

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

NAACP, PHILADELPHIA BRANCH, et al.
[see attached List of Parties for remaining Plaintiffs]

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Brian R. Mildenberg/David S. Mildenberg, Mildenberg & Stalbaum
123 S. Broad St., Ste. 1610, Phila., PA 19019 (215)545-4870

DEFENDANTS

US AIRWAYS GROUP, INC., et al.
[see attached List of Parties for remaining Defendants]

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN

(Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

Racial Discrimination and Segregation in Employment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/05/2010

SIGNATURE OF ATTORNEY OF RECORD

/s/ Brian R. Mildenberg, Esq./David S. Mildenberg, Esq.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MILDENBERG AND STALBAUM, P.C.
By: BRIAN R. MILDENBERG, ESQUIRE
By: DAVID S. MILDENBERG, ESQUIRE
123 S. Broad Street, Suite 1610
Philadelphia, PA 19109
(215) 545-4870

Counsel for Plaintiffs

NAACP, :
PHILADELPHIA BRANCH a/k/a :
NATIONAL ASSOCIATION FOR :
ADVANCEMENT OF COLORED :
PEOPLE PHILADELPHIA :
BRANCH, by and through J. WHYATT :
MONDESIRE, PRESIDENT, :
associational Plaintiff, :
individually and on behalf of all :
others similarly situated; and :

TIFFANY SALTERS; ERICKA :
SOLOMON; and, LINDA McDANIEL, :
individually, and on behalf of all others :
similarly situated; :

Plaintiffs,

v.

US AIRWAYS GROUP, INC.; :
US AIRWAYS, INC.; :
PIEDMONT AIRLINES, INC., a wholly :
owned subsidiary of US AIRWAYS :
GROUP, INC. t/d/b/a US AIRWAYS :
EXPRESS; PSA AIRLINES, INC. :
a wholly owned subsidiary of :
US AIRWAYS GROUP, INC. t/d/b/a :
US AIRWAYS EXPRESS; and :

JOHN/JANE DOES #1-500, :

Defendants. :

COMPLAINT-CLASS ACTION
for declaratory and injunctive relief, and damages to remedy
**RACIAL DISCRIMINATION AND
SEGREGATION IN EMPLOYMENT
AT US AIRWAYS, PHILADELPHIA
INTERNATIONAL AIRPORT (“PHL”) HUB,
ON BEHALF OF ALL PHL US AIRWAYS
AFRICAN AMERICAN EMPLOYEES**

Civil Action No. _____

JURY TRIAL DEMANDED

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: See attached list of parties.

Address of Defendant: See attached list of parties.

Place of Accident, Incident or Transaction: Philadelphia, PA

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes [] No XXX

Does this case involve multidistrict litigation possibilities? Yes [] No XXX RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes [] No XXX
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes [] No XXX
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes [] No XXX
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes [] No XXX

CIVIL: (Place __ in ONE CATEGORY ONLY)

A. Federal Question Cases:

- 1. [] Indemnity Contract, Marine Contract, and All Other Contracts
2. [] FELA
3. [] Jones Act-Personal Injury
4. [] Antitrust
5. [] Patent
6. [] Labor-Management Relations
7. XXX Civil Rights
8. [] Habeas Corpus
9. [] Securities Act(s) Cases
10. [] Social Security Review Cases
11. [] All other Federal Question Cases (Please specify)

B. Diversity Jurisdiction Cases:

- 1. [] Insurance Contract and Other Contracts
2. [] Airplane Personal Injury
3. [] Assault, Defamation
4. [] Marine Personal Injury
5. [] Motor Vehicle Personal Injury
6. [] Other Personal Injury (Please specify)
7. [] Products Liability
8. [] Products Liability — Asbestos
9. [] All other Diversity Cases (Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, BRIAN R MILDENBERG, ESQ. / DAVID S. MILDENBERG, ESQ., counsel of record do hereby certify:

X Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

X Relief other than monetary damages is sought.

DATE: January 5, 2010 /s/ Brian R. Mildenberg, Esq. / David S. Mildenberg, Esq. PA I.D.-84861 / 205488 Attorney-at-Law Attorney I.D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: January 5, 2010 /s/ Brian R. Mildenberg, Esq. / David S. Mildenberg, Esq. PA I.D.-84861 / 205488 Attorney-at-Law Attorney I.D. #

**APPENDIX I
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CASE MANAGEMENT TRACK DESIGNATION FORM**

NAACP, PHILADELPHIA BRANCH, et al.

v.

US AIRWAYS GROUP, INC., et al.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (XXX)**
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

MILDENBERG AND STALBAUM, P.C.

Date: January 5, 2010

**By: /s/ Brian R. Mildenberg/David S. Mildenberg
BRIAN R. MILDENBERG, ESQUIRE
DAVID S. MILDENBERG, ESQUIRE
123 S. Broad Street, Suite 1610
Philadelphia, PA 19109
(215) 545-4870**

NAACP, PHILADELPHIA BRANCH, et al.

v.

US AIRWAYS GROUP, INC., et al.

LIST OF PARTIES

A. NAMED PLAINTIFFS

1. The NAACP, Philadelphia Branch, a/k/a National Association for the Advancement of Colored People, Philadelphia Branch, by and through J. Wyatt Mondesire, President of the NAACP, Philadelphia Branch, individually and on behalf of all others similarly situated. Address: 1619 W. Cecil B. Moore Avenue, Philadelphia, PA 19121.

2. Tiffany Salters, individually and on behalf of all others similarly situated. Address: 48 Norman Ford Drive, Sicklerville, NJ 08081.

3. Ericka Solomon, individually and on behalf of all others similarly situated. Address: 5764 W. Oxford Street, Philadelphia, PA 19131.

4. Linda McDaniel, individually and on behalf of all others similarly situated. Address: 129 Auckland Drive, Newark, DE 19702.

B. NAMED DEFENDANTS

1. US Airways Group, Inc. Address: 111 W. Rio Salado Parkway, Tempe, AZ 95281.

2. US Airways, Inc., a wholly owned subsidiary of US Airways Group, Inc. Address: 111 W. Rio Salado Parkway, Tempe, AZ 95281.

3. Piedmont Airlines, Inc., a wholly owned subsidiary of US Airways Group, Inc. t/d/b/a US Airways Express. Address: 111 W. Rio Salado Parkway, Tempe, AZ 95281.

4. PSA Airlines, Inc., a wholly owned subsidiary of US Airways Group, Inc. t/d/b/a US Airways Express. Address; 111 W. Rio Salado Parkway, Tempe, AZ 95281.

5. John/Jane Does ##1-500.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MILDENBERG AND STALBAUM, P.C.
By: BRIAN R. MILDENBERG, ESQUIRE
By: DAVID S. MILDENBERG, ESQUIRE
123 S. Broad Street, Suite 1610
Philadelphia, PA 19109
(215) 545-4870

Counsel for Plaintiffs

NAACP,
PHILADELPHIA BRANCH a/k/a
NATIONAL ASSOCIATION FOR
ADVANCEMENT OF COLORED
PEOPLE PHILADELPHIA
BRANCH, by and through J. WHYATT
MONDESIRE, PRESIDENT,
associational Plaintiff,
individually and on behalf of all
others similarly situated; and

TIFFANY SALTERS; ERICKA
SOLOMON; and, LINDA McDANIEL,
individually, and on behalf of all others
similarly situated;

Plaintiffs,

v.

