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CDJ

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DARSHALL COLEMAN  
5310 Saul Street  
Philadelphia, PA 19124

Plaintiff,

v.

ARCELORMITTAL  
900 Conshohocken Road  
Conshohocken, PA 19428

Defendant.

18 5404

Civil Action No.: \_\_\_\_\_

JURY TRIAL DEMANDED

**COMPLAINT – CIVIL ACTION**

Plaintiff, Darshall Coleman (“Plaintiff”), by and through his undersigned attorney, for his Complaint against ArcelorMittal (“Defendant”) alleges as follows:

**INTRODUCTION**

1. Plaintiff initiates this action contending that Defendant has violated Plaintiff’s rights protected by Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”), and 42 U.S.C. § 1981 (“Section 1981”). Specifically, Plaintiff contends that Defendant subjected him to a hostile work environment on the basis of his race (African American).

**PARTIES**

2. Plaintiff, Darshall Coleman, is an adult American citizen who currently maintains a residence at 5310 Saul Street, Philadelphia, PA 19124.

3. Defendant, ArcelorMittal, is a for-profit limited liability company operating and existing under the laws of the State of Delaware, with a business address of 900 Conshohocken Road, Conshohocken, PA 19428.

4. At all times relevant hereto, Defendant acted or failed to act through its agents, servants, and/or employees thereto existing, each of whom acted at all times relevant hereto in the course and scope of their employment with and for Defendant.

**JURISDICTION AND VENUE**

5. Paragraphs 1 through 4 are hereby incorporated by reference, as though the same were fully set forth at length herein.

6. On or about May 11, 2018, Plaintiff filed a Charge of Discrimination with the United States Equal Employment Opportunity Commission (“EEOC”), which was dually filed with the Pennsylvania Human Relations Commission (“PHRC”), thereby satisfying the requirements of 42 U.S.C. 2000e5(b) and (e). Plaintiff’s EEOC charge was docketed as EEOC Charge No. 530-2018-03313. Plaintiff’s EEOC Charge was filed within one hundred and eighty (180) days of the unlawful employment practice.

7. By correspondence dated September 15, 2018, Plaintiff received a Notice of Rights to Sue from the EEOC regarding his Charge, advising him that he had ninety (90) days to file suit against Defendant.

8. Plaintiff has therefore exhausted his administrative remedies and has complied with all conditions precedent to maintaining this action.

9. This action is authorized and initiated pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, and 42 U.S.C. § 1981.

10. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343, as it is a civil rights action arising under the laws of the United States.

11. The venue in this district is proper pursuant to 28 U.S.C. § 1391, inasmuch as Defendant conducts business therein and the events giving rise to this action occurred in this district.

**FACTUAL ALLEGATIONS**

12. Paragraphs 1 through 11 are hereby incorporated by reference as though the same were fully set forth at length herein.

13. In or around May 2006, Defendant hired Plaintiff in the position of Railroad Conductor.

14. Throughout the course of Plaintiff's employment, he performed his job well, receiving positive reviews of his performance, occasional raises, and no discipline.

15. By way of background, Plaintiff is the only African American employee at Defendant's Conshohocken location.

16. During the course of his employment with Defendant, Plaintiff was routinely harassed and/or threatened because of his race (African American) by Defendant's employees, who, upon information and belief, are predominantly not African American.

17. By way of background, while Plaintiff was being tested for a promotion, Plaintiff was given a substantially harder test than his Caucasian peers. There were three (3) possible tests, which were decided on by the individual that trained the employee. Plaintiff was only trained on two (2) out of the three (3) engines that could appear on the test. Plaintiff's trainer, who was Caucasian, knew this when giving Plaintiff the test. The Caucasian employees were not tested on the third (3<sup>rd</sup>) engine. Despite not being trained on the third (3<sup>rd</sup>) engine, Plaintiff was tested on the third (3<sup>rd</sup>) engine and provided the harder test by his trainer, with the intent for Plaintiff to fail.

