

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
=====X  
MAURICIA GRANT,

Plaintiff,

-against-

NATIONAL ASSOCIATION FOR STOCK  
CAR RACING, INC.,

Defendant.

COMPLAINT

Docket No.:

PLAINTIFF DEMANDS A  
TRIAL BY JURY

=====X

Plaintiff, **MAURICIA GRANT**, by her undersigned attorneys, respectfully alleges, upon information and belief, as follows:

1. Plaintiff **MAURICIA GRANT** is a resident of the City of Atlanta, State of Georgia.
2. Plaintiff **MAURICIA GRANT** is an African-American woman.
3. At all times hereinafter mentioned, Defendant **NATIONAL ASSOCIATION FOR STOCK CAR RACING, INC. ("NASCAR")** was and is a corporation duly organized and existing under and by virtue of the laws of the State of Florida, with its principal place of business in the City of Daytona Beach, State of Florida. Defendant **NASCAR** employs thousands of employees.
4. At all times hereinafter mentioned, Defendant **NASCAR** was and remains the largest sanctioning body for the top spectator sport in the United States, motorcar racing. Defendant **NASCAR** holds 17 of the top 20 attended sporting events in the United States; earns the second-highest ratings of any regular-season sport on television; broadcasts in over 150 countries; caters to 75 million fans; and sells over \$2 billion in licensed merchandise annually.

5. At all times hereinafter mentioned, Defendant **NASCAR** held and continues to hold: three major national motor racing series (**NASCAR NEXTEL** Cup Series, **NASCAR** Busch Series and the **NASCAR** Craftsman Truck Series); eight regional motor racing series; and one local grassroots motor racing series. Defendant **NASCAR** sanctions 1,500 races at over 100 tracks throughout the United States, Canada and Mexico. Defendant **NASCAR** has also held exhibition races in Australia and Japan.

6. At all times hereinafter mentioned, Defendant **NASCAR**'s marketing division, was and remains headquartered in the City of New York, State of New York.

7. During the period from on or about January 1, 2005 until her wrongful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was employed by Defendant National Association for Stock Car Racing, Inc. ("**NASCAR.**")

8. During the course of her employment by Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** worked at race tracks located throughout the United States, including in Watkins Glen, New York.

9. Throughout Plaintiff's employment with Defendant **NASCAR**, commencing approximately January 1, 2005 until her unlawful termination on or about October 27, 2007, Brian France, a Caucasian, was and remains Chairman of the Board and Chief Executive Officer, an officer, manager, supervisor and employee of Defendant **NASCAR**.

10. During Plaintiff's employment with Defendant **NASCAR**, commencing approximately January 1, 2005 until her unlawful termination on or about October 27, 2007, Jim Cassidy, a Caucasian, was and remains Senior Manager, Business Relations, an officer, manager, supervisor and employee of Defendant **NASCAR**.

11. During Plaintiff's employment with Defendant **NASCAR**, commencing

approximately January 1, 2005 until her unlawful termination on or about October 27, 2007, Scott French, a Caucasian, was and remains Open Wheel Series Director, an executive, officer, manager, supervisor and employee of Defendant **NASCAR**.

12. During Plaintiff's employment with Defendant **NASCAR**, commencing approximately January 1, 2005 until her unlawful termination on or about October 27, 2007, Joe Balash, a Caucasian, was and remains Busch Series Director and Plaintiff's highest-ranking supervisor, an officer, manager, and employee of Defendant **NASCAR**.

13. During Plaintiff's employment with Defendant **NASCAR**, commencing on or about January 2005 until her unlawful termination on or about October 27, 2007, Mike Dolan, a Caucasian, was and remains Busch Series Assistant Director, an officer, manager, supervisor and employee of Defendant **NASCAR**. Mike Dolan was the second-highest ranking supervisor for the Busch Series.

14. During Plaintiff's employment with Defendant **NASCAR**, commencing on or about January 2005 until her unlawful termination on or about October 27, 2007, Alan Shepard, a Caucasian, was and remains Busch Series Chasis Supervisor, a manager, supervisor and employee of Defendant **NASCAR**. Alan Shepard reported directly to Busch Series Assistant Director Mike Dolan, and was Plaintiff's immediate supervisor.

15. During Plaintiff's employment with Defendant **NASCAR**, commencing on or about January 2005 until her unlawful termination on or about October 27, 2007, Dennis Dillon, a Caucasian, was and remains Busch Series Safety Supervisor, a manager, supervisor and employee of **NASCAR**. Dennis Dillon reported directly to Busch Series Assistant Director Mike Dolan, and was Plaintiff's immediate supervisor.

16. During Plaintiff's employment with Defendant **NASCAR**, commencing

approximately January 1, 2005 until her unlawful termination on or about October 27, 2007, Star George, a Caucasian, was and remains Human Resources Director, an officer, manager, supervisor and employee of Defendant **NASCAR**.

17. During Plaintiff's employment with Defendant **NASCAR**, commencing approximately January 1, 2005 until her unlawful termination on or about October 27, 2007, Jay Altizer, Craig Anderson, Jason Brownlow, Jason Covell, Jonathon Dickerson, David Duke, Mike Dumas, Dan Fenwick, Shaun Johnson, Tim Knox, Rick Noble, Tim Smith, Walt Sova, Mike Weddle, Bill Whelan, Mike Wilford and Dennis Wodzewoda, all Caucasian men, were Officials, my co-workers, and employees of Defendant **NASCAR**.

18. At all times material to this Complaint, the individual officers, directors, supervisors, managers, employees and/or agents mentioned herein, acted within the scope of their duties as officers, directors, supervisors, managers, employees and/or agents of Defendant **NASCAR**.

19. Jurisdiction of the subject matter of this action is established in this Court under the United States Civil Rights Act of 1991, as amended, Title 42 of the United States Code § 1981 and § 1985, and under 28 U.S.C. § 1332(a)(1). This is the proper venue for this action under United States Civil Rights Act of 1991, as amended, Title 42 of the United States Code § 1981 and § 1985, and under 28 U.S.C. § 1931(b), in that unlawful acts alleged herein were committed within this Court's jurisdiction.

**GENERAL ALLEGATIONS OF RACE AND GENDER DISCRIMINATION, A  
RACIALLY AND SEXUALLY HOSTILE WORK ENVIRONMENT,  
AND RACIAL AND SEXUAL HARASSMENT**

20. The allegations set forth above and below are incorporated by reference as if fully

set forth herein.

21. Defendant **NASCAR** hired Plaintiff **MAURICIA GRANT** not only because of her skills and qualifications as a racing Official, but also as a symbol of **NASCAR**'s newfound, purported commitment to diversity. Indeed, throughout her employment, Defendant **NASCAR** repeatedly featured Plaintiff **MAURICA GRANT** at public out-reach programs designed to convince the media, corporate sponsors and others of the company's diversity. At the same time, within Defendant **NASCAR**'s corporate headquarters and on its racetracks throughout the country, there was and remains a permissive and encouraging environment for racial and sexual discrimination and harassment among directors, managers, supervisors, officials and employees of the company against African-American and female employees.

22. Throughout her employment at Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** was treated differently than Whites and men similarly employed by Defendant **NASCAR** because she is Black and a woman.

23. This disparate treatment included Plaintiff **MAURICIA GRANT**'s subjection to virulently racist harassment, a racially hostile work environment, and insidious and pervasive race discrimination reflective of a former, uglier era in our nation's history when Blacks were denied the most fundamental civil rights, including equal protection under the law. Such conduct should have been eradicated from the workplace long ago. Instead, the directors, officers, supervisors, managers, officials, employees and/or agents of Defendant **NASCAR** perpetuated, condoned and actively participated in calculated acts of ugly racist bigotry designed to humiliate and degrade its lone Black female Official.

24. This disparate treatment further included Plaintiff **MAURICIA GRANT**'s subjection to lewd and obscene sexual harassment, a sexually hostile work environment, and

rampant gender discrimination. Unfortunately, the directors, officers, supervisors, managers, officials, employees and/or agents of Defendant **NASCAR** perpetuated, condoned and actively participated in perverted and disgusting sexual conduct designed to demean and diminish Plaintiff and the handful of other women employed by **NASCAR** as Officials.

