

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

Civil Action No.

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Ammar Rajab,

Plaintiff

v.

Dale Spradley Motors, Inc.  
a Colorado corporation d/b/a Spradley Imports, Inc.  
and Larry Spradley, individually

Defendants.

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**Complaint**

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COMES NOW Plaintiff, Ammar Rajab, by and through counsel, Cornish and Dell'Olio, and for his Complaint against the Defendants, Dale Spradley Motors, Inc. and Larry Spradley, alleges the following:

**Introduction**

1. This is an action brought pursuant to 42 U.S.C § 1981 against Dale Spradley Motors, Inc. and Larry Spradley for race discrimination and civil conspiracy.

**Jurisdiction**

2. The Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. §§ 1331, 1343.

**Venue**

3. The unlawful employment actions described below were committed in the

State of Colorado. Venue is proper in the United States District Court for the District of Colorado under 28 U.S.C. § 1391(b).

### **Parties**

4. Ammar Rajab is an American citizen.

5. Mr. Rajab was born an Arab. His ancestry and ethnic characteristics are Arabic.

6. At times relevant to the complaint, Mr. Rajab was employed by Defendant, Dale Spradley Motors, Inc. d/b/a Spradley Imports, Inc. and Spradley-Barickman Imports as a General Sales Manager.

7. Dale Spradley Motors, Inc. operates numerous car dealerships in Southern Colorado which sell Mazda, Kia and Mitsubishi vehicles.

8. Larry Spradley owns and operates several car dealerships in Southern Colorado which sell Mazda, Kia, Mitsubishi, Lincoln-Mercury, Chevrolet, Ford and Hyundai vehicles.

9. Dale Spradley Motors, Inc. is a Colorado corporation doing business as Spradley Imports, Inc. and Spradley-Barickman Imports and is authorized to do business in Colorado and is in good standing with the Colorado Secretary of State.

### **General Allegations**

10. Mr. Rajab worked as a General Manager for Spradley Chevrolet, Inc. from October 15, 2009 until December 31, 2009. Mr. Rajab worked as a General Manager for Dale Spradley Motors, Inc. from January 1, 2010 until May 11, 2010.

11. Mr. Rajab established a contractual employment relationship with Dale Spradley Motors, Inc.

12. Mr. Rajab has over 15 years experience in retail automotive sales and has successfully managed sales for three car dealerships.

13. Mr. Rajab was hired by Spradley Chevrolet, Inc. in October, 2009.

14. Mr. Rajab was qualified for the position of General Sales Manager and successfully performed his duties as General Sales Manager for Spradley Chevrolet, Inc. and after January 1, 2010 for Dale Spradley Motors, Inc.

15. Shortly after Mr. Rajab's transfer to Dale Spradley Motors, Inc. Mr. Rajab was subjected to verbal taunts and insults and humiliation on a continuous basis by a co-worker, Mike Peterson, as well as Kim Barickman *and* Larry Spradley.

16. The taunts and insults directed at Mr. Rajab were unwelcome and were not directed at white employees who were similarly situated.

17. Mr. Peterson made hostile comments to Mr. Rajab including but not limited to: referring to Osama Bin-Laden as Mr. Rajab's "uncle" and "brother," and asking Mr. Rajab whether he was "going to go in mourning" when Bin Laden was captured, asking "did you bring the bomb today?" "Does it make you upset that we will kill the bastards?" Mr. Peterson would give his version of an Islamic war cry as "Lalalalalalala" as Mr. Rajab walked by. Other employees as well as Kim Barickman and Larry Spradley were amused by Mr. Peterson's behavior and often laughed in reaction to the taunts and insults.

18. Mr. Peterson knew that Mr. Rajab is a patriotic American who detests al-Qaida because Mr. Rajab told him so on numerous occasions. The statements described above were made for the purpose of ethnic intimidation and to humiliate Mr. Rajab.

19. Mr. Barickman was aware of the taunts and insults directed at Mr. Rajab because he was sometimes present when they were made and because Mr. Rajab complained to him about them.

20. Mr. Spradley was aware of the taunts and insults directed at Mr. Rajab because he was sometimes present when they were made and because Mr. Rajab complained to him about them.

21. Mr. Barickman did nothing to stop the harassment of Mr. Rajab and encouraged the harassment by participating in the harassment and laughing at the taunts.

22. Mr. Spradley did nothing to stop the harassment of Mr. Rajab and encouraged the harassment by participating in the harassment and laughing at the taunts.

23. Mr. Peterson was emboldened by Mr. Barickman's and Mr. Spradley's conduct and encouraged by their attitude of tolerance of harassment. As time went by the harassment by Mr. Peterson escalated.

24. On April 30, 2010 Mr. Rajab came to work after a day off to find numerous handmade business cards taped to the counter around his work area.

25. The fake business cards contained a photograph of Osama Bin-Laden and Mr. Rajab's name. Exhibit 1.

26 When Mr. Rajab saw the cards he was shocked. He asked a coworker "What in the world is this?" The coworker replied that the behavior was "uncalled for". He stated that Mike Peterson and Larry Spradley created the fake business cards.

27. Later Mike Peterson, arrived in the work area. When he was asked by Mr. Rajab who was responsible he replied with his imitation of an Islamic war cry "Lalalalalalalalala."

28. Upon information and belief Mike Peterson created the fake business cards at Larry Spradley's direction and with Larry Spradley's assistance.

29. Later Mr. Rajab showed the fake business card to Mr. Barickman. Mr. Barickman laughed. Mr. Barickman declined to meet with Mr. Rajab to address the incident in spite of several requests by Mr. Rajab to do so.

