

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GRANT CHEEK,)	
)	
Plaintiff,)	Civil Action No.
)	
v.)	1:18-CV-00233
)	
TOWN OF RAMSEUR, JOE LINEBERRY, and DAVID OVERMAN,)	Jury Trial Demanded
)	
Defendants.)	
_____)	

COMPLAINT

Comes now the Plaintiff, and complaining of the Defendants, alleges and says:

NATURE OF COMPLAINT

1. This is an action seeking damages against Defendants for violation of Plaintiff's rights protected by 42 U.S.C. § 1981, and 42 U.S.C. § 1983.

PARTIES, JURISDICTION, AND VENUE

2. Plaintiff, Grant Cheek (hereinafter "Plaintiff" or "Cheek"), whose race is black, is a citizen and resident of Randolph County, North Carolina.

3. Defendant, Town of Ramseur (hereinafter "Ramseur"), is a local government/municipality located in the State of North Carolina and may be served with process through its Clerk, Bobbie Hatley, at 724 Liberty Street, PO Box 545, Ramseur, NC 27316.

4. Defendant, Joe Lineberry (hereinafter "Lineberry"), is a resident of North Carolina and may be served with process at 1115 Williams Street, Ramseur, NC 27316.

5. Defendant, David Overman (hereinafter “Overman”), is a resident of North Carolina and may be served with process at 1207 Lineberry Street, Ramseur, NC 27316.

6. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 as there are issues of Federal Law.

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 (c) as Defendants are subject to the personal jurisdiction of this Court and because many of the acts giving rise to this action occurred in this District.

ALLEGATIONS

8. Cheek began working for Ramseur in or about February 2016 as a Water Billing Clerk and remains so employed as of the time of the filing of this Complaint.

9. Over the course of his employment, Cheek has been subjected to regular and ongoing harassment due to his race, black, by members of the Board of Commissioners who are also employees of Ramseur. Specifically, members David Overman and Joe Lineberry.

10. The harassment was directed towards Cheek due to his race, black, it was offensive to Cheek and to a reasonable person in Cheek’s position, it was severe or pervasive and Cheek did not welcome such conduct.

11. Some examples of the harassment, beginning as early as 2015 and continuing to present, are as follows:

- The night of Mr. Cheek’s appointment to office in November 2015, Lineberry made the comment “now we have fried chicken on the board.”
- In October 2016, Joe Lineberry made a comment to citizens of the Town that “we need to get that nigger off the board and out of the office as well.”

- In August 2017, David Overman told Mr. Cheek “I thought you was white but I see that you’re just as black as the rest of them.”
- On or about October 31, 2017, David Overman threatened Mr. Cheek’s job and said “come December, Grant would be out of here,” and to start looking for someone to replace him.

12. In addition to these and other incidents of racial harassment, Cheek received threats about his performance and his job.

13. Cheek made it clear to Lineberry and Overman that their comments were unwelcome and offensive, but neither stopped their behavior. Cheek also repeatedly complained to Town officials about Defendant Lineberry and Overman’s conduct but nothing was done to end their racial conduct.

14. In November 2017, Cheek filed a grievance with Defendant about the behavior he was experiencing, however, nothing was done to further prevent the behavior.

15. The harassment and threats are based on Cheek’s race, black, and are being allowed by Defendant Ramseur’s policy makers and Town officials including the Board of Commissioners and represents the Town’s policy or custom of allowing racial harassment.

**FIRST CLAIM FOR RELIEF AS TO DEFENDANT TOWN OF RAMSEUR
(Discrimination and Harassment)**

16. Cheek incorporates by reference the allegations of paragraphs 1 through 15 of this Complaint.

17. Cheek is black and Defendants Lineberry and Overman’s conduct was directed to Cheek because of his race. Defendant Ramseur allowed the discrimination and harassment.

18. At all times during Cheek’s employment with Defendant Ramseur, the harassing

conduct was severe or pervasive, unwelcome and offensive to Cheek.

19. Defendants Ramseur's actions as described herein are acting to deny Cheek his rights under the Equal Protection Clause of the 14th Amendment to the United States Constitution.

20. Defendant Ramseur's subjection of Cheek to a hostile work environment and discrimination based on race caused Cheek's damages, including but not limited to great emotional distress, mental pain, suffering, stress, grief, worry and mental anguish.

21. Therefore, Cheek sues Defendant Ramseur for violation of the Equal Protection Clause of the 14th Amendment as protected by 42 U.S.C. § 1983.

**SECOND CLAIM FOR RELIEF AS TO DEFENDANTS OVERMAN AND LINEBERRY
(Discrimination and Harassment under 42 U.S.C. § 1981 and § 1983)**

22. Cheek incorporates by reference the allegations of paragraphs 1 through 15 of this Complaint.

23. Cheek is black, and Defendants Overman and Lineberry's conduct was directed to Cheek because of his race.

24. At all times above, Defendants Lineberry and Overman's harassing conduct was severe or pervasive, unwelcome and offensive to Cheek.

25. Defendants Overman and Lineberry's subjection of Cheek to a hostile work environment and racial discrimination caused Cheek's damages, including but not limited to great emotional distress, mental pain, suffering, stress, grief, worry and mental anguish.

26. Plaintiff complained about the unlawful racial harassment directed at Plaintiff because of his race, black, but nothing was done to stop it.

27. Defendants Overman and Lineberry's conduct towards Plaintiff was intentional,

willful, and in reckless disregard for Plaintiff's legally protected rights, and justifies awarding punitive damages.

28. Therefore, Plaintiff sues Defendants Overman and Lineberry for racial harassment and discrimination in violation of 42 U.S.C. § 1981 and 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that:

A. The Court enter an award in favor of Plaintiff and against Defendants Joe Lineberry and David Overman for punitive damages caused by their intentional, willful, wonton, and reckless acts.

B. The Court enter an award in favor of Plaintiff and against Defendants for the great emotional distress, mental pain, suffering, stress, grief, worry and mental anguish caused by Defendants' acts.

C. This matter be tried by a jury.

D. The judgment bear interest at the legal rate from the date of filing this action until paid;

E. Defendant be taxed with the costs of this action; and

F. The Court order such other and further relief as it may deem just and proper.

Respectfully submitted this the 22nd day of March, 2018.

/s/ KIRK J. ANGEL

Kirk J. Angel NCSB# 33559

Attorney for the Plaintiff

THE ANGEL LAW FIRM, PLLC

109 Church Street N

Concord NC 28025

PO Box 1296 (28026)

Telephone: 704.706.9292

Facsimile: 704.973.7859

e-mail: kirk@mailalf.com