hostile work environment.
16. The complaint against Capt. Moore included, among other things: demanding, demeaning, condescending and aggressive behavior towards firefighters of the department; safety concerns around him, undermining firefighters during emergency calls; inappropriate behaviors towards EMS personnel, police, Alamance County Rescue, Fire Instructors, EMS instructors and other partners; harassment of older more seasoned members; creating and enforcing rules that he doesn't adhere to; disparate discipline of members based on age; and belittling employees in front of the team.
17. The internal investigation of Capt. Moore was performed from November 9, 2021 to January 25, 2022. Mr. Patterson was a whistle blower along with the twenty-one (21) signees in the complaint against Capt. Moore. Most of these individuals are no longer with the fire department due to retaliation. They were disciplined and/or fired. Some quit, retired early, were fired or denied promotions.
18. Capt. Moore created a hostile work environment and treated older more seasoned firemen worse than he did other employees. Capt. Moore was younger (under 40) than most of the tenured firemen and Moore had been unnecessarily aggressive, hostile, scrutinizing, and

condescending towards employees. Fire Chief Cole endorsed Capt. Moore's behavior and allowed this behavior to continue.

19. On or around January 25, 2022, the investigation into Capt. Moore concluded without any disciplinary action taken towards him.
20. On or around May 3, 2022, Plaintiff, a Fire Equipment Operator (FEO) sent a complaint to Fire Chief Tommy Cole of the Graham Fire Department. This letter led to a meeting on May 16, 2022 with Plaintiff, Capt. Moore and Chief Cole, to discuss the written complaint that he had emailed to Chief Cole about Capt. Moore.
21. In early May of 2022, Plaintiff along with his coworkers sent a complaint of no confidence regarding Chief Cole to the City of Graham.
22. Plaintiff participated in the investigation of the complaint against Chief Cole from May 2022 through August 2022.
23. On or around May 23, 2022, a notification was sent stating that the complaint was investigated by a neutral third party.
24. On or around May 27, 2022, a letter along with other pertinent information regarding the internal investigation of Capt. Jason Moore and the actions of the Fire Chief was mailed to all Council Members.
25. On or around October 2, 2022, Plaintiff informed Courtney Wrenn of his desire to end his relationship with her if she chose to remain married to her husband, Jacob Wrenn whom she claimed to be abusive.
26. On or around October 14, 2022, Mr. Patterson submitted his application for one (1) of the two (2) vacant captain positions. He was the most qualified for the position but did not receive the position.

27. In October 2022 Plaintiff advised Chief Cole that he was involved in an affair that had ended, and that the wife had threatened that her husband would do everything in his power to get him fired. He also informed him that: a) the wife was previously in an affair that ended in a murder-suicide in 2009, with the failed suicide attempt on her part; b) the wife attempted suicide again October 18, 2022; and c) he was extremely fearful of what measures this couple would take to have him fired.
28. On or around October 25, 2022, an attorney representing Mrs. Wrenn contacted the City alleging stalking, harassment, and blackmail by Plaintiff. Chief Cole authorized an investigation into the allegations.
29. On October 25, 2022, an internal affairs investigation was opened against Plaintiff for an affair he had with Mrs. Wrenn that occurred while he was off duty.
30. On October 28, 2022 Mrs. Wrenn advised the City of Graham Fire Department's Fire Chief, Defendant Cole and City of Graham Investigator, Billy Clayton, that Plaintiff was responsible for the whistleblower complaints against Chief Cole and Capt. Moore.
31. On October 28, 2022 Mrs. Wrenn also advised Chief Cole and Investigator Billy Clayton that Plaintiff planned to expose Chief Cole and City Manager Megan Garner in their direct attempts to "poison the well".
32. After Mrs. Wrenn's involvement with the Plaintiff had been exposed in mid-October 2022, and the involvement between these two parties had ended, Mrs. Wrenn willfully and falsely misled her husband to believe she had been threatened and forced to remain involved with Plaintiff for fear of retaliation.
33. On his November 16, 2022 evaluation, Plaintiff was noted to have done a great job with organizing the room and ensuring an accurate inventory for their current PPE on August

