

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF GARY, INDIANA,

Defendant.

Civil Action No. \_\_\_\_\_

2 09 CV 006

COMPLAINT

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e, *et seq.* ("Title VII").
2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1345.
3. Defendant, City of Gary ("City" or "Defendant"), is a political subdivision of the State of Indiana created pursuant to the laws of the State of Indiana.
4. The City is a "person" within the meaning of 42 U.S.C. § 2000e(a) and an "employer" within the meaning of 42 U.S.C. § 2000e(b).
5. In or around February 2006, the City created a hiring list of 25 applicants for Emergency Medical Technician ("EMT") positions. The hiring list stated that offers of employment would be made in rank order until its expiration on February 1, 2007. Included on

the hiring list were applicants James Meinart, Richard Hurst, Timothy Sierazy, Nathan Bogner, Christopher Ferrand and Tina Bruks (collectively the "Charging Parties").

6. On or around October 10, 2006, the City offered employment as EMTs to six of the applicants on the EMT hiring list, all of whom are black. These applicants were ranked 1<sup>st</sup>, 5<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> on the hiring list. All six accepted employment with the City.

7. The City did not make offers of employment as EMTs to any of the Charging Parties, who ranked 2<sup>nd</sup> (James Meinart), 3<sup>rd</sup> (Richard Hurst), 4<sup>th</sup> (Timothy Sierazy), 6<sup>th</sup> (Nathan Bogner), 7<sup>th</sup> (Christopher Ferrand) and 8<sup>th</sup> (Tina Bruks) on the hiring list, all of whom are white. All of the Charging Parties ranked higher than the lowest-ranked applicant to receive an offer of employment as an EMT with the City.

8. In or around November 2006, the City offered employment as an EMT to a seventh individual (black) who was not on the hiring list. This person also accepted employment as an EMT with the City.

9. None of the Charging Parties received an offer of employment as an EMT from the City before the EMT hiring list created by the City in or around February 2006 expired on February 1, 2007; nor did any of the Charging Parties receive an offer of employment as an EMT from the City at any time thereafter.

10. The City has discriminated against the Charging Parties on the basis of their race (white), in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by failing or refusing to offer employment as an EMT to each of these individuals.

11. The Equal Employment Opportunity Commission ("EEOC") received timely charges (Charge Nos. 470-2007-00772 (James Meinart), 470-2007-01286 (Richard Hurst), 470-2007-01285 (Timothy Sierazy), 470-2007-01287 (Nathan Bogner), 470-2007-00616 (Christopher Ferrand) and 470-2007-00627 (Tina Bruks)) filed by the Charging Parties against the City Fire Department.

12. The Charging Parties alleged that they had been discriminated against on the basis of their race (white) when they were not offered employment as EMTs by the City.

13. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charges, found that the evidence supported the Charging Parties' allegations, and found reasonable cause to believe that the Charging Parties were discriminated against in violation of Title VII.

14. The EEOC attempted unsuccessfully to conciliate a voluntary resolution of the charges, and subsequently referred the matter to the Department of Justice.

15. All conditions precedent to the filing of suit have been performed or have occurred.

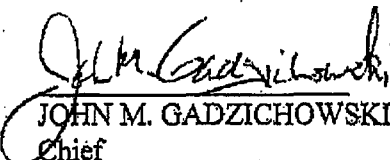
**WHEREFORE**, the United States prays that the Court grant the following relief:

- (a) Enter an order enjoining the City of Gary, its officers, agents, employees, successors and all persons in active concert or participation with them, from engaging in discriminatory employment policies and practices against white EMTs and applicants for EMT positions based on their race;
- (b) Enter an order enjoining the City of Gary from failing or refusing to provide remedial relief sufficient to make whole the Charging Parties for the individual

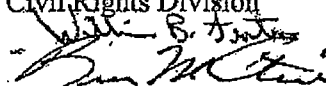
losses they have suffered as a result of the discrimination against them as alleged in this Complaint;

- (c) Take other appropriate nondiscriminatory measures to overcome the effects of the discrimination; and
- (d) Award such additional relief as justice may require, together with the United States' costs and disbursements in this action.

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UNITED STATES DISTRICT COURT

Northern

District of

Indiana

United States of America

SUMMONS IN A CIVIL ACTION

V:

City of Gary, Indiana

CASE NUMBER: 2 09 CV 006

TO: (Name and address of Defendant)

Jerome M. Taylor  
Deputy City Attorney  
401 Broadway, Fourth Floor  
Gary, Indiana 46402

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Sharon J. Johnson  
Assistant United States Attorney  
Northern District of Indiana  
5400 Federal Plaza, Suite 1500  
Hammond, Indiana 46320

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Stephen R. Ludwig, Clerk

1/12/09

CLERK

DATE

(By) DEPUTY CLERK

*[Handwritten Signature]*

