

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

BOYD WEBER

CIVIL ACTION NO.

VERSUS

MOTIVA ENTERPRISES LLC-  
NORCO REFINERY

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COMPLAINT

NOW INTO COURT, through undersigned counsel, comes plaintiff, Boyd Weber, of the full age of majority and resident of St. James Parish, who respectfully represents the following:

1.

This Court has jurisdiction pursuant to 28 USC 1331, as this matter arises under the laws of the United States, 42 USC 2000e et seq.

2.

Made defendant herein is Motiva Enterprises LLC-Norco Refinery.

3.

Plaintiff was employed as a Process Technician by the defendant from July 17<sup>th</sup>, 2006, until his unlawful and discriminatory termination on January 22, 2010.

4.

During his employment the plaintiff's job duties included the following:

- Monitor, control, start and stop equipment (such as pumps, furnaces, etc.) that pertain to unit operation.

- Ensure proper turn-over by providing effective written and oral communications to the relieving shift and operator that cover routine and non-routine issues, problems faced, unit operating conditions, etc.
- Monitor and accurately record temperatures, pressures and rates of flow for upward or downward trends.
- Maintain good communications with other team members and with other facility teams (Utilities, Logistics, etc.).
- Actively participate in the development and performance of assigned group tasks.
- Perform required unit production quality control checks and analysis.
- Ensure that operations are within environmental permitting requirements.
- Perform required preventative maintenance and assist in troubleshooting potential issues and give assistance to others when unit problems occur. Making sure to document efforts in accordance with policies and procedures.
- Communicate with engineers, maintenance technicians and other team members to assist in identifying maintenance issues and planning and scheduling maintenance activities.
- Properly use personal computers for meeting daily performance expectations and accessing plant and unit information and procedures.
- Actively assume personal accountability for meeting the Company's standards of continuous personal and professional development
- Participate in training and respond to emergency situations as required.
- Actively complying with all operating policies and procedures.
- Ensuring that work stations and the work location is clean and free of hazards.

5.

During his employment with the defendant plaintiff rendered excellent job performance and his record included many letters of commendation. Plaintiff, Boyd Weber, qualified on the Utility and Board jobs at the Coker/NHT (Naphtha Hydro Treater). Plaintiff was the Operations Coordinator for two pit stops at the Coker Unit.

This included managing the operators and contractors for the shutdown, making sure jobs were ready for maintenance, hanging blind tags, ensuring jobs were completed on time for start up, keeping work flowing, etc. While employed at the Norco site, Weber was a member of the volunteer Fire Team, Hazmat Team, and the First Responder (CPR) Teams. He participated in the daily tool box meetings on his shift. He was on the United Way Committee and Environmental Focal Point for his shift.

6.

On January 15, 2010, the defendant wrongfully accused the plaintiff of committing a lifesaving rule violation.

7.

On January 22, 2010, the defendant terminated plaintiff's employment.

8.

On or about October 4, 2010, the plaintiff learned that a black process technician, Mike Williams, actually committed a lifesaving rule violation on or about February 23, 2010, and that the same Motiva Manager, Joey Digirolamo, who fired the plaintiff, did not terminate Mr. Williams. Mr. Williams worked in the same unit (Coker Unit), as a process operator at Motiva, as did the plaintiff.

9.

On or about May 20, 2011, the plaintiff learned that another black process technician, Danny Alexander, actually committed a lifesaving rule violation on or about April 6, 2011, and Motiva did not terminate Mr. Alexander.

10.

Plaintiff first reported this matter to the Equal Employment Opportunity Commission (EEOC) on January 6, 2011, within 300 days of learning that race had to have been a determining factor in his termination.

11.

Plaintiff signed a Charge of Discrimination on February 13, 2011, and received a right to sue letter on August 15, 2011.

12.

Due to the discrimination of the defendant, plaintiff, Boyd Weber, requests that, upon due process be had, judgment be given for him and against the defendant, Motiva, and the following awarded:

- a. Back pay and benefits;
- b. Reinstatement or front pay and benefits;
- c. Compensatory damages for emotional distress, mental anguish, humiliation and embarrassment and defamation;
- d. Attorney's fees and costs;

e. Any other award that the Court deems appropriate.

Respectfully submitted,

/s/Dan M. Scheuermann

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Boyd Weber

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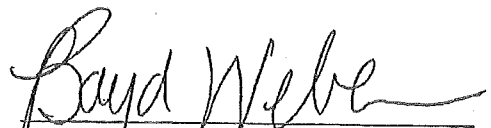
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VERIFICATION

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

Before me, the undersigned authority, duly commissioned in and for the state and parish stated above, personally came and appeared Boyd Weber, who, after being duly sworn, did depose and state that he has read the attached Complaint, that he is familiar with the facts and circumstances forming the basis thereof, and that the facts alleged in the therein are true and correct to the best of his knowledge and belief.

  
Boyd Weber

Sworn to and subscribed before me, this 11<sup>th</sup> day of November, 2011.



DAN SCHEUERMANN (#11767) – Notary Public