

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CHRISTIAN SMALLS, on his own behalf and on behalf of class
of similarly situated African American and Latina/o workers,
Plaintiff,**

vs.

**AMAZON, INC.,
Defendant.**

CLASS ACTION COMPLAINT

By and through his attorneys, Tricia (CK) Hoffler, Esq. and Michael H. Sussman, Esq., plaintiff Christian Smalls, a United States citizen, hereby files this action and seeks class certification against defendant Amazon, Inc. pursuant to 42 U.S.C. section 1981-a, sections 296(1)(a) and (e) of the Executive Law of the New York State and sections 8-107 (1)(a) (2) and (3) and 7 of the City of New York Human Rights Law:

I. PARTIES

1. Plaintiff Christian Smalls is a person of legal age who resides in the State of New Jersey.
2. Plaintiff Christian Smalls is African American.
3. Defendant Amazon, Inc. is a corporation which was incorporated in the State of Delaware on May 28, 1996.

JURISDICTION

4. As plaintiff is a citizen of one state and defendant a citizen of another and as none of the class of workers plaintiff seeks to represent reside in the State of Delaware, this Court has jurisdiction over this matter pursuant to 28 U.S.C. section 1332.

5. As plaintiff claims that defendant violated certain rights guaranteed to him pursuant to federal civil rights law, this Honorable Court has jurisdiction over this matter pursuant to 28 U.S.C. secs. 1331 and 1343.

6. As plaintiff alleges that defendant violated certain rights guaranteed to him and the class he represents by virtue of state and local civil rights laws and that these violations arose from the same nucleus of operative facts as its violations of federal law, this Honorable Court has pendent jurisdiction pursuant to 28 U.S.C. section 1367.

FACTUAL ALLEGATIONS

7. On November 19, 2015, Smalls commenced working for Amazon in an entry level position.

8. In August 2016, he was promoted to a management associate position. As such, he was responsible for approximately 60 subordinates.

9. On March 24, 2020, a worker, Barbara Chandler, with whom Smalls had had close contact, tested positive for COVID 19.

10. Upon learning of Ms. Chandler's status, Amazon did not issue a directive to quarantine workers with whom she had contact.

11. On March 25, 2020, plaintiff Smalls came to work and was not advised of any quarantine for himself or other workers who had had close contact with Chandler.

12. On March 25, 2020, Smalls spoke with higher level managers and the HR department, seeking clarity for himself and other workers and requesting to be placed on quarantine in light of his known exposure.

13. On Saturday, March 28, 2020, a senior operations manager advised Smalls that he was quarantined with pay but provided no specific instructions or duration.

14. On March 24, 2020, plaintiff became alarmed that Amazon was not following basic precautions, endangering the health, safety and survival of those working at this distribution center and their families.

15. Between March 25 and March 28, 2020, Smalls served as a liaison between workers, who felt that management was unresponsive to their concerns, and management.

16. Smalls did not work on March 29, 2020 but did return to the fulfillment center on March 30, 2020 to lead a demonstration of workers in the parking lot.

17. After confirming that Amazon was not taking the temperatures of workers before allowing them to commence work nor providing its workers with personal protective equipment or hand sanitizer nor adequately enforcing social distancing within the facility nor following New York or CDC guidance for cleaning and disinfecting the facility, Smalls proceeded with this concerted activity.

18. Plaintiff did so because he concluded that he had a responsibility to raise with management its delinquent response to the emerging pandemic.

19. Plaintiff reached this conclusion because he believed that management was indifferent to the health, welfare and survival of his subordinates, co-workers and their families because the large majority of them were African-Americans, Latino or immigrants who were vulnerable because of their recent entry into the United States.

20. Plaintiff's concern was also magnified when he learned that Amazon was intentionally attending with greater diligence to the health and safety of managers who, as a group, were disproportionately Caucasian when compared to line workers at the fulfillment center.

21. Smalls initially raised health and safety issues by bringing a group of minority workers to meet with management.

22. Management repelled the workers, including Smalls, and did not demonstrate concern for the group's health/welfare.

23. Shortly thereafter, plaintiff intentionally arranged to meet again with management, this time with a group which included Caucasian workers. Management appeared far more receptive to the group's health and safety-related concerns.

24. On March 30, 2020, after Smalls organized a public demonstration in the parking lot of the fulfillment center which drew the attendance of approximately 60 workers and demanded that Amazon close down the building until it could be deeply cleaned and sanitized.

25. Smalls noted that Amazon was endangering its workers and that the cleaning company with which it then contracted was short-staffed and giving short shrift to the cleaning process.

26. During this rally, Smalls opposed practices which discriminated against minority workers and immigrants by subjecting them to inferior terms and conditions of employment due to their race/ethnicity.

27. Within two hours of the public demonstration, Amazon terminated Smalls, claiming that he was violating its quarantine order and thereby jeopardizing the health and safety of other employees.

28. An Amazon spokesperson, Kristin Kish, claimed that company managers had repeatedly warned Smalls not to come to work and to maintain social distancing at the workplace and asserted that he violated both edicts.

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