

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS/ST. JOHN ST. CROIX

_____))
(Print your full name))
)
Plaintiff *pro se*,)
)
)
v.)
)
_____))
)
_____))
Defendant(s))

COMPLAINT

Civil Action No. _____
(To be provided by the Clerk of Court)

Provide full name(s) of defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part II below.

I. Jurisdiction is asserted under 28 U.S.C. §§ 1331, 1343 and the below-listed statute(s) (check only those that apply):

- Title VII of the Civil Rights of 1964 ("Title VII"), 42 U.S.C. § 2000e *et seq.* for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.
NOTE: *In order to bring a Title VII action, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission ("EEOC").¹*
- Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. § 621 *et seq.* for employment discrimination against persons age 40 or over, or retaliation for exercising rights under this statute.
NOTE: *In order to bring an ADEA action, you must first file a charge with the EEOC and you must have been at least 40 years old at the time you believe that you were discriminated against.²*
- Americans with Disability Act of 1990 ("ADA"), 42 U.S.C. § 12101 *et seq.* for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.
NOTE: *In order to bring an ADA action, you must first obtain a Notice of Right to Sue Letter from the EEOC.³*
- Civil Rights Act of 1970, 42 U.S.C. § 1981 *et seq.* for employment discrimination on the basis of race.
NOTE: *There is no obligation to file documentation with the EEOC before seeking relief under § 1981.*
- Other (describe) _____

¹ 42 U.S.C. § 2000e-5(f)(1).

² The ADEA does not require that the EEOC issue a Notice of Right to Sue Letter before an individual commences a federal suit. *See* 29 U.S.C. § 626(d)(2).

³ 42 U.S.C. § 12117(a).

II. Parties in this complaint:

- A. List your name, address and telephone number. You **must** keep the Clerk of Court apprised of your current contact information.

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____ Email Address: _____

- B. Provide the name and address of each defendant listed in the caption on the first page. Attach additional sheets of paper as necessary.

Defendant No. 1

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____
Position/Title: _____

Defendant No. 2

Name: _____
Street Address: _____
City/State/Zip Code: _____
Telephone No.: _____
Position/Title: _____

If there are more than two defendants, attach a separate sheet. For each defendant, specify: (1) name; (2) street address; (3) city/state/zip code; and (4) position/title.

III. Nature of the Case

- A. Plaintiff

_____ is presently employed by the defendant. Hiring date: _____
_____ is no longer employed by the defendant. Dates of employment: _____
_____ was not hired by the defendant.

- B. The approximate number of people employed by defendant is: _____

- C. The alleged discriminatory acts occurred on or about (state date or time period):

D. The alleged discriminatory acts took place at:

E. The discriminatory acts that are the basis of this suit are (*check all that apply to your case*):

- Failure to hire me
- Failure to promote me
- Demotion
- Reduction in my wages
- Sexual harassment
- Hostile Work Environment
- Unequal terms and conditions of my employment compared to similarly-situated employees
- Retaliation
- Termination of my employment
- Failure to reasonably accommodate my disability
- Other (specify): _____

NOTE: For those actions for which an EEOC filing is a prerequisite, only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

F. I believe I was discriminated against because of my (*check all that apply*):

- race, which is _____
- color, which is _____
- religion, which is _____
- sex (gender), which is Male Female
- national origin, which is _____
- opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation
- age. My date of birth is _____ (month, day, year)
- disability, which is _____
- Other (specify): _____

G. The **name(s), race, sex, and the position or title of the individual(s)** who allegedly discriminated against me during my period of employment is (are):

H. Provide the essential facts of your case "**IN NUMBERED PARAGRAPHS, EACH LIMITED AS FAR AS PRACTICABLE TO A SINGLE SET OF CIRCUMSTANCES.**"⁴ Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. *Attach additional sheets of paper as necessary, numbering each allegation. **Do not give any legal arguments or cite any cases or statutes.***

1.

2.

3.

4.

5.

6.

7.

⁴ FED. R. CIV. P. 10.

IV. Exhaustion of Administrative Remedies/Grievance Procedures

A. I filed a charge with the EEOC regarding the alleged discriminatory conduct on:

_____ (Month/Day/Year)

B. The EEOC (*check one*):

_____ has not issued a Notice of Right to Sue Letter.

_____ issued a Notice of Right to Sue Letter, which I received on _____ (Month/Day/Year).

NOTE: Attach a copy of the Notice of Right to Sue Letter to the complaint.

C. *If alleging age discrimination*: Since filing my charge of age discrimination with the EEOC regarding the alleged discriminatory conduct (*check one*):⁵

_____ 60 days or more have passed.

_____ fewer than 60 days have passed.

V. Relief Requested (*check only those that apply*):

Injunctive relief (check applicable options)

_____ Direct the defendant to hire me.

_____ Direct the defendant to re-employ me.

_____ Direct the defendant to promote me.

_____ Direct the defendant to reasonably accommodate my disabilities.

_____ Direct the defendant to reasonably accommodate my religion.

_____ Other (*specify*): _____

Monetary damages in the amount of: _____

Costs and fees incurred in litigating this matter.

Trial by jury on all issues so triable.

Such other relief as may be appropriate.

⁵ See 29 U.S.C. § 626(d).

VI. Verification and Declaration under Penalty of Perjury

Initial each of the following:

_____ I have included **one** properly completed Form JS 44 Civil Cover Sheet (available from the clerk's office).

_____ I have included **one** properly completed Form VI-AO 44 Summons in a Civil Action (available from the clerk's office) **for each defendant** I am suing, including the defendant's full name, job title and work address.

_____ In addition to this complaint with an original signature, I have included **one copy** of this complaint for **each defendant**.

_____ I have included:

Full payment of the filing fee (\$400.00) via cash (delivered in person) or check or money order payable to Clerk, District Court of the Virgin Islands; or

A properly completed Motion to Proceed *In Forma Pauperis* in a Non-Prisoner Civil Action (Form VI-AO 240-NP)

_____ **I have included the following (available from the clerk's office):

Motion for Permission for Electronic Case Filing ("e-filing or ECF")

_____ I understand the Court may deny my ECF motion pursuant to Local Rule of Civil Procedure 5.4(b)(2).

_____ I understand if the Court grants my ECF motion, it may subsequently terminate my e-filing access.

Pro Se ECF Registration Form

** *INITIAL and complete ECF motion/registration form only if you have access to a computer and an email account.*

_____ I agree to promptly notify the clerk of any change of address.

_____ I have read all of the statements in this complaint. [*Do not forget to keep a copy for your records.*]

I DECLARE UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS TRUE AND CORRECT. 28 U.S.C. §1746; 18 U.S.C. §1621

This ___ day of _____, 20__.

Signature of plaintiff