

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

PIERRE Q. PULLINS)

Plaintiff,)

vs.)

Cause No.

AMAZON.COM, INC., a Delaware
corporation, JEFF BEZOS C.E.O and
LITTLER MENDELSON P.C., a California
corporation and its officers, SEDWICK CMS
and others UNKNOWN,)

13-cv-1051 WTL -MJD

Defendants.)

COMPLAINT FOR DAMAGES AND INJUCTIVE RELIEF WITH JURY DEMAND

Comes now the Plaintiff, Pierre Quincy Pullins, pro se, hereinafter ("Pullins") states as follows upon actual knowledge with respect to himself and his own acts and upon information and belief as to all other matters complained of against defendants Amazon.com, Inc., a Delaware corporation ("Amazon"), Littler Mendelson P.C. a California corporation ("Littler"), (collectively, "Defendants") and Sedgwick Claims Management Services, Inc. :

I. NATURE OF THE CASE

1. Pullins is a two year employee of Amazon.com Inc. at one its warehouses at 710 S. Girls School Road, Indianapolis, Indiana 46231. Pullins recently transferred to the above facility on or about April 25, 2013. Pullins received a second written warning on June 18, 2013 for his production rate ("rate") being below 100%. (On 5/8/13, Pullins' second week at the above facility, Pullins achieved a "rate" of 101%; after that, his managers kept him in an area of the production line where his rate stayed in the 80 percentile) After having maintained his

production, attendance and safety rates for two years, Pullins now faces imminent termination from his job with Amazon. Pullins is alleging in this complaint that Amazon has manipulated his "rate" in an attempt to terminate him from his job because of his complaints to various federal agencies concerning safety issues, his union activities and his allegations of criminal activity against him by Amazon and Littler Mendelson.

2. Pullins believes and alleges that Amazon.com Inc. and Littler Mendelson P.C., Amazon's contract law firm, are responsible for the thefts from Pullins' car on July 27, 2012 at a Plainfield, Indiana warehouse of Amazon during daylight hours (which Pullins believes there is digital video of); and, of Pullins' car while parked at his home on Saturday night, September 29, 2012 while Pullins was out of town. Pullins believes that the July, 2012 incident was done to see if Pullins was working with a labor union and the September, 2012 incident was a distraction event. Pullins has also alleged to federal authorities that the National Labor Relations Director for Region 25; Rik Lineback and Todd Nierman of Littler Mendelson, conspired to defeat Pullins' unfair labor practices complaints filed with the NLRB against Amazon here in Indianapolis.

3. Pullins believes the unknown subject(s) who actually stole the items from his car were actually working for and being directed by the Defendants. Pullins believes the unknown subjects are working as private investigator(s) and may also be police officers working for a municipality.

4. As a result of the above alleged acts, the Defendants have acted to violate Pullins' privacy, civil and statutory rights as guaranteed by the state, federal law as described

herein. Plaintiff brings this action seeking declaratory, injunctive and monetary relief to redress the Defendants' unlawful conduct.

II. JURISDICTION AND VENUE

5. This Court has original jurisdiction over this dispute pursuant to 28 U.S.C. § 1332, because the plaintiff is a citizen of a different state from those of all defendants, and the amount in controversy exceeds \$75,000 and the US government may become a defendant.

6. This Court has personal jurisdiction over plaintiff because he lives and works in the State of Indiana.

7. This Court has jurisdiction over defendant Amazon because it maintains five warehouses in the Southern District of Indiana and engages in interstate and international commerce from those locations.

8. This Court has jurisdiction over defendant Littler Mendelson because they maintain branch offices in the State of Indiana, conducts business in this state and are officers admitted to this Court.

8.5 This Court has jurisdiction over Sedgwick CMS as it maintains its headquarters in Memphis, Tennessee and is Amazon's insurance company.

9. All defendants conduct substantial business in Indiana and have acted in concert to hurt Pullins financially and emotionally. The claims alleged in this Complaint arise in the State of Indiana and the Southern District of Indiana.

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391 giving rise to plaintiff's claims occurred in this district.