25. From approximately January 2005 through her unlawful termination on or about October 27, 2007, Jim Cassidy, Joe Balash, Scott French, Mike Dolan, Star George, Jay Altizer, Craig Anderson, Jason Brownlow, Jason Covel, Jonathon Dickerson, Dennis Dillon, David Duke, Mike Dumas, Dan Fenwick, Shaun Johnson, Tim Knox, Rick Noble, Alan Shepard, Walt Sova, Mike Weddle, Bill Whelan, Dennis Wodzewoda, Mike Wilford and/or other **NASCAR** Directors, Supervisors, Managers and Officials subjected Plaintiff **MAURICIA GRANT** to an ongoing pattern of racial and sexual harassment and discrimination because she is a Black woman.

26. This disparate treatment further included different standards of conduct, unequal work assignments, unequal opportunities, unequal promotion, and unequal disciplinary measures directed toward Plaintiff and other African-American and/or female employees as opposed to Caucasian and/or male employees similarly employed by and situated at Defendant **NASCAR**. This disparate treatment culminated in Plaintiff's wrongful termination.

### **BACKGROUND**

27. In approximately Summer 2004, Plaintiff **MAURICIA GRANT** graduated with honors at the top of her class from Los Angeles' Urban League Automotive Training Center. Plaintiff obtained a certification in Brakes & Suspension Service. Plaintiff was one of only two women in her class.

28. During the course of her studies at the Urban League Automotive Center, Plaintiff **MAURICIA GRANT** interned as a Technical Inspector at the Irwindale Speedway outside of Los Angeles. Plaintiff excelled. In July 2004, Irwindale Speedway Track Vice President Bob DeFazio told the Los Angeles Times: “Mauricia is a great asset to our officiating crew and to the track in general. Her enthusiasm seems perfectly matched by her ability to learn.” Similarly, Director of Racing Lester Boyer remarked: “The best word to describe Mo is ‘sharp.’ She’s not only one of the hardest-working track officials, she’s the most friendly.... Mo’s smile and the way she does this important job just puts everyone at ease.”

29. In approximately September 2004, after former Los Angeles Laker Magic Johnson saw an article in the Los Angeles Times featuring Plaintiff and her experience at Irwindale Speedway, Plaintiff **MAURICIA GRANT** was recruited by NASCAR Director of Training & Recruiting John Muzzarelli to work for Defendant NASCAR. At the time, Magic Johnson was working with Defendant NASCAR to bolster racial diversity in its ranks and among its fan-base.

30. On or about January 1, 2005, Plaintiff **MAURICIA GRANT** was hired as Defendant NASCAR’s first African-American female Official.

31. Commencing approximately January 1, 2005 until her unlawful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was employed by Defendant NASCAR as a Technical Inspector (a/k/a an “Official”) for the NASCAR Busch Series. As an Official, Plaintiff **MAURICIA GRANT** was responsible for checking race cars before, during and after each race to ensure safety and full compliance with NASCAR rules. Plaintiff **MAURICIA GRANT** worked for three seasons at races held over an approximately 40-week schedule, starting each season with the Daytona 500.

32. Throughout her employment with Defendant NASCAR, Plaintiff **MAURICIA**

**GRANT** received positive performance evaluations.

33. In approximately November 2005 and again in approximately November 2006, Plaintiff **MAURICIA GRANT** was rated by **NASCAR** Busch Series Director Joe Balash a 3.5 out of 5 (5 being the highest score), or “above average.” (None of the Officials received a “5.”)

34. Throughout her employment with Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** was also praised by her Directors, Supervisors and other Officials for her willingness to perform “heavy-duty lifting” as well as the “dirty work.” Plaintiff was one of the few female Officials who was Pit-Road Certified (i.e., qualified to go over the wall into the pit and monitor the racing crews to ensure that during the course of the approximately 14-second pit stops, their race cars and crews complied with all of the **NASCAR** rules.)

35. Moreover, throughout her employment, Plaintiff **MAURICIA GRANT** was asked by **NASCAR** Diversity Council/Race Commission Member Lyn St. James and **NASCAR** Diversity Account Executive Jill Picaut to speak at a number of **NASCAR** public relations programs designed to emphasize Defendant **NASCAR**'s commitment to diversity. Plaintiff **MAURICIA GRANT** was also featured in a video shot by **NASCAR.COM** Multimedia Producer Jason Schoellen as part of Defendant **NASCAR**'s purported “drive for diversity.” Plaintiff **MAURICIA GRANT** was repeatedly praised for her public speaking skills and her ability to show Defendant **NASCAR** in a positive light.

36. Throughout her employment, Plaintiff **MAURICIA GRANT** earned approximately \$30,000 per season.

37. Unfortunately, as set forth in detail below, throughout her employment Plaintiff **MAURICA GRANT** was subjected to virulently racist and sexist discrimination, racial and sexual harassment, and a sexually and racially hostile work environment.

38. On or about October 27, 2007, Plaintiff **MAURICIA GRANT**'s employment was unlawfully terminated in direct retaliation for her complaints concerning the ongoing and pervasive racial and sexual harassment she was subjected to at Defendant **NASCAR**, and the race and gender discrimination that was directed towards her and permeated **NASCAR** throughout her employment.

#### **SPECIFIC COMBINED ALLEGATIONS OF RACE AND GENDER DISCRIMINATION**

39. Throughout her employment from approximately January 2005 through her wrongful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** worked as an Official for the **NASCAR** Busch Series. The **NASCAR** Busch Series consists of 36 races held throughout the United States, plus the All-Star race. A field of 43 stock cars, typically including the top 20-30 drivers in the country, compete in each race. Throughout her employment, Bill Lester was the *only* Black driver who competed in any of the major **NASCAR** series events.

40. Throughout her employment from approximately January 2005 through her wrongful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was one of approximately 30 Officials employed by Defendant **NASCAR** for its Busch Series. In 2005, only approximately five of those 30 Officials (or 17%), including Plaintiff, were women. In 2006, the number of female Officials decreased to four when Heather Gambino was fired. In 2007, Plaintiff **MAURICIA GRANT** was one of only three women employed as Officials in the **NASCAR** Busch Series.

41. Throughout her employment with Defendant **NASCAR** from approximately January 2005 through her wrongful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was the only Black Official employed in the **NASCAR** Busch Series.

42. Throughout her employment with Defendant **NASCAR** from approximately

January 2005 through her wrongful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was the only Black female Official employed by Defendant **NASCAR** out of some 75 Officials employed for all its racing competitions.

43. Unfortunately, despite Plaintiff's skills and performance as an Official, Defendant **NASCAR** maintains an unwritten yet unflagging policy limiting the advancement of Black and female employees, and especially limiting the advancement of Black female employees.

44. Throughout her employment with Defendant **NASCAR** from approximately January 2005 through on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was bypassed for more challenging and prestigious assignments (such as "under-car inspection" and "scales") by less accomplished White male Officials, including Lance Wells.

45. On or about October 27, 2007, Plaintiff **MAURICIA GRANT**'s employment was wrongfully terminated as a consequence of Defendant **NASCAR**'s virulent and pervasive race and gender discrimination.

46. The allegations set forth below are incorporated by reference as if fully set forth herein.

**SPECIFIC ALLEGATIONS OF RACE DISCRIMINATION, RACIAL HARASSMENT, A RACIALLY HOSTILE WORK ENVIRONMENT, AND RETALIATION**

47. Throughout her employment, commencing approximately January 2005 until her unlawful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was racially harassed by her co-workers and supervisors, and subjected to a racially hostile work environment.

48. Throughout her employment from approximately January 2005 until her unlawful termination on or about October 27, 2007, approximately daily during the **NASCAR** Busch

Series season, Plaintiff **MAURICIA GRANT** was subjected to virulently racist comments by her co-workers. Furthermore, these loud, racist comments were made in the presence of her Supervisors, including Directors Joe Balash and Scott French, and Assistant Director Mike Dolan. However, nothing was done to discourage or stop this racial harassment.