US AIRWAYS GROUP, INC.;
US AIRWAYS, INC.;
PIEDMONT AIRLINES, INC., a wholly
owned subsidiary of US AIRWAYS
GROUP, INC. t/d/b/a US AIRWAYS
EXPRESS; PSA AIRLINES, INC.
a wholly owned subsidiary of
US AIRWAYS GROUP, INC. t/d/b/a
US AIRWAYS EXPRESS; and

JOHN/JANE DOES #1-500,

Defendants.

COMPLAINT-CLASS ACTION

for declaratory and injunctive relief, and damages to remedy
**RACIAL DISCRIMINATION AND
SEGREGATION IN EMPLOYMENT
AT US AIRWAYS, PHILADELPHIA
INTERNATIONAL AIRPORT (“PHL”) HUB,
ON BEHALF OF ALL PHL US AIRWAYS
AFRICAN AMERICAN EMPLOYEES**

Civil Action No. _____

JURY TRIAL DEMANDED

COME NOW Plaintiffs, by and through undersigned counsel, MILDENBERG AND
STALBAUM, P.C., complaining of Defendants, and respectfully aver as follows:

I. OPERATIVE FACTS

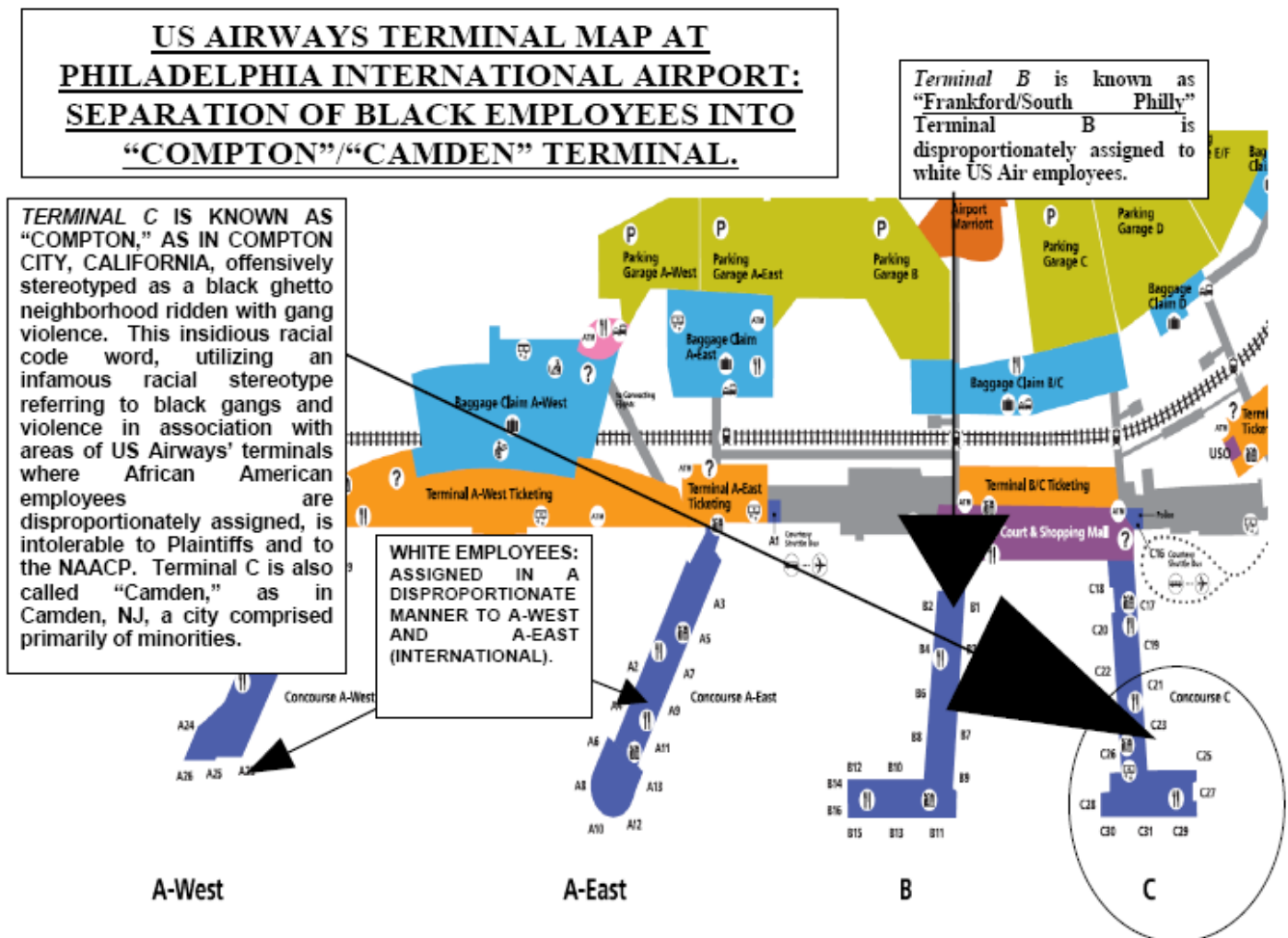
1. US Airways Group, Inc., including its associated defendant subsidiaries (collectively, “US Airways”), operates the fifth (5th) largest airline in the United States, with a primary hub at the Philadelphia International Airport (“PHL”), where US Airways’ African American employees are subjected to racially abusive conduct and/or segregated into discriminatory gate, terminal, and/or ticket counter assignments, because of the color of their skin.

2. In addition to racially discriminatory placement of African American employees, the use of racially offensive terminology and code names for African American employees and their working locations is pervasive at U.S. Airways amongst both management and employees. Sadly, U.S. Airways managers refer to PHL Airport terminals and gates where US Airways assigns predominately African American employees by racially derisive code names, such as “**Compton,**” “**Camden,**” (both US Airways code names for **Terminal C**) and “**The Ghetto**” (a US Airways code name for **Terminal F**).

3. For instance, PHL **Terminal C**, occupied by US Airways, is known and referred to by US Airways managers and employees as both “**Compton,**” and “**Camden,**” as a reference to certain assignments during the day when US Airways assigns predominately African American employees to work certain flights in **Terminal C**. The US Airways code word for **Terminal C**, “**Compton,**” refers to the **City of Compton, California**, offensively stereotyped as a black ghetto neighborhood ridden with gang violence. This insidious racial code word, utilizing an infamous racial stereotype referring to black gangs and violence in association with areas of US Airways’ terminals where predominately African American employees are assigned, is intolerable to Plaintiffs and to the NAACP. Interchangeable with the “**City of Compton**” code word, US Airways also refers to **Terminal C** as “**Camden,**” a racially offensive reference

to Camden, New Jersey, a predominately racial-minority populated city, ranking at times as the nation’s most dangerous City in terms of crime and homicide rates. *See, e.g.,* Hirsch, Deborah, “Report Ranks Camden Most Dangerous U.S. City,” Courier Post, November 24, 2009 (rankings based upon 2008 FBI Statistics).

