

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

(Alexandria Division)

ISAIHAH JOYCE, III)	
15626 Weathervane Terrace # 626)	
Woodbridge, VA 22191)	
)	
Plaintiff,)	
)	
v.)	Case #1:18-cv- <u>113</u> (LMB/JFA)
)	
HAJOCA CORPORATION)	
)	
Serve: Corporation Service Co., Registered Agent)	
100 Shockoe Slip, 2 nd Floor)	
Richmond, VA 23219)	
)	
and)	
)	
J.J. [Full name unknown])	
c/o Hajoca Corporation)	
10106 Residency Road)	
Manassas, VA 20110)	
)	
Defendant.)	

COMPLAINT

Preliminary and Jurisdictional Statement

1. This action arises out of a campaign of racial harassment and threats directed at the plaintiff, who is African American, by his white supervisors at a plumbing equipment hauling company. This campaign culminated in the placement of a black doll with a noose around its neck in the plaintiff's truck by one of his supervisors. This case arises under 42 U.S.C. §1981. The court has subject matter jurisdiction under 28 U.S.C. §1331, and supplemental jurisdiction under 28 U.S.C. §1367 over the state law claim which arises out of the identical facts.

Parties

2. Plaintiff Isaiah Joyce is an adult resident of Woodbridge, Virginia. He is African American. During the events giving rise to this action, Mr. Joyce was a joint employee of defendant Hajoca Corporation, where he actually worked and which directed 100% of his work, and Pro Drivers, a labor broker that found the Hajoca job for him, and through which he was paid.

3. Defendant Hajoca Corporation is a Maryland corporation that operates, *inter alia*, a plumbing equipment hauling facility at 10106 Residency Road, Manassas, Virginia. It secures some or all of its drivers for this site, including Mr. Joyce, through third-party labor brokers. Hajoca alone, however, directs the work of its drivers.

4. Defendant J.J.¹ was, at all times relevant hereto, a warehouse manager at the Hajoca Manassas site and Mr. Joyce's direct supervisor. At all relevant times he was a Hajoca employee, and in his actions here at issue he was on company time, on company premises, and acting on behalf of the company for its benefit in managing Mr. Joyce.

Claim for Relief

5. Mr. Joyce began working as a truck driver at Hajoca's Manassas location on May 8, 2017.

6. Mr. Joyce was supervised by warehouse manager J.J. and facility manager, Matthew Glick, who was the highest ranking Hajoca manager on site, and the highest Hajoca employee known and accessible to Mr. Joyce.

¹J.J.'s full name is unknown to Mr. Joyce. Once it is learned, Mr. Joyce will amend the complaint to name J.J. properly.

7. Of the five Hajoca employees at the location, Mr. Joyce was the only African American employee. All other employees were white.

8. Almost immediately after starting work, Mr. Joyce began receiving racially charged language directed at him, mostly (but not only) from J.J. This abuse exemplified the statement of Mr. Glick to Mr. Joyce on one occasion that: “We don’t uplift the black man. We always put the black man down around here,” following which J.J., who was present, let out a rebel yell.

9. Hajoca did indeed “put the black man down.” The following are examples of J.J.’s incessant racist comments directed at Mr. Joyce, several of which were witnessed by Mr. Glick:

- * J.J. called him “boy,” “Johnny,” and “Willis,” referring to the African American character on the 1980s sitcom, *Diff’rent Strokes*. None of these names were related to Mr. Joyce’s actual name.
- * J.J. also called him “80-20,” explaining that “blacks are 80% bullshit and 20% truth.”
- * J.J. instructed Mr. Joyce to “say it like a brother,” meaning that Mr. Joyce should speak in street jive because he is African American.
- * After Mr. Joyce once told his coworkers that he was going to the beach with his family, J.J. stated to the group that black people did not need to go to the beach to tan.
- * J.J. told Mr. Joyce that he was “not even 100% black,” invoking the bottom of Mr. Joyce’s feet and hands as proof.
- * J.J. told Mr. Joyce that he was not born, technically, but had been hatched.

- * On one occasion Mr Joyce asked J.J., in the presence of Mr. Glick, if he was going on vacation. J.J. said that he was, but that Mr. Joyce could not come as it was for whites only. He then said Mr. Joyce could join them if he sat in the back.
- * On one occasion when Mr. Joyce waited for his truck to be loaded with items to haul to a scrap yard, he mentioned that he had never been to a scrap yard. In reply, an employee remarked that it was unbelievable that a black man had never been to a scrap yard. J.J. and Mr. Glick, who were present and heard, laughed heartily.
- * J.J. told Mr. Joyce that this is the land of the Confederate flag, and threatened to attach a Confederate flag to Mr. Joyce's work truck.
- * J.J. called his former manager, who was an Arab, a "towel-head" and told Mr. Joyce that he was not white and therefore not American.