49. Throughout her employment from approximately January 2005 until her unlawful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was dubbed with a series of racist and racially degrading nicknames, including: “Mohammed;” “Nappy Headed Mo;” “Queen Sheba;” “Al Qaeda;” “Black Sisters Revenge;” “Mo from the Block;” “Molicious;” and “Simpleton.”

50. Throughout her employment from approximately January 2005 until her wrongful termination on or about October 27, 2007, approximately weekly during the **NASCAR** Busch Series season, Plaintiff **MAURICIA GRANT**'s White co-workers made ignorant racist comments regarding her pigment and hair, such as: “You can't possibly sunburn so you should work out in the sun!;” “How do you fix that hair?;” and “How come the palms of your hands are white?” Plaintiff was shocked.

51. Throughout her employment from approximately January 2005 until her wrongful termination on or about October 27, 2007, approximately daily during the **NASCAR** Busch Series season, Plaintiff **MAURICIA GRANT**'s White co-workers resorted to racist stereotypes. For instance, if Plaintiff or another Black Official arrived later than a White Official, the Whites routinely commented: “She's on Colored People Time.” Not only was this term used in front of Supervisors, but Director Joe Balash frequently made this racist comment as well.

52. Similarly, on multiple occasions throughout her employment during the **NASCAR** Busch Series season, the White Officials snickered sarcastically: “It must be National

Minority Day”, whenever they saw a group of Black people talking at a **NASCAR** Busch Series event. Plaintiff found these remarks offensive.

53. Throughout her employment from approximately January 2005 until her wrongful termination on or about October 27, 2007, approximately weekly during the **NASCAR** Busch Series season, Plaintiff **MAURICIA GRANT**'s White co-workers David Duke and Jonathon Dickerson repeatedly used the racist epithet “nigger.”

54. Throughout Plaintiff's employment from approximately January 2005 until her wrongful termination on or about October 27, 2007, Official Jonathon Dickerson repeatedly made references to the White supremacist hate group, the Ku Klux Klan. Plaintiff **MAURICIA GRANT** felt frightened and disgusted.

55. On or about February 18, 2006, while on assignment for the Daytona International Speedway, White Official David Duke greeted Plaintiff **MAURICIA GRANT**, “What up, my nigga?” in the presence of White Official Jason “Pee Wee” Coval. When Plaintiff gave him an angry look, David Duke quickly said: “I'm just playing.”

56. In approximately February 2006 while in Nashville, **NASCAR** Busch Series Assistant Director Mike Dolan informed Plaintiff **MAURICIA GRANT** that he had heard White Official Jason “Pee Wee” Coval call her a “bitch” in front of other male co-workers. Plaintiff responded by confronting Jason Coval and lightly punching his chest. Mr. Dolan subsequently nicknamed Plaintiff “Mohammad” and insisted on referring to her in that manner throughout the remainder of her employment.

57. On or about the week of February 18, 2006 while at the Daytona International Speedway, **NASCAR** Busch Series Assistant Director Mike Dolan held an Officials' meeting to discuss the upcoming race in Mexico. Plaintiff **MAURICIA GRANT** was shocked that

management continued to warn the group about the purported “dangers of Mexico,” when in fact they were staying at a luxurious W Hotel located across the street from a Bentley Dealership. During this meeting, Mr. Dolan repeatedly made jokes to the effect: “Mo should feel right at home in the barrio!”

58. On or about the week of March 5, 2006, Plaintiff **MAURICIA GRANT** and her co-workers traveled to Mexico for the race at the Autodromo Hermanos Rodriguez. Throughout the week, **NASCAR** Busch Series Assistant Director Mike Dolan repeatedly told Plaintiff snidely: “The Mexican fans and track officials love you!” In general, the Mexican employees did appreciate Plaintiff because, unlike Mr. Dolan and the other White Officials, she did not address all of the Mexican Officials as “Jose,” nor did she complain about the lack of “American food,” nor did she scream at their Spanish-speaking bus driver in English. Plaintiff **MAURICIA GRANT** was embarrassed by the behavior of **NASCAR**’s representatives.

59. During approximately the week of March 11, 2006 while in Las Vegas, Nevada, White Official Tim Smith gave Plaintiff a new nickname, “Al Qaeda,” because she used a scarf to cover her head and face against the cold air. Plaintiff **MAURICIA GRANT**, a New Yorker, found this incredibly offensive. Since Plaintiff did not eat pork, and because Assistant Director Mike Dolan had previously nicknamed her “Mohammad,” Plaintiff’s White co-workers apparently assumed, wrongly, that she was Moslem.

60. During approximately the week of April 8, 2006 while working the Texas Motor Speedway, Plaintiff **MAURICIA GRANT** overheard Official Carl Simmons mention to Official Dennis Dillard his seeing a car hood ornament resembling Fred Flinstone. When Carl Simmons responded that he could not remember the hood, Official Dennis Dillard replied: “Which hood, your Klan hood?” The group of White Officials laughed except Carl Simmons, who turned red

and looked suspiciously guilty.

61. During approximately the week of April 15, 2006, while working at the Nashville Superspeedway, White Official Dennis Wodzewoda persistently harangued Plaintiff **MAURICIA GRANT** : “Why do Blacks need to be called African-Americans?”

62. During approximately the week of April 29, 2006, while working at the Talladega Superspeedway in Talladega, Alabama, White Official Dennis Wodzewoda “jokingly” threatened to turn the garage’s bomb-sniffing dogs on Plaintiff **MAURICIA GRANT**, purportedly because she is Black and therefore would be perceived as a criminal. Plaintiff was not amused.

63. During approximately the week of April 29, 2006, while working at the Talladega Superspeedway in Alabama, White Official Dennis Wodzewoda instructed Plaintiff **MAURICIA GRANT** to “duck” when she was riding in the backseat of his carpool past the White tail-gating racing fans. Dennis Wodzewoda further commented to the effect: “I don’t want to start a riot when these fans see a Black woman in my car!” Plaintiff felt offended.

64. On or about the week of May 5, 2006, while working the race at the Richmond International Speedway in Richmond, Virginia, Plaintiff **MAURICIA GRANT** drove with Director Scott French to a store to purchase some work pants for Official Todd Shultz. During this trip, Mr. French “confided” that his step-mother was Black and that he “grew up in the hood” and loved hip-hop, and then said: “Let me mentor you. It’s tough being in the garage with all these guys.” Plaintiff felt relieved to know that someone in a position of authority not only was not a racist, but could actually relate to Black people. In turn, Plaintiff **MAURICIA GRANT** disclosed that she was raised with three siblings by a single mom in the projects of the Bronx. Much to her disgust, Plaintiff later discovered that Mr. French had lied: he did not have any Black relatives nor did he ever live in an urban, inter-racial neighborhood.

65. On or about the week of May 12, 2006, Plaintiff **MAURICIA GRANT** was racially harassed by a group of White fans when she walked through the infield toward the track at the Darlington International Raceway in South Carolina. A group of the fans started shouting: "Look! A Black Official!" while following Plaintiff in a menacing manner. None of the White Officials or Directors came to Plaintiff's assistance. Plaintiff **MAURICIA GRANT** left the area as quickly as possible.

66. On or about the week of June 30, 2006, while working the Daytona International Speedway in Daytona Beach, Florida, Plaintiff **MAURICIA GRANT** introduced her sisters to Official Bill Whelan. To her embarrassment, and her sisters' shock, Mr. Whelan promptly commented: "Well, y'all are the same color!"

67. On or about the week of July 22, 2006, while working at The Martinsville Speedway in South Carolina, Plaintiff **MAURICIA GRANT** went to dinner with her co-workers at a pizza shop in town. While they waited, White Official Dan Fenwick repeatedly joked: "We ain't gonna get any service cuz Mo's Black."