4. In contrast, US Airways managers and employees refer to **Terminal B** as “**Frankford**” and “**South Philly,**” as a reference to certain assignments during the day when US Airways assigns predominately white employees to work certain flights in **Terminal B**. A map of US Airways’ domestic terminals at PHL demonstrating the discriminatory separation of African American employees during certain assignments is reproduced below for the Court’s convenience, and is attached hereto, made a part hereof by reference, and marked **Exhibit A**.

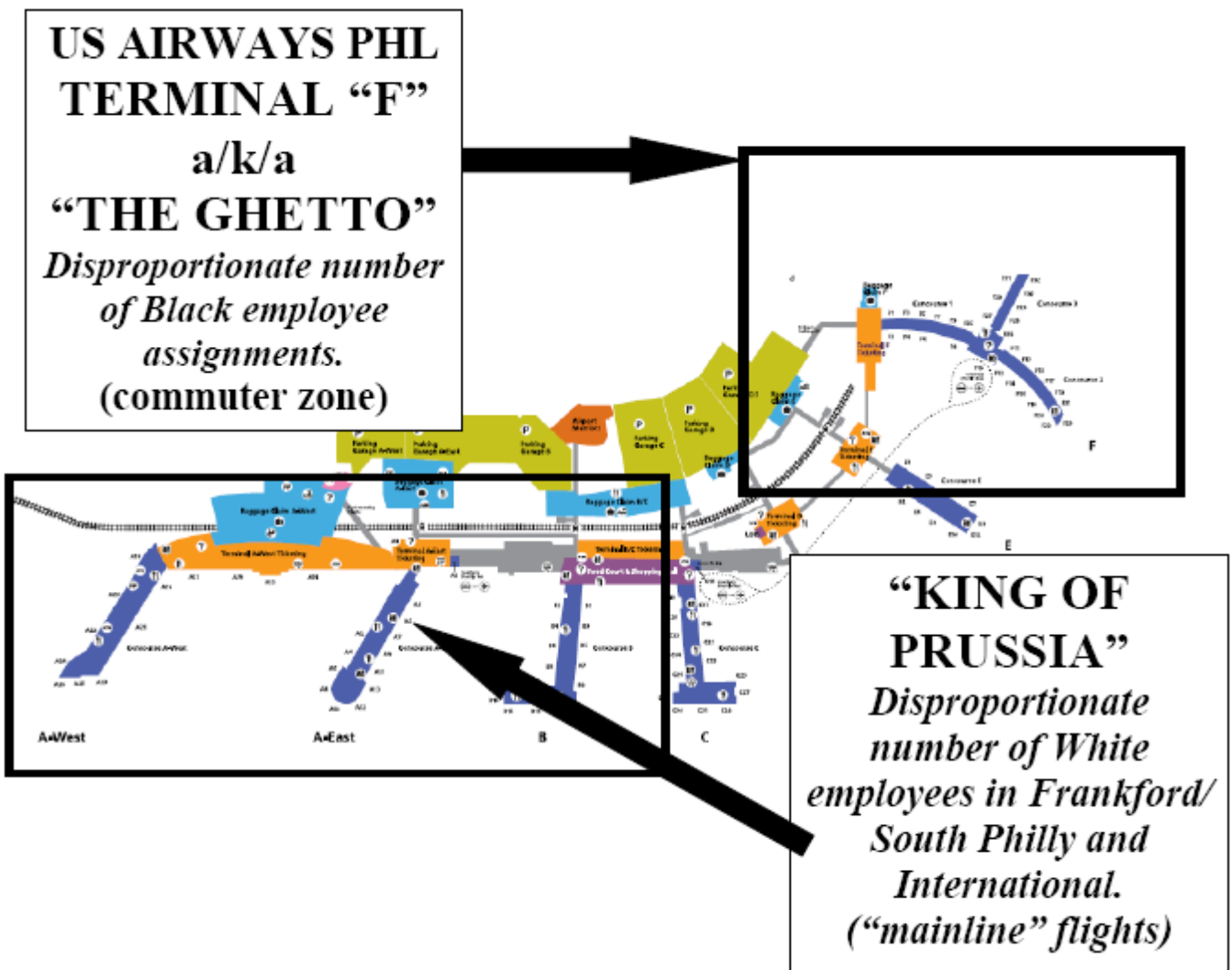


5. At PHL, US Airways is the largest and dominant passenger air carrier, operating out of both the domestic and international terminals including gates located in terminals **A-East, A-West, B, C, and F**. Within these terminals, US Airways regularly and systematically engages in company-sponsored racial discrimination against African American employees. For instance, **Terminal F**, the commuter flight terminal, is assigned to a disproportionate number of African American employees. Generally, a greater number of passengers flying out of **Terminal F** are perceived by US Airways management to be minorities or persons of lower economic means than those passengers who might fly, for instance, on international business flights to Europe, or to certain other “mainline” domestic destinations perceived to serve predominately Caucasian passengers. “Mainline” and international flights all fly from **Terminals A, B, and C, and not F**. As a result of this factor concerning the passengers in Terminal F, in addition to the disproportionate number of African American employees working in **Terminal F** at any given time, **Terminal F is known within US Airways as “The Ghetto,”** and is referred to as such by US Airways employees and managers.

6. In contrast to “**The Ghetto,**” the area of PHL including terminals **A-East, A-West, and Terminal B** is known within US Airways as “**King of Prussia.**” This is a PHL zone where predominately white employees are assigned for certain shifts, especially in the international terminals and for business flights, where US Airways management apparently perceive that a greater number of Caucasian passengers fly and/or a higher socio-economic class of passengers utilize the airline. In line with the racially stereotypical and offensive code names used by US Airways, the Philadelphia suburb of **King of Prussia, PA,** is comprised of a majority of white residents in terms of racial demographics.

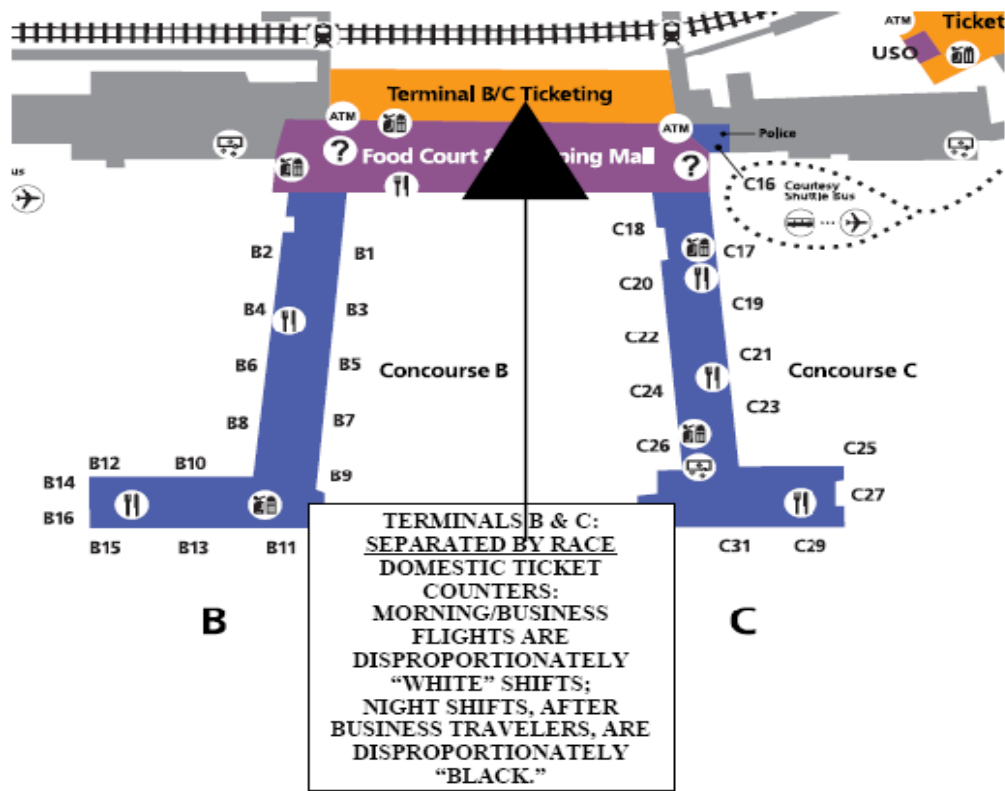
7. In addition to the racially discriminatory assignments and racially abusive nomenclature used at US Airways, there is also a difference in the physical plant at PHL between