16. Even though Plaintiff had noted good performance, Capt. Moore gave him a drastically lower performance rating than he had received in previous years. Capt. Moore complimented him on being an excellent employee in 2020 and 2021. However, after Plaintiff participated in the investigations, Capt. Moore's overall comments were related to Plaintiff's age.
34. Subsequently, Plaintiff was suspended without pay for five (5) shifts on December 7, 2022, for the false allegations that Mrs. Wrenn made against Plaintiff of stalking, harassment, and blackmail. The City's investigations into Plaintiff were conducted in bad faith.
35. From December 7, 2022 through December 19, 2022, Plaintiff was placed on unpaid administrative leave during the internal affairs investigation regarding his prior relationship with Mrs. Wrenn.
36. On or around December 19, 2022, Plaintiff learned that he was denied the promotion to one (1) of the captain positions.
37. On or around December 19, 2022, Plaintiff was placed on probation for one (1) year as a result of the investigation.
38. On or around January 25, 2023, Chief Cole emailed a letter to Mr. Wrenn disclosing the personnel disciplinary decisions the City made regarding Plaintiff's employment. In the email, Chief Cole also solicited additional information that could assist the City in terminating Plaintiff's employment.
39. Chief Cole met with Mr. Wrenn on several occasions to solicit information about Plaintiff.

40. On or around March 29, 2023, Plaintiff's captain learned through Chief Cole that the plaintiff was being stalked by Mr. and Mrs. Wrenn and insisted that Chief Cole inform the plaintiff. Also, the Wrenn's had been providing Chief Cole with videos and photos of himself and those of his romantic interest at various locations in their community over a period of several months.
41. On or around March 31, 2023, Mrs. Wrenn filed a Civil Domestic Violence Protective Order Complaint (DVPO) and Ex Parte Order against Plaintiff.
42. On or around March 31, 2023, Megan Garner, Graham City Manager, called Mrs. Wrenn to meet with her, discuss Plaintiff and get a copy of the DVPO Complaint and Ex Parte Order.
43. On or around April 3, 2023, another internal affairs investigation was opened against Plaintiff at the request of Mr. and Mrs. Wrenn in violation of his due process. This investigation also had nothing to do with his job performance. He was denied an attorney, was not provided any evidence and was threatened by the Fire Department leadership.
44. Mr. Wrenn and Investigator Billy Clayton engaged in unlawful surveillance of Plaintiff while off duty. As a result, Plaintiff filed a police report for stalking and harassment by the Wrenn family.
45. During April of 2023, Plaintiff was called into interrogations and hearings and was denied an attorney.
46. Plaintiff was put through an estimated 7-10 combined hours of hostile interviews. This was accompanied by an attempt to coerce the Plaintiff into a confession with threats of being arrested and the loss of employment.

47. On or around April 5, 2023, Mrs. Wrenn attempted to press criminal charges against Plaintiff with the Alamance County Sheriff's Office. After reviewing the information, they did not find probable cause and declined to press charges.
48. On or around May 8, 2023, Mrs. Wrenn dismissed her DVPO Complaint against Plaintiff during the trial.
49. Plaintiff received a pre-disciplinary conference notice on May 10, 2023. He was denied an attorney again. He filed a formal complaint against Fire Chief Tommy Cole for retaliation with the City Manager, Megan Garner.
50. On May 17, 2023, Plaintiff was placed on paid administrative leave and was terminated via email after 8:00 pm that evening. Mrs. Wrenn was contacted that same day by the City of Graham and advised of his termination. He appealed the termination.
51. Prior to his termination, Plaintiff was the second longest tenured employee at the City of Graham.
52. Plaintiff requested a name clearing hearing with the HR Director in May 28, 2023. The termination notices were placed in his file which made them public record prior to him being given a name clearing hearing. Plaintiff was not offered a name clearing until July of 2023.
53. On around May 26, 2023, Mrs. Wrenn filed another Complaint for a DVPO under the same or similar set of facts in Alamance County District Court. The Ex Parte Order was denied by the Court.
54. On or around August 28, 2023, Mrs. Wrenn's Complaint was dismissed by the Court for failure to prove grounds for issuance of a domestic violence protective order. The Court found that Mrs. Wrenn made multiple calls to Plaintiff placed from multiple avenues

between October 12, 2022 and October 19, 2022 and that the Court did not believe the relationship had ended at that time.