68. On or about the week of August 25, 2006, Plaintiff **MAURICIA GRANT** found herself yet again working outside in the blazing sun on the asphalt pit road doing qualifying line-up. At the same time, the White male Officials hung out in the air-conditioned office, watching TV, playing on the internet, eating and napping. When Plaintiff **MAURICIA GRANT** complained to Official Craig Anderson regarding this double-standard, he told her: "You should be able to stand the heat better because you're darker." When Plaintiff asked him to explain what he meant by that, Craig Anderson replied: "You're Black. You don't get sun-burned. You shouldn't complain, you should feel sorry for us."

69. During approximately the week of September 2, 2006 while working at the

California Speedway in Fontana, California, **NASCAR** Busch Series Assistant Director Mike Dolan repeatedly directed racial comments toward Plaintiff **MAURICIA GRANT** about “living in the hood,” and concerning her supposedly “violent guy friends.”

70. On or about the week of September 2, 2006, while working at the California Speedway, **NASCAR** Busch Series Assistant Director Mike Dolan spotted a small group of Black friends whom Plaintiff **MAURICIA GRANT** had invited as guests. Mr. Dolan pointed the group out to Plaintiff, and asked: “Are those gang-bangers?” Plaintiff was disgusted.

71. On or about November 4, 2006, while packing up in a dark garage leaving the Texas Motor Speedway, Official Walt Sova remarked to Plaintiff **MAURICIA GRANT**: “Keep smiling and pop your eyes out ‘cause we can’t see you.”

72. On or about November 30, 2006, White Official Shaun Johnson sent Plaintiff **MAURICIA GRANT** an email entitled “International Disadvantaged People’s Day” which read:

Today is International Disadvantaged People’s Day.  
Please send an encouraging message to a retarded friend,  
just as I’ve Done. (*sic*)  
I don’t care if you lick windows, interfere with farm animals, vote  
Liberal or occasionally shit yourself..... You hang in there  
Sunshine, You’re fucking special...

73. On or about approximately February 24, 2007 while working at the California Speedway, Plaintiff **MAURICIA GRANT** was instructed by **NASCAR** Busch Series Assistant Director Mike Dolan to teach Official Jay Altizer how to use Defendant **NASCAR**’s software program. This endeavor became practically impossible since Jay Altizer was not only computer illiterate but also clearly resentful that a Black woman was teaching him. Throughout every

weekend during the Spring and Summer of 2007 while she attempted to instruct him, Jay Altizer was openly hostile toward Plaintiff. When Plaintiff **MAURICIA GRANT** spoke to Mr. Altizer, he either glared at her or refused to make eye contact, and either responded curtly in monosyllables or gave her the silent treatment. Plaintiff **MAURICIA GRANT** felt intimidated.

74. On or about the week of March 4, 2007, when working the Autodromo Hermanos in Mexico, Official Dan Fenwick told Plaintiff **MAURICIA GRANT**: “You should feel right at home in the ghetto of Mexico because of all the graffiti!”

75. During approximately the week of April 14, 2007 while working the Texas Speedway in Denton, Texas, Official Walt Sova asked Plaintiff **MAURICIA GRANT**: “Do you ever go outside with nappy hair?” When Plaintiff responded affirmatively, Walt Sova remarked: “I don’t believe you. Do you go outside with dirty sneakers?” Official Lance Wells overheard Sova’s remarks and laughed uproariously. Plaintiff **MAURICIA GRANT** felt insulted.

76. Commencing approximately April 20, 2007 while working at the Phoenix International Speedway in Arizona, following the Don Imus scandal, White Official Dan Fenwick repeatedly used the phrase “nappy-headed ‘ho” in Plaintiff **MAURICIA GRANT**’s presence, and then began calling Plaintiff “Nappy Headed Mo.” Fenwick referred to Plaintiff in that manner throughout the remainder of her employment. Plaintiff **MAURICIA GRANT** was disgusted.

77. During approximately the week of April 28, 2007 while working the Talladega Superspeedway in Alabama, Official Mike Dumas questioned aloud in Plaintiff **MAURICIA GRANT**’s presence whether Black people could get sunburn. During the same week, Mike Dumas asked Plaintiff why the palms of her hands are white.

78. On or about the week of May 26, 2007 while working at the Lowe’s Motor

Speedway in Charlotte, North Carolina, Plaintiff **MAURICIA GRANT** was training Intern Keyshawn “Doe” regarding the track layout when Plaintiff mistakenly referred to the backstretch as the “dog leg.” White Officials Jason Brownlow and David Duke overheard Plaintiff’s error, began laughing raucously, called Plaintiff “stupid,” and told Keyshawn: “Don’t listen to anything she says. She doesn’t know shit!” As Official David Duke left the trailer, he yelled back: “Mo’s a nappy-headed ‘ho!’” Plaintiff **MAURICIA GRANT** felt especially humiliated since the Intern was there.

79. During approximately the week of June 2, 2007 while working at the Dover International Speedway at Delaware, Official Jonathon Dickerson informed Plaintiff **MAURICIA GRANT** that Blacks should “just get over the whole slavery thing.” Official Jonathon Dickerson also “informed” Plaintiff that before the Civil War, more Whites were enslaved as indentured servants in this country than Blacks were held as slaves.

80. On or about the week of July 7, 2007 while they were working at the Daytona International Speedway in Daytona Beach, Florida, White Official Bud Moore informed Plaintiff **MAURICIA GRANT** that the previous evening when White Official Russell Howard and he had watched a pretty Black girl at a strip club, Russell Howard had commented: “A nigger is still a nigger.” Bud Moore guffawed as he told Plaintiff this.

81. On or about the week of July 7, 2007 while they were working at the Daytona International Speedway, White Official Bud Moore asked Plaintiff **MAURICIA GRANT** how it felt to be Black. When Plaintiff responded that being Black is “a privilege,” Bud Moore looked aghast and asked her: “How could you possibly feel that being Black is a privilege?” When Plaintiff **MAURICIA GRANT** was non-responsive, Moore feigned exaggerated confusion, wondering aloud in Plaintiff’s presence: “How can she be proud of being Black?”

82. During approximately the week of July 28, 2007 while working at the O'Reilly Racepark in Indianapolis, Plaintiff **MAURICIA GRANT** made small talk with NASCAR Busch Series Director Joe Balash while they were stuck under a tent during a downpour. Plaintiff told Mr. Balash that she enjoyed working out in the gym, and that regular exercise made her feel good. The NASCAR Director responded: "Does your workout include an urban obstacle course with a flat-screen TV on your back?" Plaintiff **MAURICIA GRANT** was shocked and offended.

83. On or about the week of August 24, 2007, Plaintiff **MAURICIA GRANT** traveled with Official Jonathon Dickerson to the Bristol Motor Speedway in Tennessee. Dickerson spoke admiringly about the Ku Klux Klan while she traveled with him in their assigned carpool to and from the race track. Official Jonathon Dickerson repeatedly likened the Ku Klux Klan to the NAACP, but complained that because the NAACP is "a Black organization," the government does not attack it like it does the Klan. Plaintiff **MAURICIA GRANT** felt alarmed and trapped.

84. On or about the week of October 12, 2007, Plaintiff **MAURICIA GRANT** rode with Official Jonathon Dickerson to Charlotte, North Carolina to work at the Lowe's Motor Speedway. Dickerson once again insisted on talking about the Ku Klux Klan, informing Plaintiff: "My buddy's dad is a high leader in the KKK."

85. During approximately the week of October 12, 2007, White Official Jonathon Dickerson shared his opinion with Plaintiff concerning the difference between White trailer parks and Black "hoods." Dickerson maintained: "White trailer parks seem like they're filled with dirtier people because Blacks put so much effort into flashing material things, but the truth is that Black people have dirtier homes." When Plaintiff **MAURICIA GRANT** pointed out that he had seen her home and it was always clean, Dickerson responded: "You get a pass because you

work around a lot of White people.”

86. On or about November 21, 2007, Plaintiff **MAURICIA GRANT** received a text message from White Official David Duke which read:

I love all Yall mofos  
i am that nigga  
HAHAHA  
Holla  
PIMPALICIOUS

Plaintiff was offended.