30. On May 3, 2010 Mr. Rajab was asked by his employer to sign a statement which purported to release the defendant from liability for harassment and which contained a statement that Mr. Rajab had not been subjected to harassment. Mr. Rajab refused to sign the document.

31. On May 11, 2010 Mr. Rajab's employment was involuntarily terminated without prior notice. The reason given for the termination was "Things aren't working out." Exhibit 2.

32. The termination of Mr. Rajab's employment was in retaliation for his complaint of race discrimination.

33. As the direct and proximate result of the foregoing Mr. Rajab suffered and continues to suffer loss of employment, loss of income, loss of other employment benefits and has suffered and continues to suffer distress, humiliation, embarrassment and harm to his reputation.

**First Cause of Action  
(For Violations of 42 U.S.C. § 1981)**

34. Plaintiff incorporates paragraphs 1 through 33 herein by reference.

35. Mr. Rajab as a person of Arab ancestry and ethnicity is protected from racial discrimination by 42 U.S.C. § 1981.

36. Mr. Rajab received disparate and hostile treatment compared to other similarly situated, white employees because of his race.

37. The disparate and hostile treatment received by Mr. Rajab during his employment with Dale Spradley Motors, Inc. came from coworkers and owners and managers including Larry Spradley and Kim Barickman.

38. The disparate and hostile treatment from coworkers was allowed, fostered and encouraged by Kim Barickman and Larry Spradley.

39. The discrimination was racial and stemmed from a racial animus.

40. The discrimination suffered by Mr. Rajab was so pervasive and severe as to alter the terms, conditions, or privileges of Mr. Rajab's employment.

41. Dale Spradley Motors, Inc.'s and Mr. Spradley's and Mr. Barickman's response to racial harassment was inadequate to remedy the hostile work environment that Mr. Rajab suffered and in fact contributed to it.

42. The Defendants intentionally discriminated against Plaintiff because of his race and interfered with the performance of his employment contract.

43. The termination of the Plaintiff's employment was in retaliation for his complaint of race discrimination.

44. Defendants' actions and omissions violated Plaintiff's rights secured by 42 U.S.C. § 1981.

**Second Cause of Action  
(For Civil Conspiracy)**

45. Paragraphs 1 through 44 are incorporated herein by reference.

46. Mr. Spradley acted together with Mr. Peterson to achieve an illegal purpose.

47. The illegal purpose achieved was to interfere with Mr. Rajab's contract of employment with Dale Spradley Motors, Inc. because of Mr. Rajab's race.

48. Mr. Spradley and Mr. Peterson acted together by, among other acts, creating a fake business card with Osama Bin-Laden's picture on it and Mr. Rajab's name on it and displaying the business card to others in order to subject Mr. Rajab to such humiliation that Mr. Rajab would not be able to maintain his employment.

49. Mr. Spradley and Mr. Barickman acted together by, among other acts, retaliating against Mr. Rajab for complaining about discrimination by terminating his employment.

50. All of the foregoing was done with reckless disregard for Mr. Rajab's federally protected rights as guaranteed by the Thirteenth Amendment to the United States Constitution and as protected by 42 U.S.C. § 1981.

### **Prayer for Relief**

WHEREFORE, Plaintiff prays for the following relief, pursuant to 42 U.S.C. §§ 1981, 1988, and Fed. R. Civ. P. 54:

- a. Reinstatement and back pay, including loss of benefits and seniority, or front pay in lieu of reinstatement;
- b. Nonpecuniary and compensatory damages, including damages for humiliation, emotional distress and consequential damages;
- c. Punitive damages;
- d. Pre- and post-judgment interest at the highest rate allowed by law;
- e. Costs and reasonable attorneys fees; and
- f. All other legal or equitable relief to which Plaintiff is entitled.

### **Jury Demand**

Plaintiff requests this matter be tried by a jury.

Respectfully submitted on this 13th day of July, 2010.

CORNISH AND DELL'OLIO

/s/ Donna Dell'Olio

Donna Dell'Olio, # 10887

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AMMAR RAJAB  
General Manager  
Spradley-Barickman  
IMPORTS  
719-543-6710

"Lalalalalala"   

## TERMINATION REPORT

Last Name Rajab First Ammar Middle Initial \_\_\_\_\_  
 Department \_\_\_\_\_ Termination Effective Date 5/11/2010  
 Social Security Number \_\_\_\_\_ Clock Number \_\_\_\_\_

Type Separation (Check One) Mail Pay?  Yes  No  
 Resignation (attach letter of resignation)  Dismissal  
 Mutual Agreement  Other \_\_\_\_\_

Reason for Separation:  Absenteeism/Lateness  Changing Job  Family  
 Health  Incompetence  Reduction in Force  
 Other: \_\_\_\_\_

Employee Evaluation (check appropriate boxes)

	Unsatisfactory	Fair	Satisfactory	Good	Excellent
Attendance					
Cooperation					
Initiative					
Job Knowledge					
Quality of Work					

Recommendation:  Without Reservation  With Some Reservation  Would Not Recommend  
 Rehire?  Yes  No

Additional Comments: \_\_\_\_\_  
Things aren't working out.  
 \_\_\_\_\_  
 \_\_\_\_\_

Signed [Signature] Date 5-11-10

**FOR OFFICE USE ONLY**

Benefits Cancelled: \_\_\_\_\_  
 Life \_\_\_\_\_ Hospital \_\_\_\_\_ Other \_\_\_\_\_ Personnel Approval \_\_\_\_\_ Date \_\_\_\_\_