FIRST CAUSE OF ACTION:
DEPRIVATION OF RIGHTS
IN VIOLATION OF 42 U.S.C § 1983
AGAINST ALL DEFENDANTS

55. The allegations in paragraphs 1 through 54 are realleged and incorporated herein by reference.
56. The City of Graham had a policy or custom of harassing older more seasoned members and disparate discipline of members based on age.
57. This policy or custom is fairly attributable to the municipality in that the City conducted an investigation of Chief Cole into the treatment of employees by Fire Department officials in which they denied and unsubstantiated the employees' and volunteers' allegations on or around August 2, 2022.
58. This policy or custom is fairly attributable to the municipality in that on or around January 25, 2022, Chief Tommy Cole notified the employees and volunteers that the City of Graham Fire Department performed an investigation against Capt. Jason Moore, it was completed; and as a result, no action was taken against Capt. Moore.
59. This policy or custom proximately caused the deprivation of Plaintiff's constitutional right for equal protection and equal privileges under the law.

SECOND CAUSE OF ACTION:
AGE DISCRIMINATION IN VIOLATION OF THE AGE DISCRIMINATION IN
EMPLOYMENT ACT OF 1967 (ADEA) (29 U.S.C. §§ 621-634)

60. The allegations in paragraphs 1 through 59 are realleged and incorporated herein by reference.

61. Defendants treated Plaintiff along with the other older and more seasoned employees less favorable because of age.
62. Defendant City of Graham terminated the plaintiff.
63. At the time of Plaintiff's termination and unfavorable treatment, Plaintiff was over the age of forty (40).
64. Plaintiff was wrongfully terminated on the basis of his age and for complaining of actions taken against him due to his age.
65. Plaintiff was performing his job duties at a level that met the employer's legitimate expectations at the time of the adverse employment action. He received great performance evaluations and received fireman of the year.
66. After Plaintiff filed the complaint along with his coworkers, Plaintiff received a poor performance evaluation, was denied a promotion to the Captain position and was terminated.
67. Plaintiff was replaced by younger employees.
68. Since the terminations, forced resignations and departures of the fire department, the fire department is currently made up of persons in their twenties (20s).

THIRD CAUSE OF ACTION:
HOSTILE WORK ENVIRONMENT IN VIOLATION OF THE ADEA
(29 U.S.C. §§ 621-634)

69. The allegations in paragraphs 1 through 68 are realleged and incorporated herein by reference.
70. Plaintiff along with his coworkers filed a complaint against Capt. Moore that included, among other things: demanding, demeaning, condescending and aggressive behavior towards firefighters of the department; safety concerns around him, undermining

firefighters during emergency calls; inappropriate behaviors towards EMS personnel, police, Alamance County Rescue, Fire Instructors, EMS instructors and other partners; harassment of older more seasoned members; creating and enforcing rules that he doesn't adhere to; disparate discipline of members based on age; and belittling employees in front of the team.

71. These behaviors by Capt. Moore existed since he joined the fire department in May of 2020.

72. Capt. Moore's treatment of Plaintiff and older city employees was severe, humiliating and unreasonably interfered with employee work performance and morale.

73. As a result of Defendants' hostile work environment, Plaintiff has endured pain and suffering, emotional distress, development of heart disease and hypertension, depression and anxiety, weight gain, loss of reputation in his hometown of fifty (50) years, loss of relationships, fear of going out in public due to allegations endorsed by the City and its officials falsely citing him as a stalker and harasser.