“The Ghetto” (Terminal F), and “King of Prussia” (the “mainline” terminals). Terminal F is located in a physically separate area of PHL, accessible from the other terminals only by bus, operated by US Airways, or by a long walk from the “mainline” terminals to a Terminal F entrance where it is necessary to rescreen through security in order to enter. Terminal F lacks many of the retail shops, accommodations, and upgrades found in the remaining US Airways terminals and areas of PHL, and is perceived to be a less desirable place to work overall because of the distance from the main airport terminals. A map of US Airways’ “Ghetto” and “King of Prussia” terminals in Philadelphia is reproduced below for the Court’s convenience, and is attached hereto, made a part hereof by reference, and marked **Exhibit B**.



8. US Airways also engages in racially discriminatory assignments at its ticket counters at PHL. By way of example, with regard to the ticket counters serving domestic **Terminals B and C**, referred to by US Airways as **“Frankford/South Philly”** (predominately white) and **“Compton/Camden,”** (predominately black), respectively, US Airways regularly separates counter workers by race during certain assignments. For instance, during the morning, business flights, domestic gate ticket counters are generally served by disproportionately white, non-minority US Airways employees, while in the evening, during predominately non-business travel, these same ticket counters are served by disproportionately African American US Airways employees. A map of US Airways’ domestic ticket counter discrimination in Philadelphia is reproduced below for the Court’s convenience, and is attached hereto, made a part hereof by reference, and marked **Exhibit C**.

US AIRWAYS DOMESTIC TICKET COUNTERS AT PHILADELPHIA INTERNATIONAL AIRPORT: SEPARATED BY RACE



9. In addition to the general conduct aforesaid, US Airways, upon information and belief, has engaged in a pattern and practice of retaliation, harassment, and discrimination including, but not limited to, engaging in regular retaliatory firings because of the exercise by Plaintiffs and others of their valid civil rights under the laws of the United States. For instance, each of the individual Plaintiffs was wrongfully disciplined and/or terminated because of their filing of complaints and/or advocating against US Airways' racially discriminatory policies and practices. By way of further example, Plaintiff Tiffany Salters, in particular, was wrongfully terminated from her position as a Customer Service Manager in part because US Airways disapproved of her participation as the Secretary of the Camden County, NJ, Branch of the NAACP.

10. Plaintiffs also believe and therefore aver that US Airways has engaged in a regular pattern and practice of refusing to hire, train, recruit and/or promote PHL African American employees on an even basis with white employees. African American employees are regularly passed over for supervisory and/or management positions in favor of less qualified white employees. In addition, African American US Airways PHL employees are regularly terminated and disciplined for pretextual reasons, the intended effect of which is to limit the seniority status and rights of African American US Airways PHL employees. Upon information and belief, as a result of US Airways' discriminatory employment practices, seniority rights are disproportionately held by white US Airways employees when compared to those of African American employees. This disproportionate lack of seniority rights limits the benefits and opportunities of US Airways African American PHL employees and creates terms, conditions, benefits, and emoluments of employment that are discriminatory on the basis of race and color, in violation of Plaintiffs' civil rights and federal law.

11. This civil action seeks class action status and seeks, on behalf of all PHL African-American US Airways employees, legal and equitable relief, including:

a. A declaratory judgment declaring that Defendants have illegally discriminated against Plaintiffs because of the color of their skin;

b. An appropriate remedial order, granting injunctive relief, directing and requiring the following:

i. Appointment of a civil rights monitor or trustee over US Airways's PHL operations, fully empowered to implement any injunctive relief issued by this Court, to oversee any and all US Airways PHL employment practices, until such time as US Airways no longer discriminates against African American PHL employees;

ii. An immediate ban of the use of any racial code words or other verbal or physical conduct or references that have an offensive or abusive racial connotation or meaning for African American US Airways PHL employees;

iii. Cease and desist all acts of proscribed racial discrimination as required pursuant to 42 U.S.C. § 1981;

iv. Reinstatement of employment for the Plaintiffs and for any other class member terminated PHL because of their African American race, whether or not such termination constituted a constructive termination;

v. Such other remedial action as is needed to enforce compliance with all relevant standards of non-discrimination on the basis of race or color.

c. Payment of compensatory and punitive damages to Plaintiffs and the Plaintiff class in an amount to be determined at trial, together with an award of such ancillary relief as is available in an action brought pursuant to 42. U.S.C. § 1981 by and through 42 U.S.C. § 1988 *et seq.*

II. PARTIES

A. PLAINTIFFS

12. The above paragraphs are incorporated herein by reference.

13. Plaintiff, the NAACP, Philadelphia Branch, a/k/a National Association for the Advancement of Colored People, Philadelphia Branch, is the Philadelphia branch of the NAACP. The NAACP is a national civil rights advocacy organization working on behalf of African Americans and other persons of color. The NAACP, Philadelphia Branch is qualified to act as a Representative Organization and as named Plaintiff in this Class Action.

14. The NAACP, Philadelphia Branch brings this action by and through J. Wyatt Mondesire, President of the NAACP, Philadelphia Branch.

15. The NAACP, Philadelphia Branch brings this action individually, and on behalf of all African American US Air employees.

16. Plaintiff, Tiffany Salters, is an adult individual and citizen of the State of New Jersey, residing therein at the address listed on the docket of this action.

17. Plaintiff, Ericka Solomon, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at the address listed on the docket of this action.

18. Plaintiff, Linda McDaniel, is an adult individual and citizen of the State of Delaware, residing therein at the address listed on the docket of this action.

B. DEFENDANTS

19. Defendant, US Airways Group, Inc., is upon information and belief, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware, with a corporate headquarters located at 111 W. Rio Salado Parkway, Tempe, AZ 95281.

20. Defendant, US Airways, Inc., is upon information and belief, a corporation duly organized and existing under and by virtue of the laws of the State of Delaware, with a corporate headquarters located at 111 W. Rio Salado Parkway, Tempe, AZ 95281.

21. Upon information and belief, Defendant US Airways, Inc. is a wholly owned subsidiary of Defendant US Airways Group, Inc.