87. As a consequence of this ongoing and egregious racial harassment, racially hostile work environment and race discrimination at Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** suffered and continues to suffer severe emotional distress, including depression, anxiety, sleep disturbance, crying jags, and upset.

88. As a consequence of this ongoing and egregious racial discrimination, racial harassment, and racially hostile work environment, Plaintiff **MAURICIA GRANT**'s employment was terminated on or about October 27, 2007.

89. As a consequence of Defendant **NASCAR**'s racial harassment, racially hostile work environment and race discrimination, Plaintiff suffered and continues to suffer significant economic loss, including but not limited to loss of income and benefits, stemming from the company's adverse employment actions, including her wrongful termination, as set forth above and in more detail below.

90. The allegations set forth below are incorporated by reference as if fully set forth herein.

**SPECIFIC ALLEGATIONS OF GENDER DISCRIMINATION, SEXUAL HARASSMENT AND A SEXUALLY HOSTILE WORK ENVIRONMENT**

91. The allegations set forth above are incorporated by reference as if fully set forth herein.

92. In addition, throughout her employment, commencing approximately January 2005 through her unlawful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** was sexually harassed by her co-workers and supervisors, and subjected to a sexually hostile work environment.

93. During that period from approximately January 2005 until her unlawful termination on or about October 27, 2007, approximately daily during the **NASCAR** Busch Series season, Plaintiff **MAURICIA GRANT** was subjected to inappropriate sexual comments by her male supervisors, including Assistant Director Mike Dolan, and her male co-workers, including Officials David Duke, Tim Knox and Bud Moore. Furthermore, some of these vulgar remarks were loudly made in the presence of **NASCAR** Directors, including **NASCAR** Busch Series Director Joe Balash and **NASCAR** Open Wheel Series Director Scott French. However, nothing was done to discourage or stop this sexual harassment.

94. Moreover, during the course of her employment from approximately January 2005 until her unlawful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT**'s male co-workers went so far as to expose their penises in Plaintiff's presence.

95. Throughout her employment from approximately January 2005 until her unlawful termination on or about October 27, 2007, approximately daily during the **NASCAR** Busch Series season, Plaintiff **MAURICIA GRANT**'s male co-workers repeatedly made lascivious comments concerning her physical appearance, such as: "Mo looks hot!" and "Mo's looking great today!"

96. Throughout her employment from approximately January 2005 until her unlawful

termination on or about October 27, 2007, approximately weekly during the **NASCAR** Busch Series season, White Officials including David Duke and Bud Moore made lewd sexual advances to Plaintiff **MAURICIA GRANT**, commenting: “Let me see your tits!” and “Do you wanna see my dick?” Plaintiff **MAURICIA GRANT** repeatedly declined these invitations, letting them know that she was not interested.

97. In approximately February or March 2006, Official Jason Brownlow took a photograph of Plaintiff **MAURICIA GRANT** while she rested with her eyes closed during a break at work. The photo was subsequently blown up and printed out, and posted throughout the garage with words scrawled next to Plaintiff’s head reading: “Go For Moe.” Plaintiff **MAURICIA GRANT** was disgusted.

98. Throughout her employment from approximately January 2005 until her unlawful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** refused to acknowledge let alone succumb to the sexual advances of her male co-workers, often wore baggy clothes to ward off their unsolicited overtures, and would not flirt. Because Plaintiff was non-responsive to their sexual advances, during her employment many of the Officials spread false rumors that she was gay.

99. On numerous occasions during her employment from approximately January 2005 until her unlawful termination on or about October 27, 2007, Plaintiff **MAURICIA GRANT** overheard her White male co-workers wrongly refer to her as a “gay girl.”

100. Commencing approximately February 2006 throughout her employment, Plaintiff **MAURICIA GRANT**’s White male co-workers, including Officials David Duke and Jason “Pee Wee” Covell, repeatedly referred to Plaintiff as “Ho-Mo.” Plaintiff found these ridiculous antics annoying.

101. On or about February 28, 2006, Officials David Duke and Jason “Pee Wee” Covell confronted Plaintiff **MAURICIA GRANT** at the hot tub at the hotel the **NASCAR** Busch Series employees were staying in while working the first race of the season at Daytona International Speedway. Duke and Covell repeatedly asked Plaintiff: “Have you ever been with a woman?” They also repeatedly questioned whether Plaintiff **MAURICIA GRANT** thought her co-workers, Officials Karla Diede and Shannon Bednarek, were gay. Unfortunately, because these women also refused to flirt with male co-workers, they too were designated as gay.

102. The following day at the race track, on or about March 1, 2006, Plaintiff **MAURICIA GRANT** overheard numerous Officials make sexually suggestive remarks falsely implying that she had gone in the hot tub with Officials David Duke and Jason “Pee Wee” Covell.

103. On or about the week of March 18, 2006, while they were working the Atlanta Motor Speedway race in Georgia, Official Mike Wilford held in front of Plaintiff **MAURICIA GRANT** some loose diamonds and rubies he was carrying, and suggested that the jewels were hers if she would agree to be his mistress. Plaintiff was disgusted. Officials Mike Weddle and Rick Noble were present, and laughed hysterically.

104. On or about the week of March 25, 2006, while they were working at the Bristol Motor Speedway in Bristol, Tennessee, **NASCAR** Busch Series Assistant Director Mike Dolan watched Plaintiff **MAURICIA GRANT** as she jumped up on the scale cart and remarked lewdly: “Look at those hips spread!” Plaintiff was disgusted.

105. During approximately the week of April 8, 2006 while working the Texas Motor Speedway, Official Heather Gambino called a meeting of all the female officials with **NASCAR** Busch Series Director Joe Balash. During this meeting, Plaintiff **MAURICIA GRANT** and her female co-workers complained that Busch Series Assistant Director Mike Dolan gave preferential

treatment to the female Official who was responsive to his sexual advances, namely his fiance, Official Roxanne “Roxy” Kraemer. On information and belief, Defendant **NASCAR**’s own rules prohibited married employees from working for the same Series. Mr. Dolan, who attended the meeting, responded by shouting: “Get over it!” Plaintiff and her female co-workers also complained that the women did not have their own locker room to change clothes in apart from the male Officials. Nothing was done.

106. Approximately five weeks later, on or about May 27, 2006 while at the Lowe’s Motor Speedway in Charlotte, North Carolina, Official Heather Gambino was fired. Heather Gambino’s termination was in direct retaliation for her complaints regarding the sexually hostile work environment and gender discrimination.

107. Conversely, on or about October 28, 2006, Official Mike Weddle came to work clearly intoxicated and wreaking of alcohol. Although **NASCAR** Busch Series Director Joe Balash observed Mike Weddle’s condition, nothing was done. Instead, Mike Weddle was promoted to Supervisor of Measurements in 2007.

108. On or about July 17, 2006, Official Shaun Johnson emailed a gay porn link to Plaintiff **MAURICIA GRANT**.

109. On or about July 21, 2006, Chasis Supervisor Alan Shepard, who was married, instructed Plaintiff **MAURICIA GRANT** to purchase gifts for his girlfriend at the track, Defendant **NASCAR** employee Nurse Lori “Doe.”

110. During approximately the week of October 28, 2006, Plaintiff **MAURICIA GRANT** and some co-workers were in the lounge of the hotel where we stayed while working at Memphis Motor Speedway in Memphis, Tennessee. Suddenly, Official Bud Moore came out of his room wearing only a towel, and called out: “Mo, do you want to see my dick?” Bud Moore

then opened his towel and ducked behind a trash can. The other male Officials, including David Duke and Jason “Pee Wee” Covell, laughed. Plaintiff was repulsed.

111. On or about the week of March 10, 2007 while working at the Las Vegas Motor Speedway, **NASCAR** Busch Series Assistant Director Mike Dolan repeatedly made jokes to Plaintiff **MAURICIA GRANT** to the effect: “Mo, if any of these guys try getting in your pants, you let them know you already have one asshole in there, that’s enough for today.” Dolan made jokes along this line to Plaintiff approximately daily through the remainder of her employment.