FOURTH CAUSE OF ACTION:
RETALIATION IN VIOLATION OF 42 U.S.C. § 2000e-3

74. The allegations in paragraphs 1 through 73 are realleged and incorporated herein by reference.

75. Plaintiff was a signatory to the complaints against Capt. Moore and Chief Cole.

76. Chief Cole asked Plaintiff if he was the person behind the complaints against him and Capt. Moore.

77. Prior to filing the complaints against Capt. Moore and Chief Cole, Plaintiff:

- a. Received two (2) positive evaluations from Capt. Moore;

- b. In his twenty-eight and half (28.5) year career with the City, he had never been the subject of an internal affairs investigation; and
 - c. Had never been placed on administrative leave.
78. After filing the complaints against Capt. Moore and Chief Cole, Plaintiff:
- a. Received a negative evaluation from Capt. Moore;
 - b. Became the subject of two (2) separate internal affairs investigations;
 - c. Was placed on one (1) year probation;
 - d. Was denied promotion to a captain position; and
 - e. Was terminated.

FIFTH CAUSE OF ACTION:
FAILURE TO PROMOTE IN VIOLATION OF 42 U.S.C. § 2000e-3

79. The allegations in paragraph 1 through 78 are realleged and incorporated herein by reference.
80. Plaintiff filed a complaint with the City of Graham along with his coworkers alleging that Capt. Moore created a hostile work environment, particularly against older more seasoned workers.
81. Plaintiff filed a complaint of no confidence against Chief Cole along with his coworkers for failure to take action against Capt. Moore.
82. Subsequently, Plaintiff applied for one (1) of two (2) vacant captain positions.
83. Plaintiff was the most qualified applicant.
84. The persons selected for the captain positions were not signatories to the complaint against Capt. Moore.
85. While there were no signatures of the employees on the complaint against Chief Cole, Chief Cole asked Plaintiff if he was behind the complaints against him and Capt. Moore.

86. Plaintiff was a known participant in the investigation against Chief Cole.

87. Shortly after Plaintiff's participation in the investigation against Chief Cole, Plaintiff applied for the captain position and was denied.

SIXTH CAUSE OF ACTION:
WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY PURSUANT TO
N.C. GEN. STAT. §143-422.2 AGAINST DEFENDANT CITY OF GRAHAM

88. The allegations in paragraph 1 through 87 are realleged and incorporated herein by reference.

89. Defendant City of Graham terminated the plaintiff.

90. Plaintiff was wrongfully terminated on the basis of his age and for complaining of actions taken against him due to his age.

91. The plaintiff was protected by this public policy pursuant to N.C. Gen. Stat §143-422.2.

92. The defendant's motivation in terminating the plaintiff violated this public policy.

93. As a result of Plaintiff's wrongful termination, Plaintiff has endured pain and suffering, emotional distress, development of heart disease and hypertension, depression and anxiety, weight gain, loss of reputation in his hometown of fifty (50) years, loss of relationships, fear of going out in public due to allegations endorsed by the City and its officials falsely citing him as a stalker and harasser.

SEVENTH CAUSE OF ACTION:
BREACH OF IMPLIED CONTRACT AGAINST DEFENDANT CITY OF GRAHAM

94. The allegations in paragraphs 1 through 93 are realleged and incorporated herein by reference.

95. Plaintiff rendered services as a fire equipment operator for the City.

96. Plaintiff's services were knowingly and voluntarily accepted.

97. Plaintiff's services were not given gratuitously. Defendant paid Plaintiff approximately \$55,523.00 a year.

98. Plaintiff is owed damages based on the period after he was terminated, as well as loss of retirement, loss of benefits and his anticipated fees for work and expenses plus a termination fee.

EIGHTH CAUSE OF ACTION:
TORTIOUS INTERFERENCE WITH EMPLOYMENT CONTRACT AGAINST
DEFENDANTS MOORE, COLE AND GARNER

99. The allegations in paragraphs 1 through 98 are realleged and incorporated herein by reference.

100. Plaintiff had a valid employment contract with Defendant City of Graham since November 16, 1994.

101. Defendants Tommy Cole and Jason Moore were aware that Plaintiff was employed with the City of Graham as they were supervisors of Plaintiff.