22. Defendant, Piedmont Airlines, Inc., a wholly owned subsidiary of US Airways Group, Inc. t/d/b/a US Airways Express, is, upon information and belief, a corporation duly organized and existing under and by virtue of the laws of the State of Maryland, with a corporate headquarters located at 111 W. Rio Salado Parkway, Tempe, AZ 95281.

23. Defendant, PSA Airlines, Inc., a wholly owned subsidiary of US Airways Group, Inc. t/d/b/a US Airways Express, is, upon information and belief, a corporation duly organized and existing under and by virtue of the laws of the State of Pennsylvania, with a corporate headquarters located at 111 W. Rio Salado Parkway, Tempe, AZ 95281.

24. Defendants Piedmont and PSA are wholly owned subsidiaries of US Airways Group, Inc., trade as US Airways Express, regularly use the US Airways logo on their planes and uniforms, and regularly work under the supervision, direction and control of US Airways management at PHL.

25. Defendants, John/Jane Does #1-500, are individuals and or entities unknown to Plaintiff at this time, who are or may be responsible for the herein alleged violations of law, and whom the Plaintiffs reserve the right to join as Defendants, or to substitute the actual names thereof, upon discovery of same in the due course of investigation.

26. At all times relevant hereto, Defendants acted by and through their agents, officers, shareholders, employees, servants, directors, executives, trustees and members, who were acting within the course and scope of their employment or agency or duties on behalf of the respective Defendants.

27. At all times relevant hereto, each of the aforesaid corporate defendants was the actual and/or apparent agent and/or alter ego of each other and/or one another, and/or acted

together under the name “US Airways,” and under the direction and control of US Airways Group, Inc., in furtherance of their actions with respect to Plaintiffs, such that they comprise a single enterprise for liability purposes herein and/or such that the actions of any one of the corporate defendants are attributable to all of the corporate defendants, jointly and severally, as forwarding the official racially offensive policies and practices directed and required by their common parent corporation, US Airways Group, Inc.

III. CLASS ACTION ALLEGATIONS

28. The above paragraphs are incorporated herein by reference.

29. This action is properly maintained as a class action pursuant to Rule 23 (a), (b)(2) & (b)(3) of the Federal Rules of Civil Procedure.

30. The class is defined as: **“All past, present and future African American Philadelphia US Airways employees who work in the PHL terminals, gates, or ticket counters and who were, are, or will be subjected to US Airways’ discriminatory employment practices.”**

31. The Class of Plaintiffs is referred to herein as the “Plaintiff Class.”

32. The individual Plaintiffs are members of the class they seek to represent.

33. The Plaintiff Class is sufficiently numerous. Upon information and belief, US Airways employs in excess of 6000 (six thousand) employees in Philadelphia, a significant percentage of which are African American.

34. Common questions of fact and law for the members of the Plaintiff Class include, but are not limited to, the following questions: (1) whether US Airways’ policies or practices discriminate against African American employees or applicants; (2) whether US Airways policies or practices have violated Plaintiffs’ rights under on the basis of their race or the color of their skin in violation of 42. U.S.C. § 1981; (3) whether US Airways’ separation of African

American employees during certain work assignments, and use of racially abusive nicknames at PHL, constitutes illegal race discrimination; and, (4) whether compensatory and punitive damages, injunctive relief, and other equitable remedies for the class are warranted.

35. The claims of the Representative Plaintiffs are typical of the claims of the class.

36. Plaintiffs will fairly and adequately protect the interests of the Plaintiff Class. Plaintiffs have retained legal counsel who will adequately represent the rights of the Plaintiff Class.

37. Defendants have acted or refused to act on grounds generally applicable to the Plaintiff Class, making declaratory and injunctive relief with respect to the Plaintiff Class as a whole appropriate and necessary.

38. In addition, common questions of fact and law predominate over any questions affecting only individual members of the class. A class action is superior to other available methods for the fair and efficient adjudication of this litigation. The class members have been damaged and are entitled to recovery as a result of US Airways' common, uniform, and unfair racially discriminatory personnel policies and practices. US Airways, upon information and belief, has computerized payroll and personnel data that will make calculation of damages for specific class members relatively simple. The propriety and amount of punitive damages are issues common to the class.

IV. JURISDICTION AND VENUE

39. The above paragraphs are incorporated herein by reference.

40. Jurisdiction over the matter is conferred upon the Court by, *inter alia*, 28 U.S.C. §§ 1331 and 1343.

41. Venue lies in this judicial district because the events which give rise to the claims raised herein occurred in this judicial district.

V. **FACTS CONCERNING INDIVIDUAL PLAINTIFFS**

42. The above paragraphs are incorporated herein by reference.

TIFFANY SALTERS

43. Plaintiff, Tiffany Salters, was employed with US Airways as a Customer Service Manager from in or around June, 2007 until the date of the retaliatory termination of her employment in or around November, 2007. Prior to her employment as a Customer Service Manager, Plaintiff was employed with US Airways as a customer service agent and was employed by US Airways and its wholly owned subsidiaries in various capacities from time to time since in or around the year 2001.

44. In 2007, during her employment as a Customer Service Manager, Plaintiff Salters was Secretary of the Camden County, NJ Branch of the NAACP, until such time as US Airways required Plaintiff to resign from her position with the NAACP or be terminated as an employee.

45. Plaintiff Salters is African American.

46. At all times relevant hereto, Plaintiff Salters was subjected to the pervasive use of the aforesaid racially offensive code words in reference to African Americans and their work areas at US Airways.

47. At all times relevant hereto, Plaintiff Salters applied for, but was denied the opportunity for promotion to, a position higher than Customer Service Manager in favor of less qualified white US Airways employees.

48. At all times relevant hereto, Plaintiff Salters was harassed by her managers for her participation in the NAACP and because US Airways believed that Plaintiff Salters, as the Secretary of the Camden County, NJ Branch of the NAACP, was a liability considering the disproportionate degree of discipline and firings of African American US Airways PHL employees and the racially offensive practices engaged in by US Airways, as aforesaid.

49. At all times relevant hereto, Plaintiff Salters witnessed the aforesaid discriminatory conduct engaged in by US Airways employees and managers, including but not limited to Nelson Camacho, the Director of US Airways PHL Operations.

50. At all times relevant hereto, Plaintiff was falsely disciplined and threatened with discipline if she challenged or brought up US Airways' racially inappropriate practices to her managers.

51. In or around September, 2007, during a training session at PHL, a white employee loudly used racially offensive terms, stating that US Airways had hired "**Niggers and Spics.**"

52. After the training session, a number of US Airways African American employees complained to US Airway management regarding the racially offensive conduct.

53. Complaints concerning this incident were made, upon information and belief, to Nelson Camacho, US Airways PHL Director, and to John Roberts, a US Airways PHL Duty Manager.

54. In response to the complaints, Camacho informed the African American employees that any further complaints would be met with "firing all of you," and "automatic termination."

55. At this time, Camacho's conduct towards Plaintiff Salters became retaliatory because, upon information and belief, he believed that she, as the Secretary of the Camden County, NJ Branch of the NAACP, was responsible for the employee complaints. However, Plaintiff Salters was working in Charlotte, NC during the time in question and was not present during the complaints, nor did she organize them or have anything to do with them. These complaints were a natural expression of outrage by African American US Airways employees.