18. Also, by way of background, on or about May 16, 2014, a pink stuffed monkey was left visibly displayed in the dumpster adjacent to Plaintiff's office. The monkey had multiple discriminatory and/or vulgar markings, including but not limited to, a swastika on its forehead. Upon information and belief, the monkey was displayed in such a prevalent manor so that Plaintiff would see the monkey.

19. Subsequent to the monkey's discovery, Plaintiff emailed Human Resources Manager, Joanne Babaian (hereinafter "Ms. Babaian"), and contacted the police.

20. Police arrived at the scene and issued a police report (P14259655) documenting the incident.

21. Plaintiff continued to experience severe racial harassment.

22. On or about January 23, 2018, Plaintiff observed a noose laying on an industrial spool. The noose was also observed by James Wilson ("Mr. Wilson"), a Train Conductor at Defendant's Conshohocken location. Upon information and belief, the noose was placed there by an employee of Defendant, with the intent for it to be observed by Plaintiff.

23. After the noose was discovered, Plaintiff contacted the police again.

24. The police arrived at the scene and issued a police report (P18041133) documenting this incident.

25. While the police were on the scene, Ms. Babaian stated to the police that she was unaware of any current or past employees who had displayed racist behavior, despite being previously made aware of the events that occurred on or about May 16, 2014.

26. Shortly thereafter, on or about March 6, 2018, Plaintiff turned off the engine of his train so that he could plug it into the heater. The train's heater's power supply line is four-hundred and eighty (480) volts of electricity. Although there was no conceivable reason in needing to turn the train's power back on, an employee of Defendant turned the power back on while Plaintiff was plugging the heater line in. Plaintiff would have been killed if he had not been wearing his rubber gloves. Upon information and belief, the intent of Defendant's employee was to harm Plaintiff because of Plaintiff's race.

27. Subsequent to the events that occurred on or about March 6, 2018, a *Near Miss Investigation Form* was filed with Defendant on or about March 6, 2018. This *Near Miss Investigation Form* confirmed that Plaintiff was placed in harm's way.

28. Sometime on or about October 31, 2018, Plaintiff found painted on his office door the words "KKK" and "n----r go," in addition to there being oil spilled on the stairway leading to his office. Upon information and belief, the oil was placed there by an employee of Defendant with the intent to harm Plaintiff because of his race. Plaintiff is the only employee at Defendant's Conshohocken location that uses that stairway.

29. Subsequent to Plaintiff discovering the discriminatory words painting on his door, and the oil spilled on his stairway, Plaintiff contacted the police for a third time.

30. The police arrived at the scene and issued a police report (P18596957) documenting the incident(s).

31. While filing the police report, Plaintiff stated that the discriminatory behavior exhibited at Defendant's Conshohocken location had been an ongoing issue.

32. Shortly thereafter, on or about November 9, 2018, Plaintiff met with Defendant's lawyer, Kathy (Last Name Unknown) (hereinafter "Kathy LNU"), and Defendant's Civil Rights Union Representative, Darryl (Last Name Unknown) (hereinafter "Darryl LNU").

33. Plaintiff was notified by Kathy LNU and Darryl LNU that an investigation would be conducted, with an indefinite time-frame.

34. Plaintiff told Ms. Babaian that he felt unsafe while at Defendant's Conshohocken location, resulting in Ms. Babaian placing Plaintiff on administrative leave, pending the outcome of the investigation.

35. While on administrative leave, Plaintiff was asked to meet with Defendant to discuss the investigation. At this meeting, Plaintiff was asked if he wrote "KKK" and "n----r go"

on his door, and if he had spilled oil down his steps. Plaintiff stated that he did not commit those acts.

36. Upon information and belief, Defendant requires that all employees swipe in to access the facility, which would reveal who was in the building at the time of the act.

37. Shortly after being placed on administrative leave, Plaintiff received a letter stating that he would be laid-off for “lack of work,” on or about December 8, 2018.