10.5 Pullins is also alleging that his First and Fourth Amendment rights as guaranteed by the Constitution of the United States America by the named and unknown defendants:

III. PARTIES

11. Plaintiff Pierre Q. Pullins, a resident of the State of Indiana, is an employee of Amazon.com Inc. who became a victim of the defendants' unlawful acts after he filed an unfair labor practice complaint with the National Labor Relation Board against Amazon here in Indianapolis, Indiana. Pullins believes Amazon and Littler retaliated by stealing his laptop, cell phone, handgun and radio from his car while parked on Amazon's parking lot in Plainfield and then at his home.

12. Defendant Amazon.com Inc. is a Delaware corporation with its principal place of business located in Seattle, Washington. It is an American multinational electronic commerce company and the world's largest online retailer. It had revenue of 61 Billion in 2012 and 91,000 employees as of July 2013. It's CEO is Jeff Bezos. Plaintiff believes Bezos encourages this unlawful conduct and has done nothing to stop this wrongful conduct alleged by the plaintiff.

13. Littler Mendelson P.C. is a California corporation with its principal place of business located in San Francisco, California. They serve as Amazon's legal representatives in matters of labor management relations here in Indiana. Todd Nierman of Littler Mendelson's office in Indianapolis, Indiana represents Amazon with respect to its labor issues. Pullins believes it was (is) Nierman of Littler who hired the unknown individual(s) to steal items from his car.

13.5 Sedgwick Claims Management Services ("Sedgwick") is Amazon.com Inc insurance company and maintains its headquarters in Memphis, Tennessee.

IV. GENERAL ALLEGATIONS

14. On June 20, 2012 Pullins filed an unfair labor practice complaint against Amazon.com Inc. with Region 25 of the National Labor Relations Board and gave a supporting affidavit (Case 25-CA-083624) on June 27, 2012.

15. On Friday, July 27, 2012 a laptop, cell phone and handgun (all contained in a brown leather bag) was taken from Pullins' car while parked on Amazon's (IND2 facility) parking lot at 715 Air Tech Parkway in Plainfield, Indiana. A report was made to the Plainfield Police Department and Amazon's Loss Prevention associate the same day.

16. On Monday, September 3, 2012 (Labor Day) Pullins staged a "picket" at the entrance of the parking lot in the aforementioned paragraph with two signs: One read "Looking for fellow employees interested in forming a union; the other read, "Jeff Bezos is a Robber Baron"

17. On September 11, 2012 Pullins filed a complaint with Region 25 of the National Labor Relations Board accusing Amazon of the July 27, 2012 theft of his car because of his union activities.

18. On Tuesday, September 25, 2012 Pullins gave an affidavit (Case 25-CA-089035) to support the aforementioned complaint. In that affidavit; and on page 5 of paragraph 7, Pullins (when speaking of other valuables left in his car during the July 27th theft) states....., "My radio wasn't taken, either."

19. On Wednesday, September 26, 2012 Rik Lineback, Region 25 Director of the NLRB dismissed Pullins' June 20, 2012 complaint against Amazon.com Inc. (paragraph 14 of this complaint)

20. On Saturday, September 29, 2012, and four days after giving the affidavit mentioned in paragraph 18 of this complaint, an unknown assailant(s) went to Pullins home and broke into his car and stole his car radio at a time when Amazon knew Pullins would be out of town attending his uncle's funeral. Pullins believes NLRB Regional Director Rik Lineback shared the affidavit with Amazon attorney Todd Nierman. Pullins believes Nierman set up this diversionary break-in to take suspicion off himself and Amazon.com Inc.

21. On Sunday, September 30, 2012 Pullins filed a complaint with the Indianapolis Metropolitan Police Department. Case Report: 12-0139340-0000

22. On October 5, 2012 Pullins filed a complaint with Region 25 of the National Labor Relations Board accusing Amazon.com Inc. of the September 29, 2012 break in of his vehicle and theft of his radio while his vehicle was parked at his home.