112. On or about the week of April 14, 2007 while in Texas working at the Texas Motor Speedway, **NASCAR** Busch Series Assistant Director Mike Dolan approached Plaintiff **MAURICIA GRANT** while he was eating an ice cream sandwich. Mr. Dolan commenced licking the cream in a lewd manner, insinuating that the chocolate cake was a vagina and he was performing oral sex. While doing this, Mr. Dolan stared at Plaintiff and raised his eyebrows suggestively. Plaintiff **MAURICIA GRANT** was repulsed.

113. During approximately the week of April 14, 2007, at a work gathering initiated by **NASCAR** Busch Series Director Joe Balash in the hospitality suite of their hotel following a race in Texas, Official Tim Knox exposed his penis in Plaintiff **MAURICIA GRANT**’s presence. Plaintiff felt angry and violated.

114. On or about the week of June 30, 2007 while working at the New Hampshire International Speedway, Official David Duke asked Plaintiff **MAURICIA GRANT**: “Can I see your tits?” Plaintiff was disgusted.

115. Throughout the week of June 30, 2007 while working at the New Hampshire International Speedway, the male Officials repeatedly told graphic and lewd jokes in Plaintiff **MAURICIA GRANT**’s presence concerning Official Joe Hobb’s supposedly swollen testicle,

e.g.: “Mo, do you want to see Hobb’s grapefruit-sized nut?”

116. Following a rainstorm on or about August 18, 2007, Plaintiff **MAURICIA GRANT** slipped and fell when crossing the race track at Michigan International Speedway while performing her duties as an Official. Thereafter, Plaintiff was repeatedly ridiculed by her male co-workers, who expressed their opinion that Plaintiff **MAURICIA GRANT** was not “agile” enough to perform the duties of a race track Official. While Plaintiff had previously witnessed male Officials fall on the track, they were not similarly harassed.

117. During approximately the week of August 19, 2007 at a work event outside their hotel following a race at Michigan International, Official David Duke pulled out his penis and flashed Plaintiff **MAURICIA GRANT**. Again, Plaintiff felt angry and violated.

118. While carpooling with Official Jay Altizer during approximately the week of September 29, 2007 when they were working at Kansas Speedway, Official Jay Altizer repeatedly lectured Plaintiff **MAURICIA GRANT** about homosexuality and why it is “un-Christian” to be gay.

119. On or about November 22, 2007, Official David Duke sent Plaintiff **MAURICIA GRANT** a text message that read:

If you and your uncle jack were out climbing fences,  
and lets (*sic*) say he gets stuck,  
are you the type of person to help your uncle jack off  
or not.

Plaintiff was repulsed.

120. The same night, on or about November 22, 2007, Official David Duke sent Plaintiff **MAURICIA GRANT** a text message that read:

I asked the devil for a condom he gave me 3  
I asked him for a dollar he gave me ten.

I asked him for a blowjob he gave me this number.

Plaintiff was disgusted.

121. The allegations set forth above and below are incorporated by reference as if fully set forth herein.

#### SPECIFIC ALLEGATIONS OF RETALIATION

122. The allegations set forth above are incorporated by reference as if fully set forth herein.

123. Throughout her employment at Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** received positive performance evaluations, including from her direct supervisor, Public Relations Manager Doub Hanshaw. On numerous occasions, Plaintiff **TRACEY WRIGHT** was praised by her Supervisors for her natural aptitude in and enthusiasm for Public Relations, as well as for the excellent feedback Free People received from its media contacts concerning Plaintiff's professionalism, responsiveness and demeanor.

124. Unfortunately, after Plaintiff **MAURICIA GRANT** complained of racial discrimination and harassment, she was subjected to heightened scrutiny, unwarranted disciplinary action, degrading treatment and continued harassment culminating in her unlawful termination, in direct retaliation for her complaints.

125. On or about March 17, 2007 while working at Atlanta Motor Speedway, Plaintiff **MAURICIA GRANT** complained to **NASCAR** Busch Series Director Joe Balash regarding White Official Jay Altizer's hostility toward her when Plaintiff tried to teach him their software program (a duty Plaintiff was assigned by **NASCAR** Busch Series Assistant Director Mike Dolan in February.) Plaintiff **MAURICIA GRANT** told Mr. Balash it was clear that Jay Altizer resented having a Black woman teach him, and that his behavior had reached a point where she

felt nervous working with him. While Mr. Balash promised to speak to Jay Altizer, nothing changed. Instead, not only did Plaintiff's assignment teaching Mr. Altizer continue through the Spring and Summer, but also, commencing in Spring 2007, Plaintiff **MAURICIA GRANT** was frequently assigned to Mr. Altizer's carpool.

126. During approximately Summer 2007 while working in California, Plaintiff **MAURICIA GRANT** complained to Chasis Supervisor Alan Shepard regarding Official Jay Altizer's continued hostility.

127. On or about August 4, 2007 while working at Circuit Gilles in Montreal, Plaintiff **MAURICIA GRANT** complained to **NASCAR** Busch Series Director Joe Balash regarding certain White co-workers (especially Officials Dan Fenwick's and Gary Bria's) repeated use of the racist phrase "Colored People Time" concerning their Black co-workers. To her surprise, Mr. Balash was dismissive of Plaintiff's complaint, telling her that she was dealing with "former military guys" with a rough sense of humor. Mr. Balash concluded by saying: "You just have to deal with it." **NASCAR** Busch Series Director Joe Balash did nothing to redress Plaintiff's complaint, and nothing changed.

128. Approximately later that week of August 4, 2007, while working at Circuit Gilles in Montreal, Defendant **NASCAR's** Director of Truck Series Wayne Auton observed White Official Jay Altheizer refuse to cooperate when Plaintiff **MAURICIA GRANT** was attempting to fix the data log, intentionally delay their work, and yell at Plaintiff when she tried to get him to help: "Stop acting like a fucking bitch! You're not the boss of me!" Mr. Auton asked Plaintiff if she was alright, told Plaintiff he felt Altheizer was disrespectful, and informed Plaintiff that he was going to report Altheizer's inappropriate conduct to **NASCAR** Busch Series Director Joe Balash. Altheizer later admitted to Officials Brian Bishop and Shannon Bednarek that he had

intentionally started an argument with Plaintiff **MAURICIA GRANT** because he *knew* he could get Plaintiff in trouble.

129. The following week of August 11, 2007 while they worked at Watkins Glen International in New York, **NASCAR** Busch Series Director Joe Balash and **NASCAR** Busch Series Assistant Director Mike Dolan called Plaintiff **MAURICIA GRANT** into the office. To her surprise, Mr. Balash and Mr. Dolan told Plaintiff that it was her responsibility to teach Jay Altheizer to use the computer system, blamed Plaintiff for Altheizer's misconduct, and told Plaintiff she had failed in her assignment. Plaintiff **MAURICIA GRANT** reminded Mr. Balash and Mr. Dolan of her previous complaints concerning Altheizer's refusal to listen and cooperate with her. Nevertheless, Plaintiff **MAURICIA GRANT** was admonished and then removed from the computer-training assignment, nearly six months after she started the assignment and some four-and-a-half months after she first complained to management.

