EXHIBIT 2

EXHIBIT 2 – AMTRAK'S REPLY TO EXHIBIT A TO PLAINTIFF'S OPPOSITION RE: DEFICIENT HARASSMENT PLAINTIFFS[1]

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
1	Ransford Acquaye	Third Am. Compl. ("TAC") ¶¶ 20-23 Acquaye argued in his Opp'n Ex. A at 1 that it is "neither possible nor necessary to name all the white employees who were not treated in such fashion." As stated in Amtrak's Reply at 19-21, this demonstrates Plaintiffs' fundamental misunderstanding of the law for Section 1981[2] harassment claims. It also shows that Plaintiffs failed to directly address Amtrak's arguments in its Motion to Dismiss at 34-35. Therefore, Acquaye concedes this argument. *Henneghan v. District of Columbia*, 916 F. Supp. 2d 5, 9 (D.D.C. 2013). For the avoidance of doubt, Acquaye indeed attempts to establish his harassment claim by only alleging a single discrete employment action, which is wholly improper. To wit, he alleges that he was accused of being on Amtrak's property naked, and as a result, he was pulled out	Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

[1] In Plaintiffs' Exhibit A to its Opposition, Plaintiffs state as to 61 Plaintiffs that: "This Plaintiff's racial harassment claim is to be dropped" or similar admissions to that effect. Plaintiffs have therefore conceded that these Plaintiffs have not sufficiently stated a harassment claim. *Henneghan*, 916 F. Supp. 2d at 9. As a result, these claims should be dismissed with prejudice and Defendant will not address them here (except for a small number of Plaintiffs that are included herein for clarification purposes).

[2] Courts apply the same standard when analyzing Section 1981 and Title VII harassment or hostile work environment claims. *See Doe #1 v. Am. Fed'n of Gov't Emps.*, 554 F. Supp. 3d 75, 107 (D.D.C. 2021).

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		of service. (TAC, ¶ 21). Courts have held that "disparate acts of discrimination cannot be transformed, without more, into a hostile work environment." *Outlaw v. Johnson*, 49 F. Supp. 3d 88, 92 (D.D.C. 2014)	
2	Lachaun Armstead	TAC, ¶¶ 51, 53-59. Armstead concedes that her termination as well as her being assigned to consecutive shifts (TAC, ¶¶ 51, 53-59) are not part of her harassment allegations. (Opp'n, Ex. A at 3).	TAC, ¶¶ 51-52 Armstead alleges that her supervisor, Jim McDaniels, made her work consecutive shifts with minimal breaks. (TAC, ¶ 51). Armstead argues that when she subsequently complained to McDaniels, he allegedly told her to "shut up" and said, "you're going to listen to me." (*Id*). There are no other alleged comments or conduct from McDaniels that he, specifically, said or that he, specifically, engaged in any conduct that could lead to an inference of his racial animus. Instead, Armstead only points to a bale of cotton that was placed in the office "shortly after." (*Id*. at ¶ 52). There are no revealing facts explicitly claiming that McDaniels was responsible for placing the bale of cotton in the office. While Armstead also notes that other employees complained about McDaniels, she fails to indicate the nature of their complaints or the purported acts that led to their complaints. (*Id*. at ¶¶ 51-52). "There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed." *Douglas-Slade v. LaHood*, 793 F.

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			Supp. 2d 82, 101 (D.D.C. 2011); *see also Comcast Corp. v. Nat'l Ass'n of Afr. Am.-Owned Media*, 140 S. Ct. 1009, 1019 (2020). At most, these two incidents are isolated occurrences that courts have found to have failed to meet the severe and pervasive prong necessary to set forth a plausible harassment claim. *See Keith v. U.S. Gov't Accountability Off.*, No. CV 21-2010 (RC), 2022 WL 3715776, at *7 (D.D.C. Aug. 29, 2022). Separately, and because the aforementioned conduct only occurred in or around 1996 (TAC, ¶¶ 51-52), it falls outside of the statute of limitations applicable for this claim. Thus, even if the Court finds that this allegation is sufficiently pled, which it should not, his claim is otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
3	Ulysses Barton	TAC, ¶¶ 111-112 Barton concedes that his alleged attempts to apply for 20 unknown positions (TAC, ¶¶ 111-112) are not part of his harassment allegations. (Opp'n, Ex. A at 3).	TAC, ¶¶ 113-114. The crux of Barton's harassment allegations rests on a single sentence: "Barton has heard many managers talk about how no black person would be good enough to do a job, as well as various racial epithets or comments directed toward him and other African-

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			Americans, or about African-Americans." (TAC, ¶ 114). Barton argues that he "cannot be expected to remember the time and place of each utterance", but "[d]iscovery will allow him to be more specific." Opp'n at 7. This is directly contrary to the Supreme Court's pleading requirements as set forth in *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678-79 (2009), because it is conclusory and significantly lacks sufficient detail. There are no allegations describing any particular individual's comment(s). Barton's allegation presents the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. Without sufficient factual matter, this allegation is conclusory. *Middlebrooks v. Godwin Corp.*, 722 F. Supp. 2d 82, 90–91 (D.D.C. 2010), *aff'd*, 424 F. App'x 10 (D.C. Cir. 2011) ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.). Separately, this Plaintiff's allegations failed set forth dates

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			that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
4	Roger Boston	Both Plaintiffs' Opposition and Exhibit A to its Opposition fail to address Amtrak's arguments with respect to Boston's harassment claim. Plaintiffs, therefore, concede this argument and it should be dismissed with prejudice. *Henneghan*, 916 F. Supp. 2d at 9.	
5	Greg Bowen	TAC, ¶¶ 136-144. With exception of a General Foreman forbidding Bowen and others from allegedly attending a Million Man march in Washington, DC (TAC, ¶ 144), Bowen does not claim that any personnel action allegations are connected to his harassment claim. (Opp'n, Ex. A at 8). Thus, this argument will only focus on the General Foreman forbidding Bowen and others from attending a march in Washington, DC. Even assuming the General Foreman threatened Bowen with disciplinary action if Bowen chose to attend the march, the threat would not constitute a hostile work environment. *See Harris v. Mayorkas*, No. 21-CV-1083 (GMH), 2022 WL 3452316, at *16 (D.D.C. Aug. 18, 2022) ("The	TAC, ¶¶ 145. Bowen claims that during his employment, he heard the n-word regularly. (TAC, ¶ 145). Apart from stating that a foreman, Glenn Herrell, used the n-word towards Bowen on one occasion, he otherwise fails to provide any other specifics pertaining to who used the n-word on any other occasions. Without more sufficient detail, it is impossible to determine the source of where else it was said and the context in which it was used. For example, it could have been the case that the n-word was used in a certain genre of music and played by other African American Amtrak employees while performing work duties. *See Ngiendo v. PEP-KU*, LLC, No. 18-4127-SAC-TJJ, 2019 WL 13279843, at *3 (D. Kan. Feb. 5, 2019) (holding that the plaintiff

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		imposition of difficult workplace deadlines or threats of other personnel action are likewise insufficient to transform an uncivil work environmental into a hostile one.").	could not establish a Section 1981 race claim even though she alleged that the defendant played loud music that repeated a racial slur and drug references). While such acts may be subjectively unwelcome, this conduct would not be objectively offensive or hostile. "This single instance, however, even if true, would not be sufficient to state a claim for hostile work environment[.]" *King v. Pierce Assocs., Inc*., 601 F. Supp. 2d 245, 248 (D.D.C. 2009). Even assuming arguendo that this one utterance of a racial epithet is enough, Bowen otherwise fails to allege facts showing whether the use of the "n-word" unreasonably interfered with Bowen's work performance. *Harris v. Forklift Sys., Inc*., 510 U.S. 17, 23 (1993); *see also Moore v. United States Dep't of State*, 351 F. Supp. 3d 76, 93 (D.D.C. 2019) (dismissing race-based harassment claim as insufficiently pled even though a supervisor used a racial epithet). Separately, Bowen fails to include any dates for any of his allegations. Thus, even if the Court finds Bowen's allegations are sufficiently pled, which it should not do, his claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section

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			1981 claims are time-barred if they accrued before March 6, 1998).
6	Marcus Brunswick	TAC, ¶¶ 234-260, 262-265. With exception of ¶ 261 of Brunswick's allegations, the incidents contained in Brunswick's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Brunswick does not specifically contest Amtrak's argument here. Instead, Brunswick states, "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit." (Opp'n, Ex A. at 12). Like the allegations themselves, Brunswick's response is simply conclusory, and Brunswick therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 261. In the *only* instance where Brunswick alleges specific race-related conduct that could be attributable to a harassment claim, Brunswick states in 1987, a white foreman told Brunswick that he would be responsible for "teach[ing] the brothers[.]" (TAC, ¶ 261). This single occurrence does not sufficiently meet the bar necessary to infer that Brunswick's work environment was severely and/or pervasively hostile. *See* Amtrak's Motion to Dismiss at 36-37. Separately, and because the aforementioned conduct only occurred in 1987, it falls outside of the statute of limitations applicable for this claim. Thus, even if the Court finds that this allegation is sufficiently pled, which it should not, his claim is otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
7	Vernon Carter	TAC, ¶¶ 351-368, 371-381. In Plaintiffs' Opposition, Plaintiffs argue that Carter has sufficiently alleged a harassment claim based	TAC, ¶¶ 347-350. Specifically, Carter alleges that his training instructor, Mr. Kopecki, "subjected African-Americans in