38. Plaintiff contacted Ms. Babaian in reference to the letter he received, to which Ms. Babaian stated that the letter was a warning.

39. Upon information and belief, Defendant was actively seeking employees to fill vacant positions at Defendant’s Conshohocken location.

40. Upon information and belief, Defendant’s other location was very busy, and Plaintiff could be transferred to that location for work.

41. At no time did Defendant offer Plaintiff a different position within Defendant’s Conshohocken location, or at Defendant’s other nearby location.

42. Accordingly, based on the foregoing, Plaintiff believes that he was subjected to severe and/or pervasive harassment because of his race, and in retaliation for making good-faith complaints of discrimination and/or harassment on the basis of race, in connection thereto, in violation of Title VII and Section 1981.

**COUNT I**  
**DISCRIMINATION, RETALIATION & HOSTILE WORK ENVIRONMENT**  
**TITLE VII, 42 U.S.C. § 2000e, et seq.**

43. Paragraphs 1 through 42 are hereby incorporated by reference as though the same were fully set forth at length herein.

44. Defendant employed at least fifteen (15) employees at its various locations at all times relevant hereto.

45. Plaintiff is African American and as such is a member of a class protected under Title VII from unlawful discrimination or harassment because of race.

46. Defendant subjected Plaintiff to or otherwise permitted the existence of a hostile work environment because of his race, in violation of Title VII.

47. Plaintiff made good-faith complaints of discrimination on the basis of race.

48. Defendant failed to take appropriate remedial action to address Plaintiff's complaints.

49. Plaintiff was retaliated against for making good-faith complaints of discrimination on the basis of his race by being placed on administrative leave and threatened with a layoff.

50. Defendant acted with reckless indifference to Plaintiff's civil rights and emotional and physical wellbeing.

51. Because of Defendant's unlawful acts, Plaintiff suffered damages in the form of, *inter alia*, mental and emotional damages, loss of reputation, personal humiliation, and loss of life's enjoyment.

52. As a direct result of Defendant's deliberate, unlawful, wanton, and malicious actions, Plaintiff has suffered emotional pain and suffering, emotional distress, and humiliation.

**WHEREFORE**, as a result of the unlawful conduct of Defendant, Plaintiff respectfully requests that this Court enter judgement in his favor and against Defendant, and grant him the maximum relief allowed by law, including, but not limited to:

a) Punitive, compensatory, and/or exemplary damages in an amount to be determined at trial, but not less than one hundred and fifty thousand dollars (\$150,000.00), and sufficient to punish Defendant for its intentional, negligent, willful, wanton, and/or malicious conduct;

b) Plaintiff's costs, disbursements, and attorney's fees incurred in prosecuting this action;

- c) Pre-judgment interest in an appropriate amount; and
- d) Such other and further relief as is just and equitable under the circumstances.

**COUNT II**  
**DISCRIMINATION, RETALIATION & HOSTILE WORK ENVIRONMENT**  
**TITLE VII, 42 U.S.C. § 1981**

53. Paragraphs 1 through 52 are hereby incorporated by reference as though the same were fully set forth at length herein.

54. Plaintiff avers that Defendant discriminated against him with respect to the terms and conditions of his employment on account of his race, subjected Plaintiff to a hostile work environment because of his race, and retaliated against Plaintiff for his internal complaints of race discrimination. Plaintiff has suffered damages and seeks relief for these willful adverse actions.

55. Defendant's actions as aforesaid constitute violations of 42 U.S.C. § 1981.

**WHEREFORE**, as a result of the unlawful conduct of Defendant, Plaintiff respectfully requests that this Court enter judgement in his favor and against Defendant, and grant him the maximum relief allowed by law, including, but not limited to:

- a) Punitive, compensatory, and/or exemplary damages in an amount to be determined at trial, but not less than one hundred and fifty thousand dollars (\$150,000.00), and sufficient to punish Defendant for its intentional, negligent, willful, wanton, and/or malicious conduct;
- b) Plaintiff's costs, disbursements, and attorney's fees incurred in prosecuting this action;
- c) Pre-judgment interest in an appropriate amount; and
- d) Such other and further relief as is just and equitable under the circumstances.