130. Approximately two weeks after she complained to **NASCAR** Busch Series Director Joe Balash regarding the racist conduct of her co-workers, while working at Michigan International Speedway during approximately the week of August 18, 2007, Plaintiff **MAURICIA GRANT** was called into **NASCAR** Busch Series Director Joe Balash's office for a telephone call from Director of Human Resources Star George. Ms. George warned Plaintiff for purportedly engaging in "conduct unbecoming of a **NASCAR** representative" at the Michigan International Speedway, and told Plaintiff she would be fired unless she changed her behavior. In so doing, Ms. George referenced an incident at the Michigan International Speedway when a Gate Guard singled Plaintiff out after she passed through the gate on the way to the restroom. Although Plaintiff was in uniform, carrying her radio and clipboard, and wearing her badge and headphones, the Gate Guard insisted that Plaintiff **MAURICIA GRANT** show him her

credentials. At the time, Plaintiff asked the Gate Guard why he would stop her when dozens of non-uniformed fans had followed Plaintiff **MAURICIA GRANT** through the gate without interruption. Although Plaintiff was unhappy about the circumstances, she did not use profanity nor even raise her voice during this incident. After Ms. George hung up, **NASCAR** Busch Series Director Joe Balash told Plaintiff to “stop acting street.” The warning was in direct retaliation for Plaintiff’s complaints of racial and gender harassment and discrimination. Moreover, the warning reflected the double-standard directed toward women and Blacks at the race tracks, as well as the racist and sexist environment that permeates **NASCAR**.

131. Throughout her employment, Plaintiff **MAURICIA GRANT**’s White male co-workers used profanity while working on the tracks. While Plaintiff sometimes used profanity when speaking with Officials, she never directed such profanity toward racing crews, nor did she use profanity more than the White male Officials. Plaintiff’s approach to the job was aggressive because she knew she had to be affirmative in order to have others adhere to her directions and get things done. Moreover, unlike her White male co-workers, Plaintiff **MAURICIA GRANT** never made racist or sexually degrading remarks.

132. On information and belief, throughout Plaintiff’s employment from approximately January 2005 through October 27, 2007, the only other Official who was reprimanded for their verbal conduct was Black Official Dean Duckett, who was accused of using “aggressive language toward a White co-worker” who was harassing him. Black Official Dean Duckett was fired for this in approximately November 2007.

133. On or about the week of August 24, 2007, Plaintiff **MAURICIA GRANT** complained once again to **NASCAR** Busch Series Director Joe Balash regarding Official Dan Fenwick’s ongoing use of the term “Colored People Time.” Plaintiff **MAURICIA GRANT**

further complained that unless she arrived 15 minutes *early* for their carpool, Dan Fenwick would leave for the track without her. Although Plaintiff continued to arrive on time, nothing changed except that Dan Fenwick subsequently yelled at Plaintiff for her purported “lack of consideration.” This was typical of the disparate treatment Plaintiff was subjected to while employed by Defendant **NASCAR**.

134. For instance, during the season in 2006, Official David Duke missed an entire week of work after missing his flight to their track location. David Duke was not punished for this offense.

135. Moreover, during approximately the week of August 24, 2007 while working at the Bristol Speedway in Tennessee, Officials David Duke and Jason “Pee Wee” Covell missed approximately three hours of work because they were hungover from their carousing the night before. Engine Supervisor Todd Shultz not only missed that morning, but missed approximately three weeks of work due to a hand injury he sustained during their drunken revelry. Mr. Shultz remains a Supervisor, and David Duke and Jason Covell remain Officials employed by Defendant **NASCAR**.

136. Throughout her employment from approximately January 2005 through October 2007, during the Spring and Summer, senior Official Bill Wheelan continuously gave Plaintiff **MAURICIA GRANT** job assignments on the track in the sun all day, while White Officials Shannon Bednarek and Roxanne “Roxy” Kraemer were allowed to work inside air-conditioned suites overlooking the pit road.

137. As a consequence of the ongoing and pervasive racial and sexual discrimination, harassment, and hostile work environment, and in direct retaliation for her complaints concerning the same, Plaintiff **MAURICIA GRANT** was fired by Defendant **NASCAR**.

138. On or about October 27, 2007, while working at Memphis Motor Speedway in Tennessee, Plaintiff **MAURICIA GRANT** was summoned by **NASCAR** Busch Series Assistant Director Mike Dolan to a meeting with **NASCAR** Busch Series Director Joe Balash and Senior Manager of Business Relations Jim Cassidy. Human Resources Director Star George attended via telephone. During the course of this brief meeting, Plaintiff **MAURICIA GRANT** was informed that she was being fired due to her purported “poor work performance.” Instead, Plaintiff’s firing was because she was a Black woman subjected to a different performance standard than her White male co-workers, and because she had complained of race and gender discrimination and harassment.

139. Aside from a warning regarding her “street” language, Plaintiff **MAURICIA GRANT** never received any warnings concerning her job performance: instead, throughout her employment Plaintiff’s work was universally praised and Plaintiff received positive reviews. On one occasion Plaintiff was admonished for arriving approximately 20 minutes late to a morning meeting after her carpool arrived at the track late and she had to use the bathroom before the meeting. Plaintiff had previously explained to **NASCAR** Busch Series Assistant Director Mike Dolan that she had an extremely heavy menses which sometimes forced her to spend extra time in the restroom. Because female Officials were not provided separate locker rooms from the men, and because the men refused to leave the locker room when women came in, it was often difficult for Plaintiff to get to the meetings *early*. Plaintiff **MAURICIA GRANT** habitually arrived on time.

140. Plaintiff **MAURICIA GRANT** was fired approximately two months after her last complaint of race and gender discrimination and harassment.

141. In approximately 2006, two other female Officials complained to their Supervisors

regarding sexual harassment. Official Heather Gambino first complained to **NASCAR** Busch Series Director Joe Balash early in the year after Official Dean Duckett threw water on her chest, simulating a wet t-shirt contest. As noted above, Heather Gambino also complained to management in April 2006 concerning sexist treatment and the sexually hostile work environment. While the male Official was suspended for two weeks, Ms. Gambino was fired during the 2006 season.

142. Toward the end of the **NASCAR** Busch Series season in approximately 2006, Official Jane Hayes complained to **NASCAR** Busch Series Director Joe Balash that male co-workers had spread a false rumor that she was sleeping with a married co-worker, Official Gary Schrum. Jane Hayes felt humiliated and asked that Mr. Balash redress the situation. While Mr. Balash promised to do so, nothing was done. Instead, Jane Hayes was further outcasted and at season's end her employment was terminated. Prior to her termination, Jane Hayes had consistently earned praise for her job performance.

143. As a consequence of Defendant **NASCAR**'s retaliatory conduct, Plaintiff **MAURICIA GRANT** has suffered and continues to suffer severe emotional distress, including depression, anxiety, nightmares, sleep disturbance, crying jags and upset, and physical injury including headaches and gastrointestinal distress. Moreover, since her termination, Plaintiff has suffered significant economic loss, including but not limited to loss of income and benefits.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**§ 1981 - RACE DISCRIMINATION**

144. Plaintiff **MAURICIA GRANT** repeats and realleges each and every allegation contained in paragraphs 1 through 143 inclusive, with the same force and effect as though more

fully set forth at length herein.

145. Because she is African-American, Defendant **NASCAR** denied Plaintiff **MAURICIA GRANT** the same rights to make and enforce contracts enjoyed by White citizens employed by Defendant, including rights involving the making, performance, modification, and termination of their respective employment contracts with Defendant, as well as the enjoyment of all benefits, privileges, terms, and conditions of that relationship, in violation of 42 U.S.C. § 1981, as amended by the Civil Rights Act of 1991.

146. In the employment practices described above, Defendant **NASCAR** intentionally engaged in discriminatory practices with malice or with reckless indifference to the federally protected rights of Plaintiff **MAURICIA GRANT**, entitling her to punitive damages.

147. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** sustained conscious pain and suffering, great mental distress, and humiliation, and incurred economic loss.

148. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** has been damaged and is entitled to compensatory damages and punitive damages in the sum prescribed by 42 U.S.C. § 1981, i.e., compensatory damages of TWENTY-FIVE MILLION (\$25,000,000.00 ) DOLLARS and punitive damages of TWENTY-FIVE MILLION (\$25,000,000.00) DOLLARS, as well as attorneys fees.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**§1985 - RACE DISCRIMINATION**

149. Plaintiff **MAURICIA GRANT** repeats and realleges each and every allegation contained in paragraphs 1 through 143 inclusive, with the same force and effect as though more

fully set forth at length herein.