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		on his interactions with Mr. Kopecki during a training class in which Mr. Kopecki was the instructor. (Opp'n 27). However, a review of Carter's allegations shows that the incidents relating to Mr. Kopecki are performance and job-related actions that fail to state a harassment claim. *See* Amtrak's Motion to Dismiss at 34-35.	the class to higher standards and harsher treatment than their white classmates[.]" (TAC, ¶ 347). In support, Carter claims that Mr. Kopecki would require more detailed answers from Carter and that Mr. Kopecki did not let Carter pass the two-part conductor exam. (*Id*. at ¶¶ 348-351). While Plaintiffs argue that Carter's allegations "are replete with references to differential treatment between Carter and comparable white employees" (Opp'n 27), that is not the standard for setting forth an actionable harassment claim. "To state a claim for hostile work environment, a plaintiff must allege that 'his employer subjected him to discriminatory intimidation, ridicule, and insult that is sufficiently sever or pervasive to alter the conditions of the victim's employment and create an abusive working environment.'" *Loggins v. Nat'l R.R. Passenger Corp*., No. 21-CV-1129-EGS-MAU, 2022 WL 21758545, at *4 (D.D.C. Dec. 1, 2022) (quoting *Baloch v. Kempthorne*, 550 F.3d 1191, 1201 (D.C. Cir. 2008)). None of that is present in Carter's allegations that would merit survival of this claim. *Spence v. United States Dep't of Veterans Affs*., No. CV 19-1947 (JEB), 2022 WL 3354726, at *9-10 (D.D.C. Aug. 12, 2022). Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 333-338, 341-344, and 381 fail to specify dates that fall within the applicable statute of

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			limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
8	Hardin Cheatham	TAC, ¶¶ 411-419. With exception of ¶ 420 of Cheatham allegations, all of the incidents contained in Cheatham's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Cheatham does not specifically contest Amtrak's substantive argument in Plaintiffs' Exhibit A. Instead, Cheatham states, "Plaintiff alleges that he personally observed and was subjectd [sic] to 'racist epithets' including on written materials in the work place [sic]." (Opp'n, Ex A at 16). Like the allegations themselves, Cheatham's response is simply conclusory, and Cheatham therefore concedes this	TAC, ¶¶ 420. In ¶ 420 of Cheatham's allegations, he states that he "observed and was subjected to many racist epithets and written materials during his employment at Amtrak." Cheatham's allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts describing what was specifically said and who engaged in the alleged conduct. Additionally, and with respect to Cheatham's assertion that he observed "written materials," his allegations are devoid of any details as to when that was observed, what was contained in the materials, where did he obtain the materials and why it is even connected to

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		argument. *Henneghan*, 916 F. Supp. 2d at 9.	Amtrak. Without sufficient factual matter, this allegation is conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.) (cleaned up and internal citations omitted). Additionally, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
9	Gary Christian	TAC, ¶¶ 424-450. The incidents contained in ¶¶ 424-450 of Christian's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35.	TAC, ¶¶ 451-456. Christian alleges that a white manager, Bob Frank, treated Christian and other black employees differently. The only specific, non-conclusory allegations in support of this assertion is that that Frank would have to "clean up" Christian's

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		Notably, Christian does not address any of Amtrak's arguments for why Christian's harassment claim should not be dismissed. (*See* Opp'n 27-28; Opp'n, Ex. A at 16). Indeed, he cannot because D.C. federal courts have repeatedly found to similar allegations be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi v. District of Columbia*, 81 F. Supp. 3d 44, 53 (D.D.C. 2015). Christian therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	work and would not make black employees feel welcome by actively engaging with them when Christian and other black employees entered the break room to use a microwave. (TAC, ¶¶ 451-456). These are insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson v. District of Columbia*, 49 F. Supp. 3d 115, 121 (D.D.C. 2014). If anything, this conduct by Frank is nothing more than the "ordinary tribulations of the workplace." *Faragher v. City of Boca Raton*, 524 U.S. 775, 787 (1998).
10	Edward Clarke	TAC, ¶¶ 460-480. All of the incidents contained in Clarke's allegations relate only to discrete employment that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 480 in which Clarke states: "Plaintiff Edward Clarke was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Clarke does not address any of Amtrak's arguments for	Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

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		why Clarke's harassment claim should not be dismissed. (*See* Opp'n, Ex. A at 16). Indeed, Clarke only includes a generic, conclusory response stating: "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit." (*Id.*). This response fails to specifically contest that any of his allegations are not discrete employment actions, which D.C. federal courts have repeatedly found to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Clarke's response is simply conclusory, and Clarke therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
11	Kirk Collins	TAC, ¶¶ 527-536. The incidents contained in Collins' allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 536 in which Collins states: "Plaintiff Kirk Collins was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the	

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		very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Collins does not address any of Amtrak's arguments for why Collins' harassment claim should not be dismissed. (*See* Opp'n at 29; Opp'n, Ex. A at 16). Indeed, Plaintiffs' Opposition speaks to Collins' discrimination and retaliation claims, but does not even mention "harassment" or "hostile work environment" in the argument. (Opp'n 29). Moreover, this response fails to specifically contest that any of his allegations are not discrete employment actions, which D.C. federal courts have repeatedly found to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Collins' response is simply conclusory, and Collins therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9	
12	Janice Comeaux	TAC, ¶¶ 540-547. The incidents contained in ¶¶ 540-547 of Comeaux's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Comeaux does not address any of Amtrak's arguments for why Comeaux's harassment claim should not be	TAC, ¶¶ 548-550. Comeaux alleges that an unnamed supervisor was "infamous for threatening black employees with a bullwhip." (TAC, ¶¶ 549). Comeaux does not allege that she was personally threatened or that she directly heard this supervisor threaten others. Thus, this allegation should be given minimal weight, if any. *See Smith v. De Novo Legal*, LLC, 905 F. Supp. 2d 99, 103 (D.D.C. 2012)

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		dismissed. (*See* Opp'n, Ex. A at 16). Indeed, Comeaux only includes a generic, conclusory response stating: "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit." (*Id.*). This response fails to specifically contest that any of her allegations are not discrete employment actions, which D.C. federal courts have repeatedly found to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Comeaux's response is simply conclusory, and Comeaux therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	(citing *Lester v. Natsios*, 290 F. Supp. 2d 11, 31 (2003)). Second, she also claims that this same supervisor was "consistently demeaning and derogatory towards all black workers, including Comeaux." (TAC, ¶¶ 549). Comeaux's allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. This allegation should therefore be disregarded. Lastly, Comeaux claims that "[a]nother supervisor called Plaintiff Janice Comeaux 'dummy' and was repeatedly mean, rude, and derogatory to Comeaux." This allegation fails not only identify the individual who was subjectively rude, but it also fails to describe the other ways in which this supervisor had allegedly made derogatory comments to Comeaux. As such, this allegation fails to pass the bar necessary to set forth a plausible harassment claim. *See Harris*, 2022 WL 3452316, at *17 ("the rude and disrespectful behavior Plaintiff complains of also does not advance her hostile work environment claim.").
13	Catrina Cooley-Flagg	TAC, ¶¶ 554-556, 561-567. The incidents contained in ¶¶ 554-556 and 561-567 of Cooley-Flagg's allegations relate only to	TAC, ¶¶ 557-560. Cooley-Flagg alleges that a white passenger called Cooley-Flagg a racial epithet, made two other

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		discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Cooley-Flagg fails to specifically contest Amtrak's argument here. Even if she had, which she did not, her argument would be meritless in light of the fact that D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Cooley-Flagg's response is simply conclusory, and Cooley-Flagg therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	demeaning comments, and threatened to have her fired. (TAC, ¶ 557). She asserts that she reported the comments to the conductor and one other person in Amtrak's management. (*Id*. at ¶¶ 559-560). Based on her reports, Amtrak informed Cooley-Flagg that they would have a conversation with the passenger. (*Id*.). Cooley-Flagg does not state that this same passenger or anyone else made similar comments at any other point. Accordingly, this occurrence with the passenger is an isolated incident where offensive language was used towards Cooley-Flagg, but it does not "affect the terms and conditions of her employment to a sufficiently significant degree". *Montgomery v. McDonough*, No. CV 22-1715 (RC), 2023 WL 4253490, at *6 (D.D.C. June 29, 2023). Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

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14	Samuel Cox	TAC, ¶¶ 581-611. Cox's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 611 in which Cox states: "Plaintiff Samuel Cox was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Cox fails to specifically contest that his allegations here do not relate to discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n, Ex. A at 17). Indeed, Cox only includes a generic, conclusory response stating: "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit." (*Id.*). D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves,	Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 581-584, 596-598, and 604 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.

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		Cox's response is simply conclusory, and Cox therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
15	Alvin Cunningham	TAC, ¶¶ 615-637. Cunningham's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 616 in which Cunningham states: "Plaintiff Alvin Cunningham was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Cunningham fails to specifically contest that his allegations here do not relate to discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n, Ex. A at 17). Indeed, Cunningham only includes a generic, conclusory response stating: "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit."	Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 615-616, 621-624, 626-630 either fail to specify dates that fall within the statute of limitations or include dates that makes the allegation untimely. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.