23. On October 15, 2012 Pullins gave an affidavit (Case 25-CA-090756) at Region 25 of the National Labor Relations Board in support of the above mentioned complaint. In that affidavit, Pullins alleged Amazon was responsible for the September 29, 2012 break in and suggested that Amazon's attorney Todd Nierman and Rik Lineback were working together to defeat his claims.

24. On October 23, 2012 Pullins filed a belated appeal (with the General Counsel, Office of Appeals, National Labor Relations Board in Washington D.C.) of the NLRB's September 26, 2012 dismissal of his previous charge. In that belated appeal, Pullins wrote that he believed

Regional Director Rik Lineback conspired with Amazon's attorney Todd Nierman to violate his rights under the color of law. The appeal was rejected on November 2, 2012 by General Counsel's office.

25. On October 31, 2012 Regional Director Rik Lineback dismissed all charges concerning charges of a retaliatory write-up, theft from Pullins' vehicle and other charges made by Pullins. On November 6, 2012 Pullins appealed the dismissals to the General Counsel's office of Appeals.

26. On Tuesday, November 13, 2012 Pullins received a call from a sergeant with the Indianapolis Metropolitan Police Department telling Pullins that his radio had been recovered from a pawn shop. Pullins explained the circumstances concerning his allegations of who Pullins believed was responsible. The IMPD sergeant told Pullins he would get back with Pullins but never did.

27. On November 20, 2012 Pullins sent a letter and sworn statement to Robert A Jones, Special Agent in Charge for the FBI office in Indianapolis, Indiana asking for an investigation into his allegations against Amazon.com Inc, Littler Mendelson P.C. and Rik Lineback of the NLRB. Pullins sent the same letter to US attorney for the Southern District of Indiana, Joe Hogsett; and, Lafe Solomon, Acting General Counsel for the National Labor Relations Board.

28. On November 21, 2012, Josh Minkler, First Assistant to U.S. Attorney Joe Hogsett, sent Pullins a letter acknowledging receipt of his letter and sworn statement.

29. On January 2, 2013 Pullins received a letter from the Office of the General Counsel denying the appeal mentioned in paragraph 25 of this complaint.

30. On February 11, 12 and the (19th voluntarily withdrawn) 2013, Pullins filed additional complaints against with the NLRB Region 25 concerning an alleged humiliation and failure to train as a result of union activities. On February 26, 2013 gave an affidavit (Case 25-CA-098171) to support those charges.

31. On April 22, 2013 Pullins transferred from Amazon warehouse IND2 at 715 Air Tech Parkway in Plainfield, Indiana to 710 South Girls School Road, Indianapolis, Indiana.

32. On or about April 24, 2013 Pullins received a call from NLRB staff informing him that NLRB Director Region 25 Rik Lineback had decided to dismiss his charges referred to in paragraph 30 of this complaint; receiving a letter to that effect on April 29, 2013

33. On May 8, 2013 Pullins' work "rate" was at 101%; however, in the weeks thereafter, Pullins' managers changed his work conditions in order to prevent him from making his rate and gave him a first written warning on or about June 13, 2013 and a second written warning on June 18, 2013.

ACTIONS BY SEDGWICK CMS

34. On December 19, 2012 Sedgwick CMS sent Pullins a letter denying that Amazon.com Inc. was responsible for Pullins stolen items. Sedgwick CMS stated it conducted an investigation of the matter.

35. Days after items were stolen from Pullins' car in July, 2012, another theft occurred where unknown assailants entered the facility and stole a motorcycle helmet belonging to another employee. Pullins believes this was a diversionary event as the employee was compensated for his stolen helmet.

36. Sometime in May, 2013 at Amazon warehouse IND4 at 710 Girls School Road, in Indianapolis, IN there was a theft of tires from a truck. General Manager Jim Erlenbaugh later told a group of employees at an all-hands meetings that the assailants had been caught because Amazon had great cameras.

