

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RONNIE E. WILLIAMS, SR, *et al.*,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION,

Defendant.

Case No. 1:21-CV-01122-EGS-MAU

**DEFENDANT NATIONAL RAILROAD PASSENGER CORPORATION'S MOTION TO
DISMISS, OR ALTERNATIVELY, MOTION FOR SUMMARY JUDGMENT AS TO
PLAINTIFFS' THIRD AMENDED COMPLAINT**

Defendant National Railroad Passenger Corporation (“Amtrak”), by undersigned counsel, respectfully submits its Motion to Dismiss, or Alternatively, Motion for Summary Judgment. As explained more fully in Amtrak’s contemporaneously filed Memorandum of Points and Authorities in Support of its Motion to Dismiss, or Alternatively, Motion for Summary Judgment, Amtrak respectfully requests that the Court dismiss Plaintiffs and their claims, entirely or in part, with prejudice.

On April 26, 2021, 274 current and former Amtrak employees and applicants (“Plaintiffs”) filed a Complaint alleging that Amtrak discriminated against them and created a hostile work environment in violation of 42 U.S.C. § 1981. (ECF No. 1). On June 7, 2023, this matter came before the Court for a status conference. (*See* May 22, 2023 Minute Order.) That same day, the Court dismissed, as moot, Plaintiffs’ Motion for Leave to File a Second Amended Complaint (ECF No. 10), Defendant’s Motion to Dismiss (ECF No. 13), Defendant’s Motion for Summary Judgment Regarding Additional Released Plaintiffs (ECF No. 17), and Plaintiffs’ Motion for Leave to File a Third Amended Complaint (ECF No. 34). *See* Minute Order (June 7, 2023). The

Court further ordered Plaintiffs to file a new Third Amended Complaint by no later than July 24, 2023. *See id.* On August 28, 2023, following two consent motions for extensions of time (ECF No. 45-46), Plaintiffs filed their Third Amended Complaint (“TAC”). (ECF No. 47.) Plaintiffs’ TAC, like its filed and proposed predecessors, continues to contain numerous different deficiencies that warrant the dismissal of all or some of the majority of Plaintiffs’ claims.

First, there are nine (9) Plaintiffs identified in the case caption for whom no allegations whatsoever appear in the body of the TAC to support their claims. These nine Plaintiffs should be dismissed outright.

Second, despite the inclusion of additional factual allegations for most named Plaintiffs, the allegations of two (2) named Plaintiffs continue to lack any specificity whatsoever and are the same “cookie cutter” paragraphs that littered the prior complaints – with the Plaintiff’s name being the only distinguishable difference from one set of allegations to the next. These Plaintiffs should be dismissed in their entirety.

Third, eight (8) of the named Plaintiffs previously executed valid waiver and release agreements that cover the claims they assert in this action, and as a result, their claims are barred.

Fourth, of the 146 Plaintiffs who assert Section 1981 race discrimination claims, the claims of 109 of them should be dismissed outright because they either fail to plead sufficient facts to establish their claims or, as stated below, their claims are time-barred. Similarly, certain race discrimination claims for twenty-one (22) additional Plaintiffs should be dismissed in part because, while they appear to have sufficiently pleaded at least one Section 1981 race discrimination claim, they have asserted others that are not sufficiently pleaded.

Fifth, 115 named Plaintiffs who assert Section 1981 race harassment/hostile work environment claims cannot survive dismissal because they fail to sufficiently set forth plausible allegations to support their various hostile work environment theories.

Sixth, the Court should dismiss five (5) of the eight (8) named Plaintiffs who asserted retaliation claims because they fail to allege facts sufficient to show they either engaged in a protected activity or that there is a sufficient causal connection between the alleged protected activity and the adverse employment action.

And lastly, the claims of eighty-eight (88) of the Plaintiffs should be dismissed, in whole or in part, because the alleged conduct giving rise to their claims falls outside of the applicable limitations period, or their allegations omit any dates from which Amtrak and the Court can discern whether the claims are timely.

WHEREFORE, Defendant National Railroad Passenger Corporation respectfully requests that the Court grant its Motion in its entirety, dismiss the claims of the Plaintiffs identified therein with prejudice, and grant any additional relief it deems appropriate.

Dated: October 16, 2023

Respectfully submitted,

/s/ Joshua B. Waxman

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2023, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

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