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		(*Id.*). Contrary to Cunningham's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Cunningham's response is simply conclusory, and Cunningham therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
16	Yvette Cunningham	TAC, ¶¶ 642-647. Cunningham's allegations in ¶¶ 642-647 relate only to Cunningham's personality conflicts with an Amtrak manager, Joanne Matsumoto. Courts have held that such conflicts cannot sufficiently create a plausible inference of race harassment. *See Kabakova v. Off. of Architect of Capito*l, No. CV 19-1276 (BAH), 2020 WL 1866003, at *17 (D.D.C. Apr. 14, 2020) ("Courts have frequently dismissed hostile work environment claims centered on similar allegations of conflict with a manager, occasional denial of privileges, minor changes to work duties, and close scrutiny."). Moreover, Cunningham's allegations in ¶ 644-646 relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Cunningham fails to specifically contest that her allegations here do not relate to	TAC, ¶¶ 648-649 In ¶ 649 of Cunningham's allegations, she states that her supervisor, Joanne Matsumoto, "made disparaging remarks about black people." This is the complete sum and substance of her harassment-related allegations. Cunningham's one-line allegation presents the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts describing the nature and extent of any racial harassment Cunningham experienced by Matsumoto or the specifics around the alleged "disparaging remarks" Matsumoto made about black individuals. Without sufficient factual matter, this allegation is conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her

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		discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n, Ex. A at 17). Indeed, Cunningham only includes a generic, conclusory response stating: "Plaintiff provides details with names and dates re: her harassment claims. The motion is without merit." (*Id.*). Contrary to Cunningham's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Cunningham's response here is simply conclusory, and Cunningham therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.). Even assuming the allegations are true, which they are not, Cunningham's allegations fail because they do not sufficiently show that she was harassed because of her race (*see Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast Corp.*, 140 S. Ct. at 1019), and they are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson*, 49 F. Supp. 3d at 121. Indeed, courts have held that the overriding of decisions or close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, this conduct by Matsumoto is nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787 (cleaned up and internal citations omitted).
17	Davy Dauchan	TAC ¶¶ 654-670. Dauchan's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion	Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 652, 654-662, 667-668, and 670 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15,

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 670 in which Dauchan states: "Plaintiff Davy Dauchan was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Dauchan fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 17). Indeed, Dauchan only includes a generic, conclusory response stating: "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit." (*Id.*). Contrary to Dauchan's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi* 81 F. Supp. 3d at 53. Like the allegations themselves, Dauchan's response is simply conclusory, and Dauchan therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
18	Thomas Dawkins	TAC, ¶¶ 681-688. Dawkins' allegations relate only to discrete employment actions that	Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 675-679, 681-682, and 688 fail to specify dates that fall

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		cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 688 in which Dawkins states: "Plaintiff Thomas Dawkins was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Dawkins fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 17). Indeed, Dawkins only includes a generic, conclusory response stating: "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit." (*Id.*). Contrary to Dawkins' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Dawkins' response is simply conclusory, and Dawkins therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
19	Cynthia Edwards	TAC, ¶¶ 718-730.	

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		Cynthia Edwards was not originally included on Amtrak's Ex. C because as stated in its Motion to Dismiss at 11 n.8, Edwards did not assert a claim for harassment. (*See* TAC, ¶¶ 718-730). Surprisingly, Edwards states in Plaintiffs' Exhibit A to their Opposition that the Court should refer to Plaintiffs' Opposition memorandum with respect to this claim. (Opp'n, Ex. A at 18). However, a review of Plaintiffs' Opposition shows that Edwards only includes arguments relating to her retaliation claim. (Opp'n 29-30). Out of an abundance of caution, Amtrak states that her harassment claim, if pled at all, is meritless and should be dismissed. Edwards' allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53.	
20	Connie Everett	TAC, ¶¶ 761, 763. Everett alleges in support of her harassment claim by pointing to her removal from the Tool Gauge job. (TAC, ¶ 763). This allegation relates only to a discrete employment action that cannot sufficiently that this allegation cannot form the basis for a viable race harassment claim. *See*	TAC, ¶¶ 762-763. In ¶ 763 of Everett's allegations, she states: "Plaintiff Connie Everett was removed from the Tool Gauge job and was harassed in the Carpet Gang. Plaintiff Connie Everett believes this harassment was because she was a black woman among the majority-white group." This is the entirety of her harassment-related

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		Amtrak's Motion to Dismiss at 34-35. Notably, Everett fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 18). Instead, Everett states in conclusory fashion: Plaintiff asserts a harassment claim. She worked at Amtrak for more than 30 years. Discovery on the claim is warranted. The motion is without merit." (*Id*.). Contrary to Everett's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Everett's response is simply conclusory, and Everett therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	allegations. These allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts describing the nature and extent of any statements or conduct Everett experienced by members of the "Carpet Gang" that would support that she was harassed because of her race. *Douglas-Slade,* 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019. Without sufficient factual matter, this allegation is conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.). Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred.

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			See Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
21	George Everett	TAC, ¶¶ 777-780. With exception of ¶ 778, the one other instance Everett cites in support of his harassment claim relates to a discrete employment action (i.e., denial of a reasonable accommodation). This allegation cannot form the basis for a viable Section 1981 harassment claim. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Everett does not specifically contest Amtrak's argument. Instead, Everett states, "This Plaintiff does present a harassment claim, and he identifies the harasser as his supervisor. The motion is without merit" (Opp'n, Ex A. at 16). Like the allegations themselves, Cheatham's response is simply conclusory, and Everett therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶ 778. In ¶ 778 of Everett's allegations, he states, "Plaintiff George Everett was subjected to racial harassment by his non-black supervisor." This is the sum total of his harassment allegations. His one-line allegation presents the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts describing the nature and extent of any racial harassment Everett experienced by his non-black supervisor. Without sufficient factual matter, this allegation is conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.) (cleaned up and internal citations omitted).

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
22	Devern Fleming, Jr.	TAC, ¶¶ 785-831 With exception of ¶ 833 of the TAC, Fleming's allegations in ¶¶ 785-831 of the TAC only relate to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Fleming fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 23). Indeed, Fleming only includes a generic, conclusory response stating: "Plaintiff provides specific details concerning the hostile work environment. The motion is without merit." (*Id.*). Contrary to Fleming's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the	TAC, ¶¶ 832-833. In ¶ 833 of Fleming's allegations, he states: "Racial epithets and slurs, demonstrations of racist symbols, like a whip, and racial harassment at the Riverside Call Center were frequently encountered and observed, or heard about, by Plaintiff Devern Fleming, Jr.". Fleming's one-line allegation presents the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. With respect to the alleged racial epithets and slurs, there are no facts describing when the racial statements were made, who made them, and how often they were made. Without sufficient factual matter, this allegation is conclusory. *See* *Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that

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		allegations themselves, Fleming's response is simply conclusory, and Fleming therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.). Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 783-785, 791-822, and 824-833 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
23	Brandi Ford	TAC, ¶¶ 838-843. With exception of ¶ 845 of the TAC, Ford's allegations in ¶¶ 785-831 only relate to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35.	TAC, ¶¶ 844-845. In ¶ 845 of the TAC, Ford states: "Margaret Global told Plaintiff Brandi Ford that it was unusual for people 'like her' to be early to work." This is the complete sum and substance of her harassment-related allegations. Ford's one-line allegation presents the same

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		Notably, Ford fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 18). Indeed, Ford only includes a generic, conclusory response stating: "Plaintiff provides *some* details of harassment and hostile work environment. The motion is without merit." (*Id*.) (emphasis added). Contrary to Ford's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Ford's response is simply conclusory, and Ford therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts contextualizing Global's comment. The phrase, "like her" is vague and ambiguous – it could mean any number of things that may not be indicative of Ford's race. Without sufficient factual matter, this allegation is conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.). As mentioned above, even assuming the allegations are true, which they are not, Ford's allegations fail because they do not sufficiently show that she was harassed because of her race (*see Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast Corp.*, 140 S. Ct. at 1019), and they are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson*,

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			49 F. Supp. 3d at 121. Indeed, courts have held that the overriding of decisions or close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, this statement by Global is nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787 (cleaned up and internal citations omitted).
24	Riley Freeman	TAC, ¶¶ 850-862. Freeman's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment, or conduct that could be attributable to a hostile work environment is in ¶ 862 in which Freeman states: "Plaintiff Riley Freeman was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Freeman fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 18). Indeed, Freeman only includes a generic, conclusory response stating: "Plaintiff provides some details of	Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 848, 850-852, and 854-862 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.