CAUSES OF ACTION

37. Pullins is entitled to recover damages from Defendants jointly and each of them based on the theories of liability hereinafter enumerates in Counts and under such other theories of liability as may be appropriate based upon the facts as alleged herein or as revealed during discovery. Pullins has been a solid employee for Amazon.com Inc since March, 2011. Pullins engaged in protected union activities and as a result became a victim of his employer's vengeful, criminal, intimidating and retaliatory acts toward him. And now Amazon.com Inc. seeks to manufacture evidence to terminate Pullins from his job with Amazon. All agencies (state and federal; in particular the FBI and U.S. Attorney Joe Hogsett in Indianapolis, Indiana) have acted to please and protect Amazon.com Inc. by refusing to investigate the criminal allegations filed with their agencies.

COUNT I – CONVERSION

(Against Defendants Amazon.com Inc. and Littler Mendelson P.C.)

The Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 37 as if fully re-written.

38. Defendants Amazon.com Inc. and Littler Mendelson are responsible for the theft of the Pullins' laptop, cell phone and handgun taken from his car while on Amazon's property.

39. Defendant Amazon.com Inc. maintains surveillance cameras that Plaintiff believes recorded the incident and Defendant Amazon has refused to answer any questions of

Pullins; and this theft occurred shortly after Pullins filed an Unfair Labor Practice complaint with the National Labor Relations Board, Region 25 office.

40. Defendant Amazon.com Inc. and Littler Mendelson P.C. did this in an attempt to ascertain whether or not Pullins was working with a labor union.

41. As a proximate result of Defendants Amazon.com Inc. and Littler Mendelson P.C. conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

COUNT II – CONVERSION
(Against Defendants Amazon.com Inc. and Littler Mendelson P.C.)

The Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 37 as if fully re-written.

42. Defendants Amazon.com Inc. and Littler Mendelson P.C. are responsible for the break in and theft of Pullins radio from his car at his home on September 29, 2013.

43. As a proximate result of Defendants Amazon.com Inc. and Littler Mendelson P.C. conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

COUNT III – INVASION OF PRIVACY
(Against Defendants Amazon.com Inc. and Littler Mendelson P.C.)

The Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 43 as if fully re-written.

44. Defendants Amazon.com and Littler Mendelson P.C. are in/ or were in possession of private pictures, emails, contacts, and other personal communications belonging to Pullins.

45. As a proximate result of Defendants Amazon.com Inc. and Littler Mendelson P.C. conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

COUNT IV- FRAUD
(Against Amazon.com Inc.)

Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 46 as if fully re-written.

46. Defendant Amazon.com Inc. has/is manipulating Pullins' work "rate" to the point where he can't maintain his production rate so as to give the Defendant Amazon a valid non-discriminatory and legal reason to terminate Pullins from his job with Amazon, when the real motivating reason is Pullins' engagement in concerted and constitutionally protected activities.

47. As a proximate result of Defendants Amazon.com Inc. and Littler Mendelson P.C. conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

COUNT V – FRAUD
(Against Sedgwick CMS)

Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 47 as if fully re-written.

48. Defendant Sedgwick CMS did not "investigate" Pullins' claim as it states in their Letter to Pullins. Sedgwick simply refused to pay Pullins to satisfy their client Amazon.

49. As a proximate result of Defendant Sedgwick's conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

COUNT VI – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(Against Defendants Amazon.com Inc. and Littler Mendelson P.C.)

Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 49 as if fully re-written.

50. Defendants Amazon.com Inc. and Littler Mendelson's conduct toward Pullins has been outrageous, intimidating/threatening, and demeaning. It has caused Pullins stress, anxiety, feelings of being paranoid and financial stress.

51. As a proximate result of Defendants Amazon.com Inc. and Littler Mendelson P.C. conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

52. All Defendants' actions were malicious, disingenuous, intentional, oppressive, Outrageous, illegal and evidence a complete callous disregard for the rights of the Plaintiff.

53. Plaintiff is entitled to all appropriate relief, including treble damages and all costs of suit, including reasonable attorneys' fees should Plaintiff obtain one.

COUNT VII
(Violation of First Amendment Rights)

54. Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 53 as if fully re-written.

55. Defendants Amazon.com Inc. and Littler Mendelson P.C. conspired with federal officials in Rik Lineback of Region 25 of the National Labor Relations Board and possible other federal officials ; and individuals unknown at this time, to violate his free speech rights.