102. Defendants Cole and Moore intentionally interfered with Plaintiff's regular course of work, discriminating against Plaintiff and holding him to a different standard than that of younger employees.

103. Defendants Garner and Cole intentionally interfered with Plaintiff's employment by soliciting information from Mr. and Mrs. Wrenn to get Plaintiff fired.

104. The behaviors of Defendants Cole, Moore and Garner were an abuse of power and outside the scope of their employment with the City of Graham.

105. Defendants Cole, Moore and Garner interfered with Plaintiff's employment for motives other than reasonable, good faith attempts to protect the City's interests.

106. As a direct and proximate result of Defendants interference, as alleged herein, Plaintiff has suffered: financial injuries, loss of income, loss of retirement, and emotional pain and suffering.

NINETH CAUSE OF ACTION:
BREACH OF IMPLIED DUTY OF GOOD FAITH AND FAIR DEALING AGAINST
DEFENDANT CITY OF GRAHAM

107. The allegations in paragraphs 1 through 106 are realleged and incorporated herein by reference.

108. Defendant City of Graham breached its implied duty of good faith and fair dealing in their dealings with plaintiff in connection with the employment agreement.

WHEREFORE, Plaintiff requests the following prayer for relief against defendants as follows:

1. Compensatory damages including back pay and front pay.
2. Pain and suffering damages.
3. Punitive damages.
4. Prejudgment interest as provided by law.
5. Post-judgment interest as provided by law.
6. Costs of suit.
7. Attorney's Fees.
8. That all issues of fact be tried by a jury.
9. For such other and further relief to which Plaintiff may justly be entitled.

Respectfully Submitted,

This the 13th day of May, 2024.

ATTORNEY FOR PLAINTIFF

/s/Carena Brantley Lemons
Carena Brantley Lemons
THE LEMONS LAW FIRM, PLLC
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Phone: (919) 688-7799
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North Carolina Bar State No: 28249
carena@thelemonsfirm.com

EXHIBIT A



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Greensboro Local Office
1500 Pinecroft Road., Suite 212
Greensboro, NC 27407
(336) 604-5180
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 02/13/2024

To: Mr. Robert J. Patterson II
2629 Catherine Drive
Burlington, NC 27215
Charge No: 435-2023-00489

EEOC Representative and email: SONYA MOORE
Investigator
sonya.moore@eeoc.gov

DETERMINATION OF 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.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign in to the EEOC Public Portal and upload the court complaint to charge 435-2023-00489.

On behalf of the Commission,

Ingrid Waden-Wynn
Local Office Director

Cc:

Lorrie Andrews
City of graham
201 S Main St
Graham, NC 27253

Katie Hartzog
2323 Glenwood Ave STE 305
Raleigh, NC 27608

Please retain this notice for your records.

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 may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, 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 the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a "Section 83" request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

To make a FOIA request for your charge file, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a FOIA request for your charge file by U.S. Mail by submitting a signed, written request identifying your request as a "FOIA Request" for Charge Number 435-2023-00489 to the

District Director at Elizabeth "Betsy" Rader, 129 West Trade Street Suite 400, Charlotte, NC 28202.

To make a Section 83 request for your charge file, submit a signed written request stating it is a "Section 83 Request" for Charge Number 435-2023-00489 to the District Director at Elizabeth "Betsy" Rader, 129 West Trade Street Suite 400, Charlotte, NC 28202.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