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		harassment and hostile work environment. The motion is without merit." (*Id*.). Contrary to Freeman's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Freeman's response is simply conclusory, and Freeman therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
25	Owen Funderburke, III	TAC, ¶¶ 867-902. Funderburke's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 902 in which Funderburke states: "Plaintiff Owen Funderburke III was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Funderburke fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 18). Indeed, Funderburke only includes a generic, conclusory response stating: "Plaintiff	

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		provides some details of harassment and hostile work environment. The motion is without merit." (*Id.*). Contrary to Funderburke's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See, e.g., Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Funderburke's response is simply conclusory, and Funderburke therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
26	Gail George	TAC, ¶¶ 914-915, 917-918. With exception of ¶ 916 of the TAC, George's allegations in ¶¶ 914-915 and 917-918 only relate to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, George fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 23). Indeed, George only includes a generic, conclusory response stating: "Plaintiff provides specific information about her racial harassment claim. The motion is baseless." (*Id.*). Contrary to George's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, George's	TAC, ¶¶ 915-916, 920. In ¶ 915 of the TAC, George states: "Between 2001 and 2003, Gail H. George was subjected to harassment by her white supervisors, C.L. Johnson and Russell Abbott. She was falsely accused of time card fraud and taking cross ties. As a result, she lost overtime while out for four weeks." Separately, George alleges, "C.L. Johnson would refer to himself as the 'task master' in relation to her." (*Id.* at ¶ 916). This is the complete sum and substance of her harassment-related allegations. As stated previously for George, being accused of time card fraud, taking cross ties, and an inability to earn overtime pay are discrete employment actions. There are no specifics alleged as to any statements or conduct from her supervisors that specifically tie to George's race. Specifically, George's claim that Johnson allegedly referred to himself as

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		response is simply conclusory, and George therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	George's "task master," without more, is insufficient to demonstrate that George's race is what led to Johnson's purported statement. *See Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast Corp.*, 140 S. Ct. at 1019). Moreover, the allegations, both standing alone or cumulatively, are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson*, 49 F. Supp. 3d at 121. Indeed, courts have held that the close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, this statement by Johnson is nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787 (cleaned up and internal citations omitted).
27	Kenneth Gillis	TAC, ¶¶ 925-949. Notwithstanding the conclusory statement that "[Mr.] Aichenger, the white manager of Material Control, was a notorious racist" (TAC, ¶ 926), Gillis' allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35.	TAC, ¶ 926. Gillis alleges in conclusory fashion that Mr. Aichenger was a "notorious racist," but supports this assertion by only showing instances where Mr. Aichenger posted or re-posted positions. (TAC, ¶¶ 926). Gillis does not allege that he, personally, was subjected to any race-based comments, statements, or other conduct that could be attributable

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		Notably, Gillis fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 19). Indeed, Gillis responds by stating: "Plaintiff alleges harassment in the form of the employer calling for the police to arrest him when he was sick, demanding a drug test. The motion is without merit." (*Id.*). This response demonstrates Gillis' misunderstanding of both Amtrak's argument and the law. Indeed, and contrary to Gillis' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53.	to Gillis' race. Thus, this allegation calling Mr. Aichenger a "notorious racist" should be given minimal weight, if any. *See Smith*, 905 F. Supp. 2d at 103 (citing *Lester*, 290 F. Supp. 2d at 31). Even assuming the allegations are true, which they are not, Gillis' allegations also fail because they do not sufficiently show that he was harassed or that Amtrak otherwise created a hostile work environment because of Gillis' race. *See Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast Corp.*, 140 S. Ct. at 1019. Moreover, the allegations are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Akonji v. Unity Healthcare, Inc*., 517 F.Supp.2d 83, 98 (D.D.C. 2007) (concluding that five discrete acts of discrimination in two years, as well as additional "inappropriate comments" by a supervisor, were insufficient to constitute a hostile work environment). Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
28	Michael Green	TAC, ¶¶ 954-962 Green's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 688 in which Green states: "Plaintiff Michael Green was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Green fails to specifically contest that his allegations here do not relate to discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n, Ex. A at 19). Indeed, without citing to any case law, Green states: "Plaintiff maintains that the allegations pertaining to his discipline and termination claims are enough to	Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		support a harassment claim. The motion is without merit." (*Id.*). Contrary to Green's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See, e.g., Massaquoi*, 81 F. Supp. 3d at 53. Green's argument is therefore meritless.	
29	Beverly Hall	TAC, ¶¶ 975-989. With exception of ¶¶ 990-991 of the TAC, Hall's allegations in ¶¶ 975-989 only relate to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Hall fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 19). Indeed, Hall only includes a generic, conclusory response stating: "Plaintiff provided details re: her harassment claim. The motion is baseless." (*Id.*). Contrary to Hall's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Hall's response is simply conclusory, and Hall therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 990-991, 993. In ¶ 990, Hall states: "For 25 years, while working at the Amtrak Call Center in Riverside, California, Plaintiff Beverly Hall was not allowed to use the restroom except at break time or lunch[.] She went to management asking for additional restroom breaks due to her health problems yet was denied. The situation was so bad that Plaintiff Beverly Hall was forced to apply for and obtain an ADA justification in order to be able to use the restroom as needed without being subjected to disciplinary actions." Hall then states that "[w]hite employees in similarly situated positions were not…subjected to such harassing work conditions." (TAC, ¶ 991). Even assuming these allegations are true, which they are not, Hall's allegations fail because they do not sufficiently show that she was harassed or that Amtrak otherwise created a hostile work environment because of Hall's race. *See Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's

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			membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019. Here, there are no allegations of specific comments or statements by Amtrak supervisors in which they intentionally deprived Hall of her use of the restroom outside of breaks and lunch periods for an extended 25-year period. This is fatal to her claim. *See Johnson*, 49 F. Supp. 3d at 121.
30	Lauren Ashley Hall	TAC, ¶¶ 997-1006. Hall's allegations that she was: not selected for an interview for a position in the Training Department (TAC, ¶ 998), restricted from using the restroom (*id*. at ¶ 1000), given "strenuous productivity requirements" (*id*.), questioned about Hall's FMLA use (*id*. at ¶ 1001), nit-picked by her supervisors (*id*. at ¶ 1002), passed over for training (*id*.), not provided with overtime opportunities (*id*. at ¶ 1003), threatened with disciplinary action (*id*. at ¶ 1004), and not selected to serve in a temporary post (*id*. at ¶¶ 1005-1006) – all of these are either discrete employment actions or they constitute personality conflicts with Hall's supervisors. Courts have held that these types of discrete employment actions and conflicts cannot sufficiently create a plausible inference of race harassment. *See Massaquoi*, 81 F. Supp. 3d at 53; *Kabakova*, 2020 WL 1866003, at *17.	TAC, ¶¶ 999-1002, 1006-1007. Even assuming Hall's purported harassment-related allegations are true, which they are not, Hall's assertions fail because they do not sufficiently show that she was harassed because of her race (*see Douglas-Slade*, 793 F. Supp. 2d 82, 101 (D.D.C. 2011) ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast Corp.*, 140 S. Ct. at 1019), and they are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson*, 49 F. Supp. 3d at 121. Indeed, and as stated previously, courts have held that the overriding of decisions or close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, the conduct by Amtrak's supervisors identified in Hall's allegations are nothing

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		Notably, Hall fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 19). Indeed, Hall only includes a generic, conclusory response stating: "Plaintiff provided details re: her harassment claim. The motion is baseless." (*Id*.). Like the allegations themselves, Hall's response is simply conclusory, and Hall therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787 (cleaned up and internal citations omitted).
31	Billy Hollis	TAC, ¶¶ 1075-1082. The incidents contained in ¶¶ 1075-1082 of Hollis' allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Hollis fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 19). Indeed, Hall only includes a generic, conclusory response stating: "Plaintiff provides sufficient detail about his harassment and hostile work environment claim. The motion is baseless." (*Id*.). Contrary to Hollis' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Hollis' response is simply conclusory, and Hollis therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 1083. Hollis states that on one occasion, "Plaintiff Billy Hollis heard a non-black supervisor who worked in the roundhouse in the south end of the railroad yard using the n-word in reference to and in front of several black workers, including Plaintiff Billy Hollis and several carmen." (TAC, ¶ 1083). Hollis' allegations fail to identify when this incident occurred and the identity of the individual who uttered the racial epithet, or any other context around the why it was used. Moreover, Hollis does not indicate that the racial epithet was used or heard more than once or that this occurrence affected the terms and conditions of Hollis' employment. *See King*, 601 F. Supp. 2d at 248 ("This single instance, however, even if true, would not be sufficient to state a claim for hostile work environment[.]"); *Nagi v. Chao,* No. 16-CV-2152 (KBJ), 2018 WL 4680272, at *3 (D.D.C. Sept. 28, 2018) ("It has long been clear in

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			this district that isolated incidents of offensive language and even ethnic or racial slurs do not affect the conditions of employment to a sufficiently significant degree[.]") (cleaned up); *Montgomery v. McDonough*, No. CV 22-1715 (RC), 2023 WL 4253490, at *6 (D.D.C. June 29, 2023). Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 1073, 1078-1081, and 1083 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
32	Lawrence Howard, Jr.	TAC, ¶¶ 1102-1107, 1109. The incidents contained in ¶¶ 1103-1107 and 1109 of Howard's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35.	TAC, ¶¶ 1108, 1110. Howard alleges only two instances in which he claims that he was subject to harassing conduct – both are conclusory. First, Howard claims, "Howard was harassed by white members of management when a white passenger accused him of stealing sandwiches from the train. The accusations were