**JURY DEMAND**

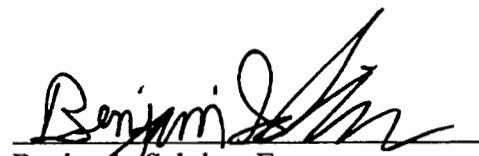
Plaintiff hereby demands a trial by jury as to all issues so triable.



Respectfully submitted,

**MURPHY LAW GROUP, LLC**

By:

A handwritten signature in black ink, appearing to read "Benjamin Salvina", written over a horizontal line.

Benjamin Salvina, Esq.

Michael Murphy, Esq.

Eight Penn Center, Suite 1803

1628 John F. Kennedy Blvd.

Philadelphia, PA 19103

TEL: 267-273-1054

FAX: 215-525-0210

[murphy@phillyemploymentlawyer.com](mailto:murphy@phillyemploymentlawyer.com)

Attorney for Plaintiff

Dated: December 13, 2018

**DEMAND TO PRESERVE EVIDENCE**

The Defendant is hereby demanded to preserve all physical and electronic information pertaining in any way to Plaintiff's employment, to his potential claims and his claims to damages, to any defenses to same, including, but not limited to electronic data storage, employment files, files, memos, job descriptions, text messages, e-mails, spreadsheets, images, cache memory, payroll records, paystubs, time records, timesheets, and any other information and/or data which may be relevant to any claim or defense in this litigation.

JS 44 (Rev. 06/17)

CDJ

CIVIL COVER SHEET

18-cv-5404

The JS 44 civil cover sheet and the information contained herein neither constitute 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 NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Darshall Coleman

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Michael Murphy, Esq., Murphy Law Group, LLC, Eight Penn Center,  
Suite 2000, 1628 John F. Kennedy Blvd., Philadelphia, PA 19103,  
267-273-1054

**DEFENDANTS**

Arcelormittal

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

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

Attorneys (If Known)

18 5404

**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
- 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)

Click here for Nature of Suit Code Descriptions

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 (Excludes 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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Label & 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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <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"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <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)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>HABEAS CORPUS:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**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 - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)  
 Title VII 42 U.S.C. § 2000e, et seq., and Title VII 42 U.S.C. § 1981  
 Brief description of cause  
 Administrative remedies have been exhausted

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_  
 CHECK YES only if demanded in complaint  
 JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions) JUDGE \_\_\_\_\_ DOCKET NUMBER **DEC 13 2018**

DATE 12/13/2018 SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**CDJ**

**18**

**5404**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to designate a calendar of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 5310 Saul Street, Philadelphia, PA 19124  
Address of Defendant: 900 Conshohocken Road, Conshohocken, PA 19428  
Place of Accident, Incident or Transaction: 900 Conshohocken Road, Conshohocken, PA 19428

**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
- 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
- 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 of this court? Yes  No
- 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

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

DATE 12/13/2018

Attorney-at-Law / Pro Se Plaintiff

311270

Attorney I D # (if applicable)

**CIVIL: (Place a ✓ 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. 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**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Benjamin Salvina, Esq., counsel of record or pro se plaintiff, do hereby certify

Pursuant to Local Civil Rule 53.2, § 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:

Relief other than monetary damages is sought.

**DEC 13 2018**

DATE 12/13/2018

Attorney-at-Law / Pro Se Plaintiff

311270

Attorney I D # (if applicable)

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

**CDJ**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Darshall Coleman  
v.  
Arcelormittal

:  
:  
:  
:  
:

CIVIL ACTION

**18 5404**

NO.

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.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (x)

12/13/2018	Benjamin Salvina, Esq.	Plaintiff
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
(267) 273-1054	(215) 525-0210	bsalvina@phillyemploymentlawyer.com
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

**DEC 13 2018**