10. The incessant use of racially charged language offended Mr. Joyce. On information and belief it was used by J.J. and other employees with the understanding that it would offend him and cause him to leave his job with Hajoca.

11. Mr. Joyce was not aware of any Hajoca policy for dealing with the racial harassment by which he was being victimized. Nor was he given information about, or aware of, any persons at Hajoca to contact, or how to reach them.

12. On or around June 26, 2017, Mr. Joyce thus asked Mr. Glick for assistance in dealing with J.J.'s racist speech. But Mr. Glick, who had been present and heard many of J.J.'s racist statements, advised Mr. Joyce to ignore J.J. He did not say that he would reprimand or otherwise discipline J.J.

13. On information and belief, J.J. was not reprimanded or given any sensitivity training as a result of Mr. Joyce's complaint. He continued using offensive, racially charged language.

14. On or around June 30, 2017, J.J. casually spoke about hanging Mr. Joyce from a noose "like his ancestors." No one else was present on this occasion.

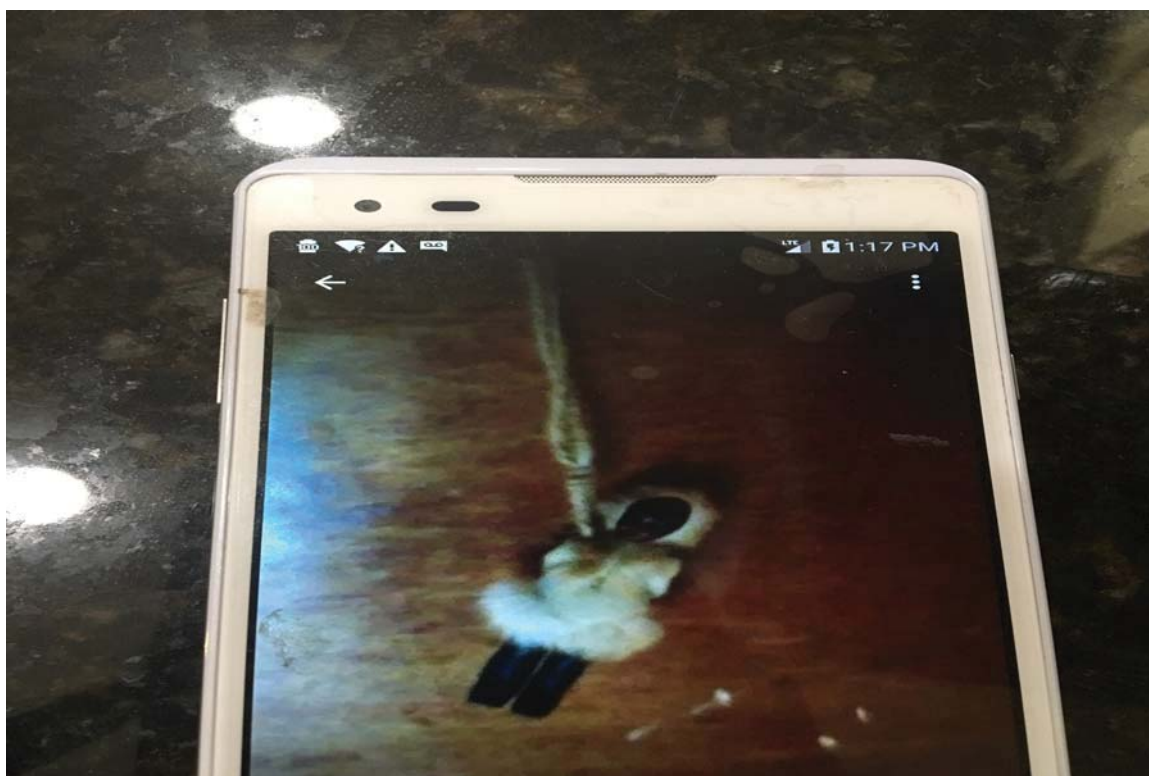
15. Highly offended at J.J.'s noose comment, Mr. Joyce explained to J.J. that the noose joke was hurtful. Initially, J.J. apologized in a palpably half-hearted manner, saying that he thought the remark funny at the time.

16. On or around July 7, 2017, Mr. Joyce reported J.J.'s comment about hanging him from a noose to Mr. Glick.

17. On information and belief, Mr. Glick reported what he had been told to J.J.

18. Upon learning of Mr. Joyce's complaint, J.J. called him "a manipulating motherf***er." J.J. then instructed Mr. Joyce to not talk to him or any other white person while at work. When Mr. Joyce asked J.J. what he should do if he needed assistance, J.J. replied: "I don't f***ing care, just don't ask me."