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		Notably, Howard fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 20). Indeed, Howard only includes a generic, conclusory response stating: "Plaintiff provided detail re: his harassment claim. The motion is without merit." (*Id.*). Contrary to Howard's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Howard's response is simply conclusory, and Howard therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	false." (TAC, ¶ 1108). Second, he states that "[h]is white supervisor, Jed Miller[,] told him that "people like yourself" should show up for work 15 minutes before the shift and be "on the docks running." (*Id*. at ¶ 1110). Both of these allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts detailing how any unnamed members of Amtrak's management harassed Howard. With respect to Miller's comment in which Miller allegedly said "people like yourself" to Howard, this phrase is vague and ambiguous – it could mean any number of things and it is not solely indicative of Howard's race. Indeed, courts have held that the close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, this statement by Miller is nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787 (cleaned up and internal citations omitted). Without sufficient factual context, these allegations are conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.). As mentioned above, even assuming the allegations are true, which they are not, Howard's allegations fail because they do not sufficiently show that he was harassed because of his race (*see Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019), and they are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson*, 49 F. Supp. 3d at 121. Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
33	Diane Jones	TAC, ¶¶ 1224-1239. Jones' allegations are either discrete employment actions or they constitute personality conflicts with Jones' supervisors. Courts have held that these types of discrete employment actions and conflicts with supervisors cannot sufficiently create a plausible inference of race harassment. *See Massaquoi*, 81 F. Supp. 3d at 53; *Kabakova*, 2020 WL 1866003, at *17. Notably, Jones fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 20). Indeed, Jones only includes a generic, conclusory response stating: "Plaintiff provided details re: her harassment claim. The motion is baseless." (*Id.*). Like the allegations themselves, Jones' response is simply conclusory, and Jones therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 1229-1231, 1236. Jones alleges the same types of close scrutiny by managers and restroom restrictions as compared to Plaintiffs Beverly Hall and Lauren Ashley Hall. Moreover, Jones alleges that in 2003, "Debbie Bartlett, the white Director of Payroll, frequently harassed Plaintiff Diane Jones, sending her rude emails and making her do tasks she would never assign white employees. For example, Bartlett made Jones sort out the contents of the trash bin in order to find reports instead of simply printing out another report." (TAC, ¶ 1229). However, as stated in Amtrak's Motion to Dismiss at 37, this allegation without more, fails to sufficiently allege a harassment claim. *See Dudley v. Washington Metro. Area Transit Auth.*, 924 F. Supp. 2d 141, 171 (D.D.C. 2013) ("[H]aving a rude, harsh, or unfair boss is not enough for a hostile work environment claim."). Moreover, even assuming Jones' purported harassment-related allegations are true, which they are not, Jones' assertions fail because they do not sufficiently show that she was harassed because of her race (*see Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			S. Ct. at 1019), and they are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson*, 49 F. Supp. 3d at 121. Indeed, and as stated previously, courts have held that close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, the conduct by Amtrak's supervisors identified in Jones' allegations are nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787 (cleaned up and internal citations omitted). Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 1224-1228, and 1240 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
34	Douglas Jones	TAC, ¶¶ 1246-1250. Notwithstanding the conclusory statement that Jones' work environment was "racially hostile" and that he "faced racial harassment" (TAC, ¶¶ 1247, 1250), Jones' allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Jones fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 20). Indeed, Jones responds by stating: "Plaintiff provided details re: his harassment and hostile environment claim. The motion is baseless." (*Id*.). Contrary to Jones' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See, e.g., Massaquoi,* 81 F. Supp. 3d at 53. Like the allegations themselves, Jones' response is simply conclusory, and Jones therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 1246-1250. In ¶¶ 1247-1248 of Jones' allegations, he asserts that two white supervisors "manufactured allegations" about Jones that caused him to lose hours, deny him pay. He also claims that these same supervisors "looked for reasons to fire him" and "den[ied] his timesheets." (*Id*. at ¶ 1249). He claims that he transferred to Seattle, Washington, based on the treatment. (*Id*. at ¶ 1250). Jones' allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts describing the "false accusations" by the two supervisors, the circumstances around the denial of Jones' timesheets, or the justification given for decreasing Jones' hours. Without sufficient factual matter, these allegations are conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.) (cleaned up and internal citations omitted). Second, all of these allegations asserted by Jones

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			appear to be discrete employment actions that courts have determine cannot, standing alone, form the basis for a Section 1981 harassment claim. *See, e.g., Massaquoi*, 81 F. Supp. 3d at 53. Finally, if one removes Jones' conclusory statements that the actions by the white supervisors was racially-motivated, there are no specific statements or conduct from the white supervisors that they exhibited racial animus. S*ee Douglas-Slade*, 793 F. Supp. 2d 82, 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019. Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
35	Gilbert Landry	TAC, ¶¶ 1290-1299, 1301-1306, 1310-1314, 1317-1318. The incidents contained in ¶¶ 1290-1299, 1301-1306, 1310-1314, 1317-1318 of Landry's	TAC, ¶¶ 1300, 1307-1309, 1315-1316. Landy alleges that unnamed managers and co-conspirators ridiculed, bullied and intimidated

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		allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Landry fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 20). Indeed, Landry only includes a generic, conclusory response stating: "Plaintiff presents a racial harassment and/or hostile work environment claim that is sufficiently supported to create a plausible inference of a violation. The motion is without merit." (*Id.*). Contrary to Landry's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Landry's response is simply conclusory, and Landry therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	Landry following his witnessing a conductor taking illegal payments and after Landry allegedly expressed sympathy towards a truck driver that was struck by a train. (TAC, ¶¶1307-1309). Landry does not describe how these unnamed individuals bullied or intimidated him. He also does not indicate when these acts occurred. These allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21; *see also Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.) (cleaned up and internal citations omitted). Landry also alleges that an assistant conductor, Gary Morris, shouted at Landry stating, "I don't give a damn what you do. You can sit in the crew room. You won't be working with me." (TAC, ¶ 1316). This allegation fails to identify when it took place. It also does not indicate that this comment was made because of Landry's race. *See Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a

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			linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019. If anything, this conduct by Morris is nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787.
36	Arthur Logan	Both Plaintiffs' Opposition and Exhibit A to its Opposition fail to address Amtrak's arguments with respect to Logan's harassment claim. Plaintiffs, therefore, concede this argument and it should be dismissed with prejudice. *Henneghan*, 916 F. Supp. 2d at 9.	
37	Jacqueline Renee Martin	TAC, ¶¶ 1391-1401. Martin's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35 *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 1401 in which Martin states: "Jacqueline Renee Martin was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Martin fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 21). Indeed, Martin only	

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		includes a generic, conclusory response stating: "Plaintiff provided sufficient details re: her harassment and hostile environment claims. The motion is baseless." (*Id.*). Contrary to Martin's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See, e.g., Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Martin response is simply conclusory, and Martin therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
38	Sabrina McCrae	TAC, ¶¶ 1425, 1427, 1429-1430. McCrae's allegations contained in ¶¶ 1425, 1427, 1429-1430 of the TAC are either discrete employment actions (*see* TAC, ¶¶ 1429-1430) or they constitute personality conflicts with McCrae's supervisors (*see id.* at ¶ 1427). Courts have held that these types of discrete employment actions and conflicts with supervisors cannot sufficiently create a plausible inference of race harassment. *See Massaquoi*, 81 F. Supp. 3d at 53; *Kabakova*, 2020 WL 1866003, at *17. Notably, McCrae fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 20). Indeed, McCrae only includes a generic, conclusory response stating: "Plaintiff provided sufficient details re: her harassment and hostile	TAC, ¶¶ 1426, 1428, 1431. In ¶ 1426, McCrae claims: "While working in the Baltimore office as part of the National Crew Management Rep group, she was subjected to racial harassment. When Plaintiff Sabrina McCrae and a group of twelve African-American [sic] and six white individuals showed up, Mr. Paul Bellows, the white supervisor, stated, 'oh I didn't think all of them would take this job.' Plaintiff Sabrina McCrae took this to mean all of the black employees." (TAC, ¶ 1426). The phrase "oh I didn't think all of them would take this job," is vague and ambiguous – especially in light of the fact that the group who were in attendance consisted of both white and black employees. (*Id.*). This allegation is therefore conclusory and should be disregarded. *See Middlebrooks*, 722 F. Supp. 2d at 90–91.