56. Nonetheless, after this incident, Plaintiff was threatened with termination or discipline if she raised any issues or tried to discuss what she believed were Camacho's and US Airways' improper treatment of African American employees.

57. Shortly after the incident, for no valid reason, Plaintiff Salters was terminated by US Airways, at the direction of Camacho, and falsely accused of breaking a security regulation.

58. In fact, however, at all times relevant hereto, US Airways was in regular and substantial violation of the federal Transportation Safety Administration ("TSA") security requirement that doors leading to jetways, which are the paths that lead out to the planes and the runway, are secured and locked down when a plane is not boarding.

59. In November, 2007, upon information and belief, US Airways management committed a violation, subject to a fine upon US Airways in the sum of \$10,000.00 (ten thousand dollars), as a result of the lack of compliance with security regulations concerning these doors. In other words, US Airways was regularly out of compliance with these jetway security requirements, which left a loophole in the runway and plane security precautions in that, with the jetway doors unlocked and open, anyone could enter the jetway for nefarious purposes. In connection with this violation, an undercover TSA inspector observed and walked through an open jetway door and was not challenged by the US Airways gate agent. The inspector then advised Plaintiff Salters of the violation as the closest Manager in the vicinity. Plaintiff then advised her supervisors and top management, including Nelson Camacho, the US Airways Philadelphia Director.

60. At no time relevant hereto was any part of Plaintiffs job to lock down the jetway doors or to ensure their security. These functions were assigned to certain other airport security personnel.

61. Notwithstanding the fact that Plaintiff was not responsible for this issue, nor even allowed to interact concerning the lock down of these doors, US Airways and Nelson Camacho used the opportunity to fire Plaintiff Salters and blame her for the security issues.

62. In addition to terminating Plaintiff's employment under these false pretenses, and because Plaintiff had advocated for the civil rights of African American employees and was the Secretary of an NAACP branch, US Airways then caused Plaintiff to falsely be listed as a security risk and/or has provided Plaintiff's potential employers with false information stating that US Airways believes Plaintiff to be a security risk. As a result, Plaintiff has applied for in excess of 100 (one hundred jobs) and has not been able to land a single one. As a result, Plaintiff remains unemployed and lives with family members as she cannot afford her own residence at this time.

ERICKA SOLOMON

63. Plaintiff, Ericka Solomon, was employed with US Airways as a Customer Service Agent from in or around May, 2007 until the date of the retaliatory termination of her employment in or around September, 2008.

64. Plaintiff Solomon is African American.

65. At all times relevant hereto, Plaintiff Solomon was subjected to the pervasive use of racially offensive code words in reference to African Americans and their work areas at US Airways.

66. At all times relevant hereto, Plaintiff Solomon applied for but was denied the opportunity for promotion to a position higher than Customer Service Agent in favor of less qualified white US Airways employees.

67. At all times relevant hereto, Plaintiff Solomon was harassed by her managers for her valid complaints made concerning the racially discriminatory employment practices at US Airways.

68. At all times relevant hereto, Plaintiff Solomon witnessed the aforesaid discriminatory conduct engaged in by US Airways employees and managers.

69. At all times relevant hereto, Plaintiff was falsely disciplined and threatened with discipline if she challenged or brought up US Airways' racially inappropriate practices to her managers.

70. At all times relevant hereto, Plaintiff Solomon's manager at US Airways referred to Solomon as **"the black girl with the scarf on her head."** Solomon was also subjected to discrimination by a US Airways customer, who called her **"blackie, blackie, nigger, nigger."** This customer was then escorted out of the airport by police. By virtue of security regulations, this passenger, having been escorted out by police as a result of his conduct, should not have been allowed to fly.

71. However, within 24 hours, US Airways managers, acting against company and security policies, allowed this passenger to board and even provided him with special seating, totally disregarding Plaintiff Solomon's complaints and concerns.

72. When Plaintiff Solomon complained about this and other racially discriminatory conduct at US Airways, she was advised by US Airways manager Peter O'Kane that if she continued to complain about discrimination, he would terminate his communications with her.

73. As a result of the intolerable and racially discriminatory practices of US Airways PHL, Solomon's employment was terminated in or around September, 2008.

LINDA McDANIEL

74. Plaintiff, Linda McDaniel, was employed with US Airways as a Customer Service Agent from in or around July, 2005, until the date of the discriminatory and retaliatory termination of her employment in or around November, 2008.

75. Plaintiff McDaniel is African American.

76. At all times relevant hereto, Plaintiff McDaniel was subjected to the pervasive use of racially offensive code words in reference to African Americans and their work areas at US Airways.

77. At all times relevant hereto, Plaintiff McDaniel applied for, but was denied, the opportunity for promotion to a position higher than Customer Service Agent in favor of less qualified white US Airways employees.

78. At all times relevant hereto, Plaintiff McDaniel was harassed by her managers for her valid complaints made concerning the racially discriminatory employment practices at US Airways.

79. At all times relevant hereto, Plaintiff McDaniel witnessed the aforesaid discriminatory conduct engaged in by US Airways employees and managers.

80. At all times relevant hereto, Plaintiff was falsely disciplined and threatened with discipline if she challenged or brought up US Airways' racially inappropriate practices to her managers.

81. Plaintiff complained about the racially harassing and abusive environment through which she was forced to suffer, but to no avail. Her complaints were ignored, and the racially discriminatory maltreatment of her became worse. Her managers began to nitpick on her performance and to write her up for knowingly false allegations, threatening her with discipline for additional violations.

82. US Airways continued to unfairly cite Plaintiff for discipline and Plaintiff was wrongfully terminated by US Airways in November, 2008, under a false pretext.

83. Once Plaintiff began complaining concerning US Airways' discriminatory employment practices, she became a target of her managers, who took retaliatory acts, including the false write-ups, against Plaintiff.

84. At all times relevant hereto, these acts of retaliation were common against African American PHL employees at US Airways if those employees complained about the working conditions. If the complaints continued, US Airways would eventually find a way to terminate the African American employee at issue, or to make conditions so difficult for that employee that such employee was forced to resign.

VI. CAUSE OF ACTION

COUNT I

CIVIL RIGHTS ACT of 1866, as amended

FEDERAL CIVIL RIGHTS VIOLATION

DISCRIMINATION IN EMPLOYMENT ON THE BASIS OF RACE

42 U.S.C. § 1981

***Plaintiffs, individually, and on behalf of all others similarly situated v.
all Defendants***

85. The above paragraphs are hereby incorporated herein by reference.

86. The aforesaid actions of Defendants have created, encouraged, and continued a pervasive and severe hostile working environment for African American PHL US Airways employees.

87. Such hostile work environment denies African American PHL US Airways employees the right to the same terms, conditions, privileges and benefits of their employment agreement with US Airways, in violation of 42 U.S.C. § 1981.

88. In addition to the hostile work environment, Plaintiffs have been discriminated against as regards hiring, termination, discipline, promotion, benefits, location, and emoluments of employment, and have been denied the same rights as similarly situated white employees, in violation of 42 U.S.C. § 1981.

89. As a result of the aforesaid racially offensive conduct, Plaintiffs, and the Plaintiff Class, have been discriminated against on the basis of their race, made to suffer humiliation, mental anguish, and embarrassment, and sustained damages for which recovery of compensatory and punitive damages may be had pursuant to 42 U.S.C. § 1981.