150. Because she is African-American, Defendant **NASCAR** and its employees, including **NASCAR** Senior Manager of Business Relations Jim Cassidy, **NASCAR** Busch Series Director Joe Balash and **NASCAR** Busch Series Assistant Director Mike Dolan, conspired to deprive Plaintiff **MAURICIA GRANT** of equal protection of the laws afforded to and enjoyed by White citizens employed by Defendant, in violation of 42 U.S.C. § 1985(3).

151. In the employment practices described above, Defendant **NASCAR** intentionally engaged in discriminatory practices with malice or with reckless indifference to the federally protected rights of Plaintiff **MAURICIA GRANT**, entitling her to punitive damages.

152. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** sustained conscious pain and suffering, great mental distress, and humiliation, and incurred economic loss.

153. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** has been damaged and is entitled to compensatory damages and punitive damages in the sum prescribed by 42 U.S.C. § 1985, i.e., compensatory damages of TWENTY-FIVE MILLION (\$25,000,000.00 ) DOLLARS and punitive damages of TWENTY-FIVE MILLION (\$25,000,000.00) DOLLARS, as well as attorneys fees.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**NYSHRL - RACE DISCRIMINATION**

154. Plaintiff **MAURICIA GRANT** repeats and realleges each and every allegation contained in paragraphs 1 through 143 inclusive, with the same force and effect as though more fully set forth at length herein.

155. The aforesaid acts of intentional race discrimination against African-Americans by Defendant **NASCAR**, its officers, directors, supervisors, managers, officials and/or employees, violated Plaintiff **MAURICIA GRANT**'s rights as provided under New York State Human Rights Law - Executive Law Section 290 et. seq.

156. As a consequence of Defendant's racial discrimination against African-Americans while Plaintiff was an employee of Defendant **NASCAR**, Plaintiff sustained conscious pain and suffering, physical injury, great mental distress, shock and humiliation. In addition, Plaintiff incurred monetary loss as she was subjected to adverse employment actions culminating in her wrongful termination.

157. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** has been damaged in the sum of TWENTY-FIVE MILLION (\$25,000,000.00) DOLLARS.

**AS AND FOR A FOURTH CAUSE OF ACTION**  
**NYSHRL - RACIAL HARASSMENT/HOSTILE WORK ENVIRONMENT**

158. Plaintiff **MAURICIA GRANT** repeats and realleges each and every allegation contained in paragraphs 1 through 143 inclusive, with the same force and effect as though more fully set forth at length herein.

158. The aforesaid acts of intentional racial harassment, including a hostile work environment for African-Americans, by Defendant **NASCAR**, its officers, directors, supervisors, managers, officials and/or employees, violated Plaintiff **MAURICIA GRANT**'s rights as provided under New York State Human Rights Law - Executive Law Section 290 et. seq.

159. As a consequence of Defendant **NASCAR**'s racial harassment and its racially

hostile work environment while Plaintiff was an employee of Defendant **NASCAR**, Plaintiff sustained conscious pain and suffering, physical injury, great mental distress and humiliation. In addition, Plaintiff incurred monetary loss as she was subjected to adverse employment actions culminating in her wrongful termination.

160. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** has been damaged in the sum of TWENTY-FIVE MILLION (\$25,000,000.00) DOLLARS.

**AS AND FOR A FIFTH CAUSE OF ACTION**  
**NYSHRL - GENDER DISCRIMINATION**

161. Plaintiff **MAURICIA GRANT** repeats and realleges each and every allegation contained in paragraphs 1 through 143 inclusive, with the same force and effect as though more fully set forth at length herein.

162. The aforesaid acts of intentional gender discrimination by Defendant **NASCAR**, its officers, directors, supervisors, managers, officials and/or employees, violated Plaintiff **MAURICIA GRANT**'s rights as provided under New York State Human Rights Law - Executive Law Section 290 et. seq.

163. As a consequence of Defendant **NASCAR**'s gender discrimination while Plaintiff was an employee of Defendant **NASCAR**, Plaintiff sustained conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation. In addition, Plaintiff incurred monetary loss as she was subjected to adverse employment actions culminating in her constructive termination.

164. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff

**MAURICIA GRANT** has been damaged in the sum of TWENTY-FIVE MILLION  
(\$25,000,000.00) DOLLARS.

**AS AND FOR A SIXTH CAUSE OF ACTION**  
**NYSHRL - SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT**

165. Plaintiff **MAURICIA GRANT** repeats and realleges each and every allegation contained in paragraphs 1 through 143 inclusive, with the same force and effect as though more fully set forth at length herein.

166. The aforesaid acts of intentional sexual harassment, including a hostile work environment for women, by Defendant **NASCAR**, its officers, directors, supervisors, managers, officials and/or employees, and the aforesaid acts of retaliation by Defendants for Plaintiff's refusal to comply with sexual advances and inappropriate sexual conduct, violated Plaintiff **MAURICIA GRANT**'s rights as provided under New York State Human Rights Law - Executive Law Section 290 *et. seq.*

167. As a consequence of Defendant **NASCAR**'s sexual harassment, its sexually hostile work environment, and the retaliation against Plaintiff for refusing to succumb to her supervisor's sexual advances, while Plaintiff was an employee of Defendant **NASCAR**, Plaintiff sustained conscious pain and suffering, physical injury, great mental distress, shock, fright and humiliation. In addition, Plaintiff incurred monetary loss as she was subjected to adverse employment actions culminating in her constructive termination.

168. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** has been damaged in the sum of TWENTY-FIVE MILLION  
(\$25,000,000.00) DOLLARS.

**AS AND FOR A SEVENTH CAUSE OF**  
**NYSHRL - RETALIATION**

169. Plaintiff **MAURICIA GRANT** repeats and realleges each and every allegation contained in paragraphs 1 through 143 inclusive, with the same force and effect as though more fully set forth at length herein.

170. The aforesaid acts of intentional retaliation against Plaintiff by Defendant **NASCAR**, its officers, directors, supervisors, managers, officials and/or employees, violated Plaintiff **MAURICIA GRANT**'s rights as provided under New York State Human Rights Law - Executive Law Section 290 et. seq.

171. As a consequence of Defendant's retaliation against Plaintiff while she was an employee of Defendant **NASCAR**, Plaintiff sustained conscious pain and suffering, great mental distress and humiliation, and incurred monetary loss, and was subjected to other adverse employment actions, including but not limited to lack of promotion, disparate treatment, arduous and demeaning work assignments, unfair disciplinary treatment, and ultimately her unlawful termination.

172. As a consequence of the foregoing misconduct of Defendant **NASCAR**, Plaintiff **MAURICIA GRANT** has been damaged in the sum of TWENTY-FIVE MILLION (\$25,000,000.00) DOLLARS.

WHEREFORE, Plaintiff **MAURICIA GRANT** demands judgment against Defendant **NASCAR** in the First Cause of Action in the amount of FIFTY MILLION (\$50,000,000.00) DOLLARS; Plaintiff **MAURICIA GRANT** demands judgment against Defendant **NASCAR** in the Second Cause of Action in the amount of FIFTY MILLION (\$50,000,000.00) DOLLARS;

Plaintiff **MAURICIA GRANT** demands judgment against Defendant **NASCAR** in the Third Cause of Action in the amount of TWENTY-FIVE MILLION (\$25,000,000.00) DOLLARS;  
Plaintiff **MAURICIA GRANT** demands judgment against Defendant **NASCAR** in the Fourth Cause of Action in the amount of TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00);  
Plaintiff **MAURICIA GRANT** demands judgment against Defendant **NASCAR** in the Fifth Cause of Action in the amount of TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00);  
Plaintiff **MAURICIA GRANT** demands judgment against Defendant **NASCAR** in the Sixth Cause of Action in the amount of TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00); and  
Plaintiff **MAURICIA GRANT** demands judgment against Defendant **NASCAR** in the Seventh Cause of Action in the amount of TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00), all together with the costs and disbursements of this action, including attorneys fees, plus interest, and for any other relief which this Court deems just and proper.

Dated:           New York, New York  
                  May \_\_, 2008

**MORELLI RATNER PC**

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