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		environment claims. The motion is baseless." (*Id.*). Like the allegations themselves, McCrae's response is simply conclusory, and McCrae therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	Second, McCrae also claims that Bellows told McCrae and other black employees that they "sounded black" and they needed to attend speech class. (TAC, ¶ 1428). McCrae notes that Bellows made this type of comment "often," but more specifics are needed around the frequency as well as the period of time in which the comments were made in order to determine whether "the workplace is permeated with discriminatory intimidation, ridicule and insult that is sufficiently severe or pervasive to alter the conditions of [McCrae's] employment and create an abusive working environment." *Harris*, 510 U.S. at 21. *See also Akonji,* 517 F. Supp. 2d at 98 (finding that five discrete acts – "the first four occurring within the first three months of [the plaintiff's] employment and the final act occurring more than a year later—were isolated incidents not sufficiently continuous and concerted" to be deemed pervasive."). Separately, McCrae states that she worked for Amtrak until 1995. (*Id.* at ¶ 1423). Thus, even if the Court finds McCrae's harassment allegations are sufficiently pled, which it should not do, her claims here should be dismissed because they are time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued

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			before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
39	Hilry McNealey		TAC, ¶¶ 1418-1419. In ¶ 1419 of McNealey's allegations, he states, "Throughout his employment, Plaintiff Hilry McNealey has been subjected to racial harassment by Ilene Lara and General Foreman Pablo, his non-black supervisors. Even as a supervisor, Lara and Pablo and other white supervisors would override his decisions for his employees." This is full the sum and substance of his harassment allegations. His allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. There are no facts describing the nature and extent of any racial harassment McNealey experienced by his non-black supervisor. Without sufficient factual matter, this allegation is conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement

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			as true.) (cleaned up and internal citations omitted). Moreover, courts have held the overriding of decisions or close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova*, 2020 WL 1866003, at *17 ("Courts have frequently dismissed hostile work environment claims centered on similar allegations of conflict with a manager, occasional denial of privileges, minor changes to work duties, and close scrutiny."). Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
40	Pamela Michaux	TAC, ¶ 1446. Michaux's allegations in ¶ 1446 relate only to personality conflicts with an Amtrak manager. Courts have held that such conflicts cannot sufficiently create a plausible inference of race harassment. *See Kabakova*, 2020 WL 1866003, at *17 ("Courts have frequently dismissed hostile work environment claims centered	TAC, ¶¶ 1444-1448. Apart from ¶ 1446, Michaux alleges that she was harassed by a white Amtrak supervisor, John Quigley, who purportedly had "numerous racial harassment claims against him." (TAC, ¶ 1444). Michaux neither describes how she was "harassed" by Quigley, nor does she explain any of the race harassment claims

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		on similar allegations of conflict with a manager, occasional denial of privileges, minor changes to work duties, and close scrutiny.").	made against Quigley. Michaux's allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. This allegation should therefore be disregarded. Separately, Michaux states that on one occasion in 1994, a co-worker called Michaux a "black whore," made other comments about her position and her personal life, and then threatened her with harm. (TAC, ¶ 1445). Michaux states that she reported the incident to Amtrak and that an investigation occurred because the employee allegedly admitted to harassing Michaux. (*Id*. at ¶ 1446). Michaux does not state that any other incidents occurred after this one night in 1994. "This single instance, however, even if true, would not be sufficient to state a claim for hostile work environment[.]" *King*, 601 F. Supp. 2d at 248. Michaux also fails to allege facts showing that this single occurrence affected "the terms and conditions of her employment to a sufficiently significant degree". *Montgomery*, 2023 WL 4253490, at *6. Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled,

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
41	Joseph Peden	TAC, ¶¶ 1499-1502 Peden's Opposition fails to specifically contest that his allegations in ¶¶ 1499-1502 all relate to discrete employment actions – and that these discrete employment actions cannot by themselves sufficiently create a plausible inference of race harassment. (*See* Opp'n 26-27). Nor can he because D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Peden's response is simply conclusory, and Peden therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 1503-1504 Peden's harassment claims with respect to this argument are directly addressed in both Amtrak's Motion to Dismiss and Reply. *See* Amtrak's Motion to Dismiss at 33-38; Amtrak's Reply at 19-21. Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 1497, 1499, and 1502-1503 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
42	Gilbert Pete	TAC, ¶¶ 1521, 1523-1524.	TAC, ¶¶ 1522-1523, 1525.

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		The incidents contained in ¶¶ 1521 and 1523-1524 of Pete's allegations relate only to discrete employment actions that cannot by themselves sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Pete fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 22). Indeed, Pete responds stating, "Plaintiff provided sufficient details including the name of his harassers and his position. The motion is without merit." (*Id*.). Contrary to Pete's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Pete's response is simply conclusory, and Pete therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	Pete supports his harassment claim in only two paragraphs. In the first, Pete states: "During his employment, Plaintiff Gilbert Pete was harassed by Maintenance Foreman Revo Galla, a non-black man. He would call the black workers, including Plaintiff Gilbert Pete, "you people" on a constant basis." (TAC, ¶ 1522). Second, Pete alleges that he and his black coworkers were also subjected to harsher daily work standards at their job than were whites." (*Id*. at ¶ 1523). With respect to Galla's comment in which Galla allegedly referred to Pete as "you people," courts analyzing this same phrase have held that it is insufficient to meet the severe and pervasive prong for Pete's harassment claim. *See Bowden v. Clough*, 658 F. Supp. 2d 61, 81 (D.D.C. 2009) ("While being subjected to the phrase 'you people' by a supervisor may be rude and insensitive, such comments and incidents do not describe a hostile environment under Title VII") (cleaned up); *Borrello v. Dep't of Corr. & Cmty. Supervision*, No. 17CV00919JLSJJM, 2020 WL 4928312, at *11 (W.D.N.Y. Mar. 11, 2020), report and recommendation adopted, No. 17CV919JLSJJM, 2020 WL 4926515 (W.D.N.Y. Aug. 21, 2020) (Despite claiming that a manager made "constant" demeaning and degrading remarks,

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			which included yelling at the plaintiff and calling her "you people," the court stated that the plaintiff "has not presented evidence sufficient for a reasonable juror to conclude that the conduct rose to the requisite level of severity or pervasiveness."); *Banks v. Cypress Chase Condo. Ass'n B, Inc*., 616 F. Supp. 3d 1316, 1321–22 (S.D. Fla. 2022) ("Bujold's alleged conduct here—calling Banks a liar, referring to her as "you people," standing close to her, peering through the window at her, accusing her of poor performance, and yelling at her—falls short of creating a hostile work environment."); *Mustafa v. Iancu*, 313 F. Supp. 3d 684, 696 (E.D. Va. 2018) (dismissing hostile work environment claim and finding that referring to plaintiff and stating, "you people," comment was not severe or pervasive); *Tims v. Carolinas Healthcare Sys*., 983 F. Supp. 2d 675, 681 (W.D.N.C. 2013) ("Referring to Plaintiff as 'you people' or 'y'all blacks' is insensitive and reprehensible, but under the law, these isolated comments do not rise to the level of severity necessary to alter the terms and conditions of employment."). Concerning the second allegation that Pete's supervisor subjected him to harsher work conditions, D.C. courts have dismissed harassment claims that were based

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			on similar grounds. *See Dudley*, 924 F. Supp. 2d at 171. Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
43	Robert Redd	In Plaintiffs' Exhibit A to its Opposition, Plaintiffs state: "The harassment claim is to be dropped." While Plaintiffs clearly concede that Redd fails to set forth a plausible harassment claim and his claim should indeed be dismissed with prejudice, it should be noted that Redd never stated that he was even attempting to allege a Section 1981 harassment claim. *See* TAC, ¶¶ 1624-1629; *see also* Amtrak's Motion to Dismiss at 13 n.8. For this reason, Amtrak did not initially include Redd on its Exhibit C to its Motion to Dismiss.	
44	Faye Reed	TAC, ¶¶ 1617-1622. Reed's allegations in ¶ 1618 relate only to personality conflicts with an Amtrak manager, Ric Ewing. Courts have held that such conflicts cannot by themselves sufficiently create a plausible inference of race harassment. *See Kabakova*, 2020 WL 1866003, at *17 ("Courts have frequently dismissed hostile work environment claims centered on similar allegations of conflict with a manager, occasional denial of	TAC, ¶¶ 1617-1622. In ¶ 1618 of Reed's allegations, she states, "Plaintiff Faye Reed was subjected to racial harassment by her supervisor, Ric Ewing, a non-black man. For example, Ewing attempted to undermine Faye Reed's authority on her dining train, and to demean her in front of passengers and co-workers." These allegations are insufficient to create a plausible inference that Reed has a hostile work environment claim. Even assuming the allegations are true,

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		privileges, minor changes to work duties, and close scrutiny."). Moreover, Reed's allegations in ¶ 1619-1621 relate only to discrete employment actions that cannot by themselves sufficiently create a plausible inference necessary to state a Section 1981 harassment claim. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Reed fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 23). Indeed, Reed only includes a generic, conclusory response stating: "Plaintiff's harassment claim is sufficiently supported. The motion is without merit." (*Id*.). Contrary to Reed's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Reed's response here is simply conclusory, and Reed therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	which they are not, Reed's allegations fail because they do not sufficiently show that she was harassed because of her race (*see Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019), and they are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. Indeed, courts have held that the overriding of decisions or close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, this conduct by Ewing is nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787. Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
45	Derek Reuben	TAC, ¶¶ 1647-1649. Reuben's alleges that Chief of On Board Services, Jay Fountain, would not hire Reuben on a permanent basis (TAC, ¶ 1648-1649) can be categorized as either a discrete employment a personality conflict between Fountain and Reuben. Courts have held that these types of actions cannot by themselves sufficiently create a plausible inference of race harassment. *See Massaquoi*, 81 F. Supp. 3d at 53; *Kabakova*, 2020 WL 1866003, at *17. Notably, Reuben fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 20). Reuben responds stating: "Plaintiff presents a harassment claim that is well supported, including identification of the harasser. The motion is without merit." (*Id.*). Like the allegations themselves, Reuben's response is simply conclusory, and Reuben therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 1648, 1650-1651. Reuben alleges Fountain "often made racial slurs against blacks." (TAC, ¶ 1648). Reuben's one-line allegation presents the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21. Here, Reuben fails to allege when the racial statements were made, what the racial slurs consisted of, and whether they were actually directed at Reuben or made in his presence. Without sufficient factual matter, this allegation is conclusory. *See Middlebrooks*, 722 F. Supp. 2d at 90–91; *see also Smith*, 905 F. Supp. 2d at 103 (citing *Lester*, 290 F. Supp. 2d at 31). Reuben also asserts: "White Onboard Chief Russ Settele claimed that Reuben was out of uniform merely because he did not have his hat on, then walked away and came back with an Amtrak police officer who was holding a gun. White employees were not treated in such an intimidating matter, especially for a trivial matter." (TAC, ¶ 1651). This allegation, too, is not severe or pervasive enough to set forth a hostile work environment claim. *See Hunter v. District of Columbia*, 797 F. Supp. 2d 86, 93 (D.D.C. 2011), *aff'd sub nom. Hunter v. D.C. Gov't*, No. 13-7003, 2013 WL 5610262 (D.C.

