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6
7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 -----
10 ADRIANNE CLAYTON, individually and on
behalf of all others similarly situated,

CASE NO. 24-cv-759

11 Plaintiff,

CLASS ACTION COMPLAINT

12 v.

JURY TRIAL DEMANDED

13
14 LOUIS DEJOY, Postmaster General,
UNITED STATES POSTAL SERVICE,

15 Defendant.
16 -----

17
18 Plaintiff Adrienne Clayton (“Plaintiff”), on behalf of herself and all others similarly
19 situated, alleges as follows:

20 **NATURE OF ACTION**

21
22 1. This is a collective action brought on behalf of all current and former postal police
23 officers (“PPOs”) of the United States Postal Service (the “Postal Service”). Plaintiff alleges that
24 the Postal Service discriminated against her and other PPOs by failing to provide PPOs, who are

1 predominately Black and Hispanic, with access to the Self-Referral Counseling Program in
2 violation of Title VII of the Civil Rights Act of 1964.

3 2. Plaintiff seeks to represent: All current and former non-white PPOs employed by
4 the Postal Service between March 24, 2008 and the date of the resolution of this Complaint.

5
6 **PARTIES**

7 3. Plaintiff Adrienne Clayton is a PPO employed by the Postal Service.

8 4. Defendant Postal Service, owns, controls and provides postal and mail service
9 throughout the United States, including California.

10 **JURISDICTION AND VENUE**

11 5. Jurisdiction is proper pursuant to 28 U.S.C. §§ 1331 and 1367, 39 U.S.C. § 409(a),
12 and 29 U.S.C. § 216(b).

13 6. Venue is proper pursuant to 28 U.S.C. § 1391 because a substantial part of
14 defendant's activity occurred in this district and because defendant Postal Service resides within
15 this district.

16 7. Plaintiff Adrienne P. Clayton exhausted her administrative remedies at the Equal
17 Employment Opportunity Commission (“EEOC”). This Complaint is being filed within 90 days
18 of Ms. Clayton’s receipt of the EEOC Notice of Right to sue.
19

20 **COLLECTIVE ACTION ALLEGATIONS**

21 8. This action is brought as a collective action under 42 U.S.C. §§ 2000e *et seq.*

22 9. Plaintiff Clayton asks the Court to authorize the sending of notice to all current and
23 former PPOs employed by the Postal Service between March 24, 2008 and the date of the
24

1 resolution of this Complaint, informing them of the pendency of this action and their ability to join
2 this lawsuit.

3 10. Plaintiff believes that the Postal Service employs approximately 1200 similarly
4 situated PPOs throughout the United States. With approximately 1200 PPOs geographically
5 dispersed, joinder of all PPOs is impracticable.
6

7 11. All current and former PPOs share a common legal grievance against the Postal
8 Service. As described in this Complaint, all PPOs have suffered damages arising out of the Postal
9 Service's failure to provide PPOs access to the Self-Referral Counseling Program (SRCP), which
10 is paid for by the Postal Service, while providing the SRCP to Postal Inspectors at the Postal
11 Service's expense.

12 12. Questions of law and fact are common to all PPOs making them all similarly
13 situated. Among the common questions of law and fact are the following:
14

15 13. Whether the Postal Service, based on race, is providing a benefit to Postal
16 Inspectors, who are predominately white, that is denied to PPOs, who are predominately black and
17 Hispanic.

18 **FACTS**

19 14. In 2007, Ms. Clayton was involved in a near-fatal traffic accident while on duty as
20 a Postal Police Officer. As a result of the accident, Ms. Clayton suffered significant physical
21 injuries and developed a severe case of post-traumatic stress disorder, or PTSD. Because of both
22 her physical and psychological injuries, Ms. Clayton has been unable to return to work. Ms.
23

1 Clayton received physical therapy for a number of years and she continues to receive psychological
2 counseling to this day.

3 15. The Postal Service provides a psychological counseling program to United States
4 Postal Inspectors (“PIs” or “Inspectors”) that it does not provide to PPOs. That program is called
5 the “Self-Referral Counseling Program,” or SRCP. The hallmark of the SRCP program is that
6 participation is anonymous: Inspectors are able to “self-refer” to the program and unless they tell
7 someone that they are receiving counselling, no one knows, not even their work colleagues.
8

9 16. The SRCP is not automatically available to PPOs. Instead, PPOs are required to
10 obtain approval from the Assistant Chief Inspector to participate in the SRCP. And such approval
11 is not guaranteed. Because PPOs must ask for permission to utilize the SRCP, their participation
12 in the program, even if authorized, is not anonymous.
13

14 17. The SRCP provides Inspectors with up to 20 free counseling sessions with licensed
15 psychologists, who have been vetted, and who have experience working with law enforcement
16 personnel and their families.

17 18. On the other hand, through the Employee Assistance Program (“EAP”), PPOs
18 basically have access to social workers. Given the kinds of problems affecting Inspectors and
19 PPOs, there can be no dispute that licensed psychologists with law enforcement experience are
20 more effective.
21

22 19. Consequently, if a PPO wants equivalent treatment, the PPO has to conduct his or
23 her own search for providers, vet those providers, and seek treatment through his or her own
24 insurance.
25

1 27. As a direct result of the Postal Service’s discriminatory policies and/or practices as
2 described above, Plaintiff and the Class have suffered damages including, but not limited to, lost
3 past and future income, compensation, and benefits.

4 28. The foregoing policies, patterns, and/or practices have an unlawful disparate impact
5 on non-white PPOs in violation of 42 U.S.C. §§ 2000e et seq.
6

7 29. Plaintiff requests relief as hereinafter described.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff, on behalf of herself and all others similarly situated, prays for
10 relief and judgment against defendant Postal Service as follows:

11 A. For an order authorizing this action to proceed as a collective action and authorizing
12 plaintiff to give notice to all similarly situated current and former PPOs of the pendency of this
13 action;
14

15 B. Designation of plaintiff Clayton as representative of the Class;

16 C. Designation of Plaintiff’s counsel of record as Class Counsel;

17 D. A declaratory judgment that the practices complained of herein are unlawful and
18 violate 42 U.S.C. §§ 2000e, et seq.;

19 E. A preliminary and permanent injunction against the Postal Service and its officers,
20 agents, successors, employees, representatives, and any and all persons acting in concert with it,
21 from engaging in policies, patterns, and/or practices that discriminate against Plaintiff or the Class
22 because of their race or participation in this lawsuit;
23

1 F. An order that the Postal Service institute and carry out policies, practices, and
2 programs that provide equal employment opportunities for all PPOs regardless of race, and that it
3 eradicate the effects of their past and present unlawful employment practices;

4 G. For compensatory damages in favor of the PPOs against Defendant;

5 H. For pre- and post-judgment interest;

6 I. For costs and disbursements incurred in connection with this action, including
7 reasonable attorneys' and experts' fees;

8 J. For an order awarding plaintiff Clayton an amount to be determined at trial, as a
9 result of her efforts in bringing this litigation; and
10

11 K. For such other and further relief as this Court deems just and proper.
12

13 **JURY DEMAND**

14 Plaintiff, on behalf of herself and all others similarly situated, demands a trial by jury on
15 all issues so triable.

16 Date: January 27, 2024
17

18 **OSBORN LAW, P.C.**
19

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ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Black, Hispanic Postal Police Officers Deprived of Equal Access to Counseling, Lawsuit Alleges](#)