19. On or around July 10, 2017, while conducting a pre-trip check of his truck, Mr. Joyce discovered a small black-faced doll hanging, in the inside of his truck, from a noose around its neck. Mr. Joyce's photographs of the doll as he found it appear below:



20. Each truck driver was assigned to a specific trucks. All the employees working at this location, including J.J., knew which truck was assigned to Mr. Joyce. J.J. had access to Mr. Joyce's truck, including its inside.

25. On information and belief, J.J. placed the doll in Mr. Joyce's truck, with the intent and expectation that upon seeing it, Mr. Joyce would become so upset as to decide to leave his job with Hajoca, as J.J. sought.

21. Mr. Joyce was horrified and devastated to discover the hanging doll. He now feared racially motivated violence as well as racially charged language, with no support from his employer's on-site supervisor Mr. Glick.

22. J.J. was the only one at work when Mr. Joyce discovered the doll. Mr. Joyce went up to him and said that he could not tolerate this abuse any more and that it was "100% unacceptable." J.J. chuckled and denied having placed the doll in the truck.

23. Mr. Joyce called the police to report the doll. J.J. continued chuckling.

24. A police officer did not arrive promptly, and after waiting on site for about two hours, Mr. Joyce, gravely distressed and aggravated, went home, feeling he could no longer work at Hajoca.

25. A police officer called Mr. Joyce at home and informed him that all the employees at work denied having placed the doll in his truck. The officer said that since he had no witnesses he could not pursue the matter.

26. Mr. Joyce did not return to work at Hajoca. On no occasion was he asked to return to work there.

27. The hanging doll was the last straw for Mr. Joyce. He had suffered verbal racial abuse which had escalated to threats and now demonstrations thereof, and his employer, on notice of his concerns, had taken no steps to remedy the situation. No reasonable person, including specifically no reasonable and self-respecting African-American man, could have been expected to remain in his job in the face of such abuse. Mr. Joyce suffered a constructive termination by Hajoca.

28. The above-referenced display of the hanging doll and offensive racially charged commentary that Mr. Joyce suffered on the job were the work of Hajoca employees on company time, on Hajoca premises, and while engaged in company business for the benefit of Hajoca. But for their status as Hajoca employees, J.J. and other employee perpetrators of these offenses would not have been in a position to harass Mr. Joyce and finally drive him from his employment. Hajoca supervisors, including but not limited to Mr. Glick, also had actual knowledge of this racial harassment, although they did nothing about it.

29. As a result of the actions of J.J. and other Hajoca employees set forth herein, culminating in the doll hanging incident, Mr. Joyce suffered extreme emotional distress, leading him to seek out mental health counseling to address his depression, fears and anger. He also suffered loss of a job, with the attendant past, present and future financial loss.

Causes of Action

Count I: 42 U.S.C. §1981 – Harassment: Hajoca

28. By its employees' actions set forth above, Hajoca subjected Mr. Joyce to severe and pervasive workplace harassment on the basis of race, in violation of 42 U.S.C. §1981. The employees' actions are attributable to Hajoca because Mr. Joyce's supervisors personally

participated in the harassment, and because Hajoca, via its supervisory personnel, were on notice of the harassment and failed to take reasonable measures adequately designed to end the harassment.

Count II: 42 U.S.C. §1981 – Harassment: J.J

30. By his actions set forth above, J.J. subjected Mr. Joyce to severe and pervasive workplace harassment on the basis of race, in violation of 42 U.S.C. §1981.

Count III: 42 U.S.C. §1981 – Constructive Discharge: Hajoca

31. By the actions of its employees set forth above, intended to drive Mr. Joyce from his employment, Hajoca created an intolerable work environment that no reasonable person could or should endure, and that reasonably and understandably caused Mr. Joyce to leave his employment with Hajoca. Via its managerial employees Glick and J.J., Hajoca had actual and constructive notice of the racism which Mr. Joyce was meeting at work, yet the company failed to take actions reasonably calculated to the end this intolerable affairs.

Count IV: Intentional Infliction of Emotional Distress – J.J.

32. By placing the black doll in a noose in Mr. Joyce's truck, this coming after a series of grossly offensive racially charged comments to him culminating in his referring to Mr. Joyce's being hanged by a noose "like his ancestors," J.J. intentionally inflicted severe emotional distress upon Mr. Joyce.

Count V: *Respondeat Superior*: Hajoca

33. Hajoca is liable for J.J.'s intentional infliction of emotional distress upon Mr. Joyce under the doctrine of *respondeat superior*.

*

Wherefore, Mr. Joyce requests an order of this court granting him:

- * His actual damages against each defendant in an amount appropriate to the proof at trial,
- * Punitive damages against each defendant in an amount appropriate to the proof at trial,
- * His costs, including reasonable attorney's fees, and
- * Such other relief as is just.

Mr. Joyce requests trial by jury.

Respectfully submitted,

ISAIAH JOYCE III,

By Counsel

Dated: February 1, 2018

Counsel for Plaintiff:

//s// Victor M. Glasberg

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