90. In addition, Plaintiffs and the Plaintiff Class are entitled to an award of all relief available under 42 U.S.C. § 1988.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Honorable Court enter judgment in favor of Plaintiffs and against Defendants, and Order the following relief:

- a. A declaratory judgment declaring that Defendants have illegally discriminated against Plaintiffs because of the color of their skin;
- b. An appropriate remedial order, granting injunctive relief, directing and requiring the following:
 - i. Appointment of a civil rights monitor or trustee over US Airways' PHL operations, fully empowered to implement any injunctive relief issued by this Court, to oversee any and all US Airways employment

- practices, until such time as US Airways no longer discriminates against African American PHL employees;
- ii. An immediate ban of the use of any racial code words or other verbal or physical conduct or references that have an offensive or abusive racial connotation or meaning for African American US Airways PHL employees;
 - iii. Cease and desist all acts of proscribed racial discrimination as required pursuant to 42 U.S.C. § 1981;
 - iv. Reinstatement of employment for the Plaintiffs and for any other class member terminated at PHL because of their African American race, whether or not such termination constituted a constructive termination;
 - v. Such other remedial action as is needed to enforce compliance with all relevant standards of non-discrimination on the basis of race or color.
- c. Payment of compensatory and punitive damages to Plaintiffs and the Plaintiff class in an amount to be determined at trial, together with an award of such ancillary relief as is available in an action brought pursuant to 42. U.S.C. § 1981 by and through 42 U.S.C. § 1988 *et seq.*

VII. JURY DEMAND

The Plaintiff Class hereby demands a jury trial as to all issues so triable herein.

Respectfully submitted,

MILDENBERG AND STALBAUM, P.C.

Date: January 5, 2010

By: /s/ Brian R. Mildenberg/David S. Mildenberg
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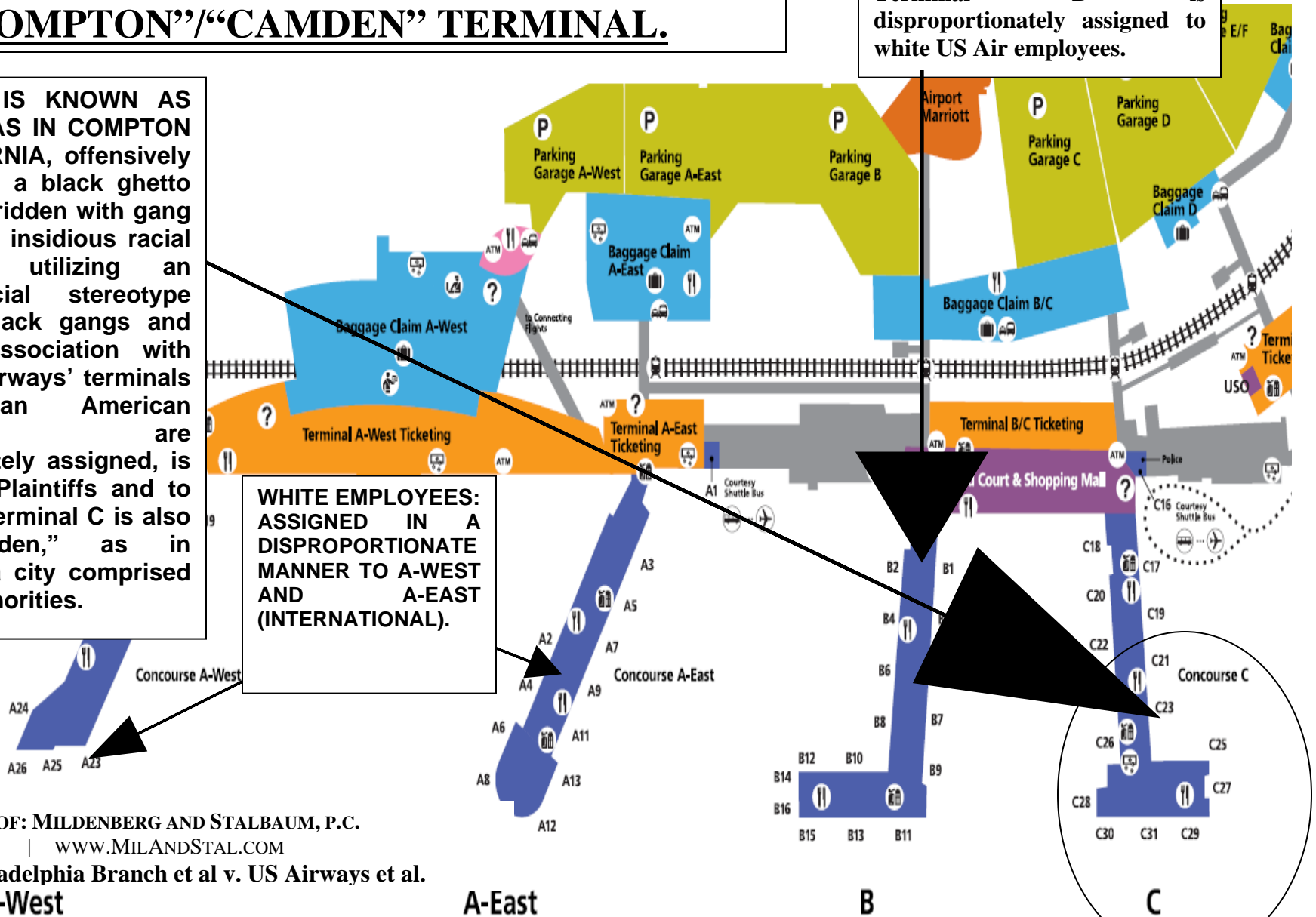
EXHIBIT "A"

US AIRWAYS TERMINAL MAP AT PHILADELPHIA INTERNATIONAL AIRPORT: SEPARATION OF BLACK EMPLOYEES INTO "COMPTON"/"CAMDEN" TERMINAL.

TERMINAL C IS KNOWN AS "COMPTON," AS IN COMPTON CITY, CALIFORNIA, offensively stereotyped as a black ghetto neighborhood ridden with gang violence. This insidious racial code word, utilizing an infamous racial stereotype referring to black gangs and violence in association with areas of US Airways' terminals where African American employees are disproportionately assigned, is intolerable to Plaintiffs and to the NAACP. Terminal C is also called "Camden," as in Camden, NJ, a city comprised primarily of minorities.

Terminal B is known as "Frankford/South Philly" Terminal B is disproportionately assigned to white US Air employees.