56. As a proximate result of Defendant Amazon.com and Littler Mendelson's conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

COUNT VIII
(Violation of Fourth Amendment Rights)

57. Plaintiff incorporates the allegations and comments heretofore made in paragraphs 1 – 56 as if fully re-written.

58. Defendants Amazon.com and Littler Mendelson P.C. conspired with federal officials in Rik Lineback of Region 25 of the National Labor Relations Board and possible other federal officials ; and individuals unknown at this time, to violate his right to illegal search and seizures.

59. As a proximate result of Defendant Amazon.com and Littler Mendelson's conduct alleged herein, Plaintiff Pierre Pullins has been damaged in an amount Plaintiff will prove.

V. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter judgment in his favor as follows:

- a. Declaring the challenged acts and practices to be unlawful;
- b. Requiring Defendants Amazon and Littler to respect the Plaintiff's labor, privacy and employment rights and require Amazon to forever refrain from using production rates "rate" as a determining factor in consideration of the Plaintiff's continued employment with Amazon.com; and train the Plaintiff in all aspects of the area where he works;
- c. Enjoining and restraining Defendant Amazon.com Inc. from taking any adverse employment actions; to include termination of employment except for cause; to reviewable by this Court, and from any further similar unlawful acts or practices complained of in this complaint; and return to the Plaintiff the 40 hours of unpaid time off he had to use to prepare this complaint; an additional thirty (30) days and reasonable and immediate compensation to

recover from Amazon.com Inc. attempt to terminate Plaintiff from his job;

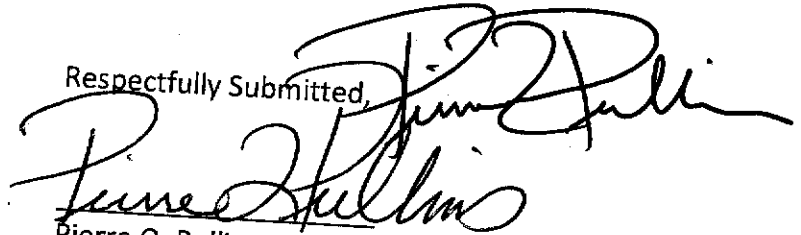
- d. Awarding the Plaintiff compensatory damages in an amount to exceed \$75,000.;
- e. Awarding the Plaintiff substantial punitive damages against the Defendants Amazon.com Inc., Littler Mendelson P.C. and Sedgwick CMS;
- f. Award the Plaintiff substantial against Defendants as they may become known;
- g. Awarding the Plaintiff treble damages and the expense of this litigation, including the fees and costs of experts and reasonable attorneys' fees and costs in accordance with the claims described herein; and
- h. Granting other legal and equitable relief the Court deems appropriate.

VI. JURY DEMAND

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

Dated this 28th day of June, 2013.

Respectfully Submitted,



Pierre Q. Pullins, Pro Se
1227 N. Rural Street
Indianapolis, Indiana 46201
317 797 7190

CERTIFICATE OF SERVICE

The Plaintiff hereby certifies that he has sent a copy of the foregoing complaint to Amazon.com Inc., through its registered agent, Corporation Services Company located at 251 E. Ohio, Suite 500, Indianapolis, Indiana 46204

Pierre Q. Pullins
1227 N. Rural Street
Indianapolis, IN 46201
317 797 7190

CERTIFICATE OF SERVICE

The Plaintiff hereby certifies that he has sent a copy of the foregoing complaint to Littler Mendelson P.C.; through its registered agent, CT Corporation Systems located at 150 West Market Street, Suite 800, in Indianapolis, Indiana 46204

Pierre Q. Pullins
1227 N. Rural Street
Indianapolis, IN 46201
317 797 7190

CERTIFICATE OF SERVICE

The Plaintiff hereby certifies that he has sent a copy of the foregoing complaint to Sedgwick CMS; through its registered agent, CT Corporation Systems located at 150 West Market Street, Suite 800, in Indianapolis, Indiana 46204

Pierre Q. Pullins
1227 N. Rural Street
Indianapolis, IN 46201
317 797 7190