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			Cir. Sept. 27, 2013). In addition, Reuben's attempt to show that the conduct here was based on his race because "white employees were not treated in an intimidating manner" is conclusory. Indeed, there are no non-conclusory allegations tying Reuben's race and the conduct here. Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
46	Frederic Roane	TAC, ¶¶ 1734-1739. Roane's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35 *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 1739 in which Roane states: "Plaintiff Frederic Roane was subjected to racial harassment and a racially	Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Roane fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 23). Indeed, Roane only includes a generic, conclusory response stating: "Plaintiff's harassment claim is sufficiently supported. The motion is without merit." (*Id.*). Contrary to Roane's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Roane's response is simply conclusory, and Roane therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
47	Ramona Ross	In Plaintiffs' Exhibit A to its Opposition, Plaintiffs state: "[Ross'] harassment claim is to be dropped." Opp'n, Ex. A at 23. Amtrak does not object to Ross' voluntary withdrawal of her claim.	
48	Moses Rothschild	TAC, ¶¶ 1791-1796 The incidents contained in ¶¶ 1791-1796 of Rothschild's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Rothschild fails to specifically contest Amtrak's	TAC, ¶¶ 1797-1798. Rothschild states that on one occasion he "observed a group of white Carmen, Pipefitters, Electricians, and Foremen who coordinated a day to wear T-shirts displaying the rebel flag." (TAC, ¶ 1797). The remaining sentences in that paragraph, including "Amtrak management permitted the display," is conclusory. Rothschild's allegations fail to

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		argument here. (*See* Opp'n, Ex. A at 23). Indeed, Rothschild responds stating, "Plaintiff presents a harassment claim that is well supported, including identification of the harassers. The motion is without merit." (*Id.*). Contrary to Rothschild's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Rothschild's response is simply conclusory, and Rothschild therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	identify when this incident occurred and how he knew the Carmen, Pipefitters, Electricians, and Foreman made coordinated efforts to wear t-shirts with the same symbol. Moreover, Rothschild does not indicate this incident occurred more than once. *See Sullivan v. Austal, U.S.A., L.L.C.,* No. CIV.A. 08-00155-KD-N, 2011 WL 3809906, at *8 (S.D. Ala. Aug. 29, 2011) (finding that the severe or pervasive prong had not be satisfied because "there is no indication in the record that Sullivan was exposed to regular/daily racial comments or conduct, [or] Confederate imagery"). As a result, Rothschild's allegation do not plausibly set forth a harassment claim. *See also King*, 601 F. Supp. 2d at 248; *Nagi*, 2018 WL 4680272, at *3; *Montgomery*, 2023 WL 4253490, at *6. Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 1789, 1791-1793, and 1797-1798 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
49	Shanetta Scott	In Plaintiffs' Exhibit A to its Opposition, Plaintiffs state: "The harassment claim is to be dropped." While Plaintiffs clearly concede that Scott fails to set forth a plausible harassment claim and her claim should indeed be dismissed with prejudice, it should be noted that Scott never stated that she was even attempting to allege a Section 1981 harassment claim. *See* TAC, ¶¶ 1841-1852; *see also* Amtrak's Motion to Dismiss at 13 n.8. For this reason, Amtrak did not initially include Scott on its Exhibit C to its Motion to Dismiss.	
50	Linda Stafford	TAC, ¶¶ 1919-1933. Stafford's allegations in ¶¶ 1919-1933 either discrete employment actions or they constitute personality conflicts with Stafford's supervisors. Courts have held that these types of discrete employment actions and conflicts with supervisors cannot sufficiently create a plausible inference of race harassment. *See Massaquoi*, 81 F. Supp. 3d at 53; *Kabakova*, 2020 WL 1866003, at *17. Notably, Stafford fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 24). Indeed, Stafford only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is supported. The motion is without merit." (*Id.*). Stafford's response is wholly conclusory, and Stafford therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 1934-1937. Stafford claims that in or around November or December 2003, an unknown supervisor sent Stafford "a racist email." (TAC, ¶ 1935). Stafford purports to have reported the matter to Amtrak and they investigated, but allegedly would not inform Stafford of the level of discipline the supervisor received. (*Id*. at ¶ 1936). Stafford does not allege that she received any other communications or conduct she perceived as offensive and based on her race. Stafford also does not allege the specifics of the email and why Stafford believed it was "racist." *See Middlebrooks*, 722 F. Supp. 2d at 90–91 ("Plaintiff alleges that defendants 'racially abused, victimized, and traumatized her by subjecting her to racially offensive and flagrant intimidating discriminatory conduct', but her complaint is devoid of any factual allegations to support such a claim, and the Court need not accept such a conclusory statement as true.)

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
			(cleaned up and internal citations omitted). Stafford claim fails because she does not include any facts demonstrating how the perceived environment affected any terms or conditions of her employment with Amtrak. *See Montgomery*, 2023 WL 4253490, at *6.
51	Leo Thomas	TAC, ¶¶ 1961-1969, 1973-1984. The incidents contained in ¶¶ 1961-1969 and 1973-1984 of Thomas' allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Thomas fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 24). Indeed, Thomas only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is supported. The motion is without merit." (*Id.*). Contrary to Thomas' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Thomas' response is simply conclusory, and Thomas therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 1970-1972. The only allegations that could possibly be linked to Thomas' harassment claim are in ¶¶ 1970-1972. Therein, he asserts that following a promotion and immediate removal of the same promotion in the course of a day, he received a mysterious phone call who threatened Thomas with bodily harm. Thomas reported this call to the police. There is no indication whatsoever that the caller was associated with Amtrak. It could have easily been a prank caller from a person with no affiliation with Amtrak. There were also no facts supporting Thomas' assertion linking the call with Thomas' race. Based on the foregoing, Thomas allegations present the same conclusory assertions as other Plaintiffs, including Plaintiffs Joseph Peden and William Waytes. *See* Amtrak's Motion to Dismiss at 35-36; Amtrak's Reply at 19-21.
52	Frederick Wall	TAC, ¶¶ 2027-2034, Wall's allegations relate only to discrete employment actions that	Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 2034 in which Wall states: "Plaintiff Frederick Wall was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Wall fails to specifically contest that his allegations here do not relate to discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n, Ex. A at 23). Indeed, Wall only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is supported. The motion is without merit." (*Id.*). Contrary to Wall's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Wall's response is simply conclusory, and Wall therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
53	William Waytes	TAC, ¶¶ 2058-2066.	TAC, ¶¶ 2067-2068.

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		Plaintiffs' Opposition fails to specifically contest that Waytes' allegations in ¶¶ 1499-1502 all relate to discrete employment actions – and that these discrete employment actions cannot by themselves sufficiently create a plausible inference of race harassment. (*See* Opp'n, at 26-27). Nor can he because D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Waytes' response is simply conclusory, and Waytes therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	Waytes' harassment claims with respect to this argument are directly addressed in both Amtrak's Motion to Dismiss and Reply. *See* Amtrak's Motion to Dismiss at 33-38; Amtrak's Reply at 19-21.
54	Angela Weaver	TAC, ¶¶ 2073-2074. Weaver alleges that she applied for a Systems Engineer role in 2003, but she was never contacted for an interview. (TAC, ¶ 2074). This is merely a discrete employment action that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Weaver fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 25). Indeed, Weaver only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is supported, including identification of a harasser. The motion is without merit." (*Id.*). Contrary to	TAC, ¶¶ 2075-2076. Weaver alleges that her supervisor, Flo Cohen. brought in a whip to work in order to "whip her team into shape." (TAC, ¶¶ 2075). There is no indication that the whip was specifically intended to be used on or to threaten black employees on Weaver's team. As such, this allegation fails to pass the bar necessary to set forth a plausible harassment claim. *See Harris*, 2022 WL 3452316, at *17 ("the rude and disrespectful behavior Plaintiff complains of also does not advance her hostile work environment claim."). Second, she also claims that this same supervisor confronted Weaver about her clothing and said to Weaver that it was