**WHITE EMPLOYEES:
ASSIGNED IN A
DISPROPORTIONATE
MANNER TO A-WEST
AND
A-EAST
(INTERNATIONAL).**



US AIRWAYS PHL TERMINAL “F”

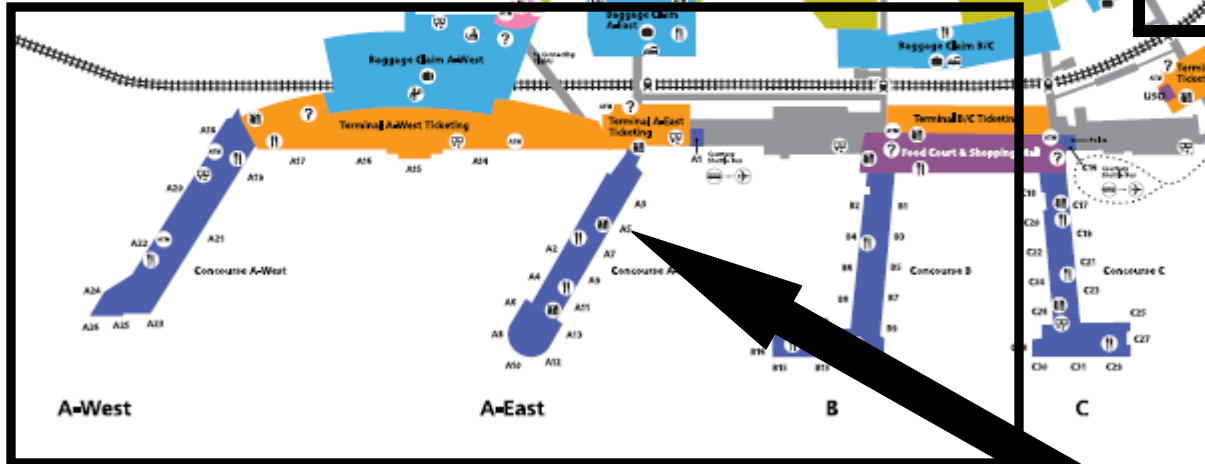
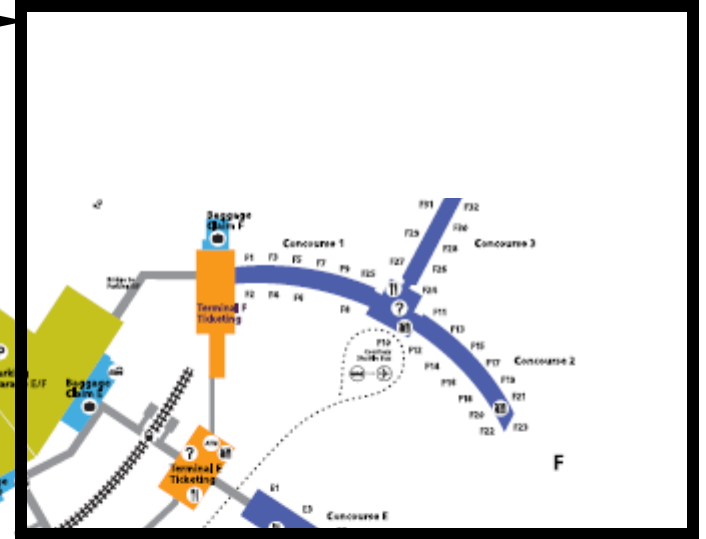
a/k/a

“THE GHETTO”

*Disproportionate number
of Black employee
assignments.*

(commuter zone)

EXHIBIT “B”

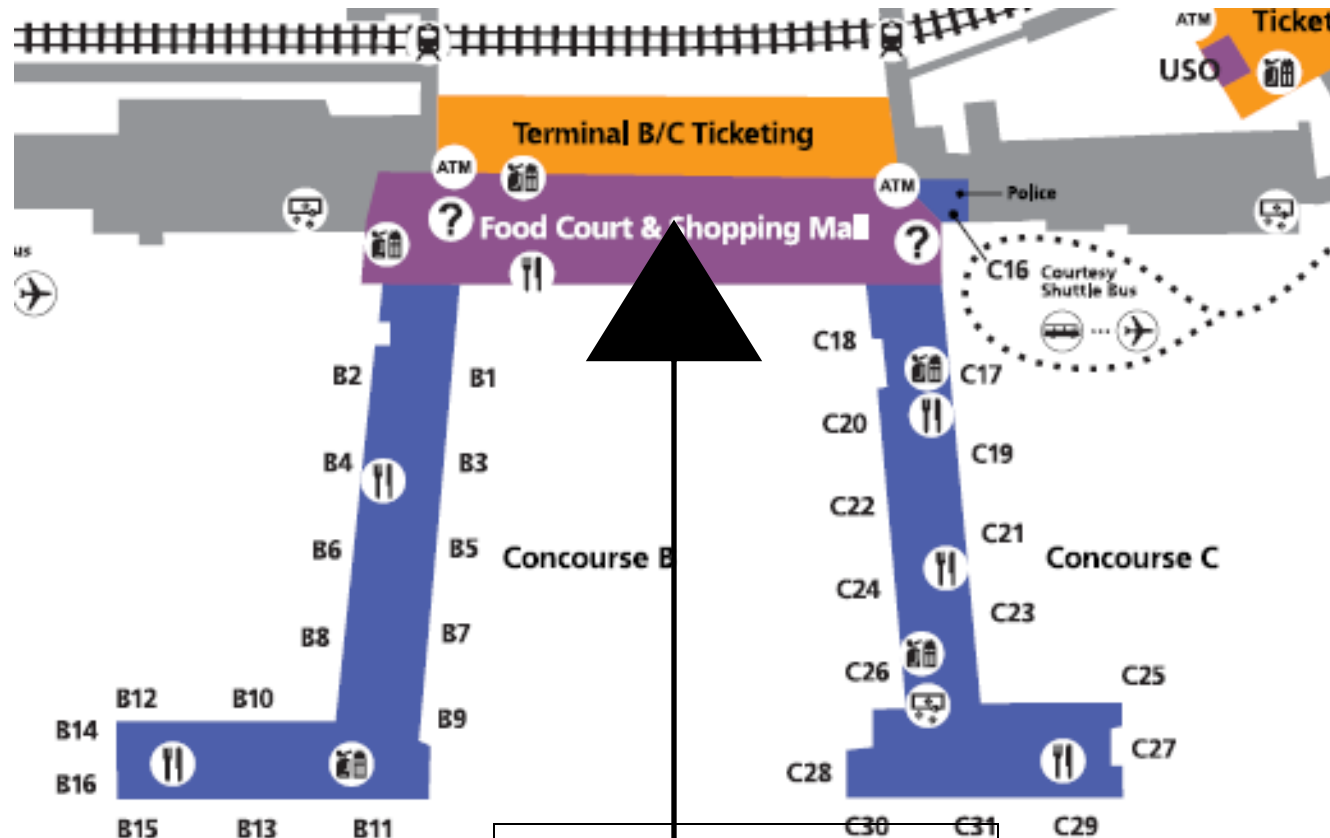


“KING OF PRUSSIA”
*Disproportionate
number of White
employees in Frankford/
South Philly and
International.
 (“mainline” flights)*

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NAACP, Philadelphia Branch et al v. US Airways et al.

**US AIRWAYS DOMESTIC TICKET COUNTERS AT
PHILADELPHIA INTERNATIONAL AIRPORT:
SEPARATED BY RACE**

EXHIBIT "C"



**TERMINALS B & C:
SEPARATED BY RACE
DOMESTIC TICKET
COUNTERS:
MORNING/BUSINESS
FLIGHTS ARE
DISPROPORTIONATELY
"WHITE" SHIFTS;
NIGHT SHIFTS, AFTER
BUSINESS TRAVELERS, ARE
DISPROPORTIONATELY
"BLACK."**

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