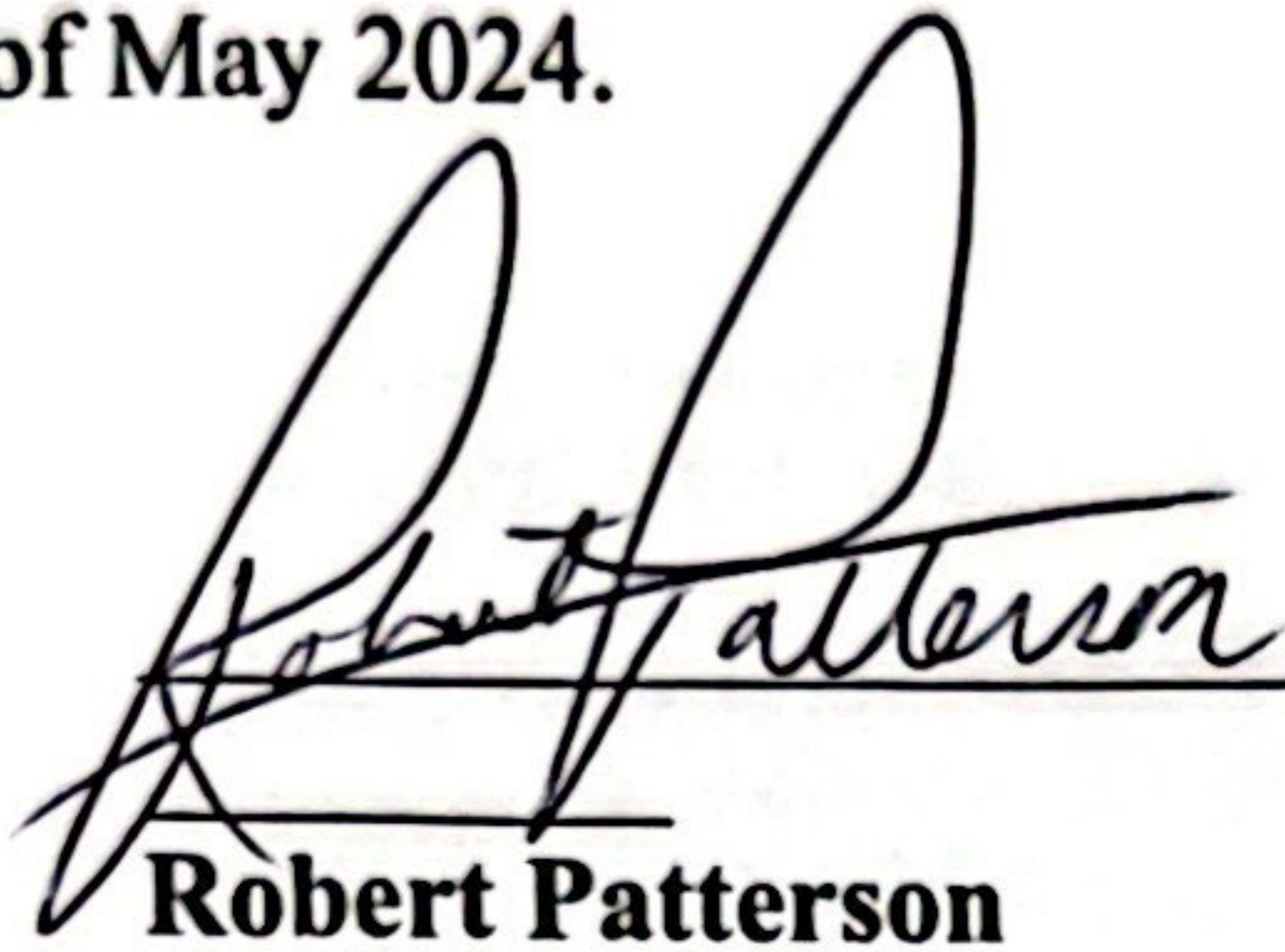
For more information on submitting FOIA requests, go to <https://www.eeoc.gov/eeoc/foia/index.cfm>.

For more information on submitted Section 83 requests, go to <https://www.eeoc.gov/foia/section-83-disclosure-information-charge-files>.

VERIFICATION

I, **Robert Patterson**, being first duly sworn, deposes and says that I am the Plaintiff in the above action, that I have read and reviewed the foregoing amended complaint and it is true to the best of my knowledge, except as to those matters which are alleged upon information and belief, and as to those I believe them to be true.

This the 13 of May 2024.


Robert Patterson

Sworn to and Subscribed before me,
This the 13 day of May 2024.


Notary Public

My Commission Expires: 10/01/28