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		Weaver's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Weaver's response is simply conclusory, and Weaver therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	unprofessional and suggestive (TAC, ¶¶ 2075). Weaver's allegations fail because they do not sufficiently show that she was harassed because of her race (*see Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019), and they are otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. Indeed, courts have held that the close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, Cohen's statements and conduct are nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787.
55	Patricia Wellington	TAC, ¶¶ 2081, 2084-2086. The incidents contained in ¶¶ 2084-2086 of Wellington's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Wellington fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 25). Indeed, Wellington only includes a generic, conclusory response stating: "Plaintiff	TAC, ¶¶ 2082-2083, 2087. Wellington alleges that during her training, an unknown individual made a joke on one occasion that Amtrak would not be able to fit her uniform hat because of her hair. (TAC, ¶ 2082). She also alleges that one of the trainers was rude to her when she asked a question about an incorrect answer and the trainer threatened to have her fired. (*Id*. at ¶ 2083). These allegation fails to pass the bar necessary to set forth a plausible harassment claim. *See Harris,* 2022 WL 3452316, at *17 ("the

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		presents a harassment claim that is supported, including identification of a harasser. The motion is without merit." (*Id.*). Contrary to Wellington's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Wellington's response is simply conclusory, and Wellington therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	rude and disrespectful behavior Plaintiff complains of also does not advance her hostile work environment claim."); *see also Faragher*, 524 U.S. at 788 ("These standards for judging hostility are sufficiently demanding to ensure that Title VII does not become a general civility code. Properly applied, they will filter out complaints attacking the ordinary tribulations of the workplace, such as the sporadic use of abusive language, gender-related jokes, and occasional teasing.") (internal citation and quotation marks omitted)). Separately, and as set forth in Exhibit D to Amtrak's Motion to Dismiss, ¶¶ 2081, and 2087 fail to specify dates that fall within the applicable statute of limitations. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Thus, even if the Court finds that some of Plaintiff's allegations for this claim are sufficiently pled, which it should not, the claim is rendered insufficient in light of the untimeliness for the aforementioned time-barred paragraphs.
56	Ronald Wells	TAC, ¶¶ 2120-2133, 2135. Wells' allegations relate only to discrete employment actions that	

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		cannot by themselves sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 2135 in which Wells states: "Plaintiff Ronald Wells was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Indeed, upon review, the allegations for Wells are almost a near exact match to the allegations in *Loggins*, but with even fewer details than what was presented in the pleadings for that case. Notwithstanding, Wells fails to specifically contest that his allegations here do not relate to discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n, Ex. A at 25). Indeed, Wells only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is sufficiently supported. The motion is without merit." (*Id.*). Contrary to Wells' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53.	

	Plaintiff's Name	Insufficient "Work-Related" Actions	Conclusory Allegations, Fails to Sufficiently Satisfy a *Prima Facie* Case
		Like the allegations themselves, Wells' response is simply conclusory, and Wells therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
57	Jimmy Lee Whitley	TAC, ¶¶ 2140-2144. Whitley's allegations in ¶¶ 2140-2144 of the TAC relate only to discrete employment actions that cannot by themselves sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 2145 in which Whitley states: "Plaintiff Jimmy Lee Whitley was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Whitley's Opposition fails to specifically contest that his allegations in ¶¶ 2140-2144 do not relate to discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n, at 26-27). Nor can he because D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Whitley's response is simply	TAC, ¶¶ 2144-2145. Whitley's harassment claims with respect to this argument are directly addressed in both Amtrak's Motion to Dismiss and Reply. *See* Amtrak's Motion to Dismiss at 33-38; Amtrak's Reply at 19-21. Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).

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		conclusory, and Whitley therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	
58	Evelyn Whitlow	TAC, ¶¶ 2150, 2152-2153. The incidents contained in ¶¶ 2152-2153 of Whitlow's allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Whitlow fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 26). Indeed, Whitlow only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is supported, including identification of a harasser. The motion is without merit." (*Id.*). Contrary to Whitlow's assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Whitlow's response is simply conclusory, and Whitlow therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	TAC, ¶¶ 2151, 2154. Whitlow alleges that at some unknown time during her employment, a white supervisor forced her to announce when she needed to use the restroom. (TAC, ¶ 2151). Even assuming this one allegation is true, which it is not, Whitlow's assertion fails because it does not sufficiently show that she was harassed because of her race (*see Douglas-Slade*, 793 F. Supp. 2d at 101 ("There must be a linkage between the hostile behavior and the plaintiff's membership in a protected class for a hostile work environment claim to proceed."); *Comcast*, 140 S. Ct. at 1019), and it is otherwise insufficient to meet the bar for the severe and pervasive prong to state a harassment claim. *See Johnson*, 49 F. Supp. 3d at 121. Indeed, and as stated previously, courts have held that the close scrutiny by an employee's manager cannot meet the severe and pervasive prong. *See Kabakova,* 2020 WL 1866003, at *17. If anything, the conduct by Amtrak's supervisors identified in Whitlow's allegations are nothing more than the "ordinary tribulations of the workplace." *Faragher*, 524 U.S. at 787 (cleaned up and internal citations omitted).

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			Separately, this Plaintiff's allegations failed set forth dates that occurred within the applicable limitations period. Thus, even if the Court finds that this Plaintiff's allegations are sufficiently pled, which it should not do, their claims are otherwise time-barred. *See* Amtrak's Motion to Dismiss at 15, 41-43 (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998).
59	Gary Williams	In Plaintiffs' Exhibit A to its Opposition, Plaintiffs state: "The harassment claim is to be dropped." While Plaintiffs clearly concede that Williams fails to set forth a plausible harassment claim and his claim should indeed be dismissed with prejudice, it should be noted that Williams never stated that he was even attempting to allege a Section 1981 harassment claim. *See* TAC, ¶¶ 2179-2192; *see also* Amtrak's Motion to Dismiss at 13 n.8. For this reason, Amtrak did not initially include Williams on its Exhibit C to its Motion to Dismiss.	
60	Robert Williams, III	TAC, ¶¶ 2196-2227. The incidents contained in ¶¶ 2196-2227 of Williams' allegations relate only to discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Williams fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 26). Indeed, Williams only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is supported, including identification	TAC, ¶¶ 2228-2232. Williams alleges that in "the mid-1990s," a white pipefitter, Lee Boyer, referred to Williams as the n-word. (TAC, ¶ 2228). Here, Williams states that he reported it to a manager and that no action was taken, but Williams does not state that Boyer ever made any other comments after his complaint. Williams also alleges that he saw "KKK" etched in various places at the Beech Grove facility, but only alleges specifically in 2001 that "KKK" was written in the restroom in the Coach 2 shop.

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		of a harasser. The motion is without merit." (*Id*.). Contrary to Williams' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g*., *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Williams' response is simply conclusory, and Williams therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	(TAC, ¶ 2229). Williams fails to allege that he reported seeing this word at the Beech Grove facility at any point, including in 2001.Williams further asserts that certain unknown employees and supervisors became intoxicated and would tell jokes or stories containing racial slurs. (TAC, ¶ 2230). Williams does not state that he was present or that he overheard this interaction. He also fails to allege when this occurrence took place. Finally, Williams alleges that he posted safety posters around the facility as part of his duties as Safety Coordinator. He claims that white employees would color in some or all of the faces, which he states as in the manner of "Blackface" – "a derogatory way of depicting African-Americans. (TAC, ¶ 2231). For all of the aforementioned allegations, only his observing the word "KKK" in the Coach 2 shop in 2001 is timely. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). All of the other allegations fail to specifically allege when they occurred or they fail to allege that they occurred within the statute of limitations. Especially when considering Williams began his employment in April 1979

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			(TAC, ¶ 2194), these non-specific allegations that fail to specify a timeframe do not sufficiently "nudge [Williams'] claims across the line from conceivable to plausible." *Twombly*, 550 U.S. at 570. Moreover and because of the uncertainty as to when many of these acts occurred, even if taken as true, the acts could be so dispersed over a span of twenty plus years such that the allegations would not meet the bar to show that the work environment was hostile or abusive. *See Akonji,* 517 F. Supp. 2d at 98 (finding that five discrete acts – "the first four occurring within the first three months of [the plaintiff's] employment and the final act occurring more than a year later—were isolated incidents not sufficiently continuous and concerted" to be deemed pervasive.").
61	Theresa Williams	In Plaintiffs' Opposition, Plaintiffs state: "Plaintiff Theresa Williams was not supposed to be included in the TAC; she was supposed to be dropped. It was an editorial mistake. Again, a simple email exchange would have remedied this issue. The Theresa Williams [sic] claims are hereby withdrawn." (Opp'n at 17). Plaintiffs have therefore conceded that this Plaintiff has insufficiently stated a harassment claim. *Henneghan*, 916 F. Supp. 2d at 9. As a result, this claim should be dismissed with prejudice.	
62	Ronnie Williams, Sr.	TAC, ¶¶ 9-16. In Plaintiffs' Opposition, Plaintiffs do not assert any arguments with respect to Williams' harassment claim. Indeed, Plaintiffs only respond to Amtrak's arguments with respect to Williams' discrimination claim. Specifically, Williams states that he was forced	

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		to resign for failure to show up to work on one occasion. He further alleges that he was subsequently escorted off of Amtrak's property and threatened with arrest if he returned. (Opp'n at 15, 19-20). Plaintiffs' failure to address Amtrak's argument – namely, that Williams cannot establish his harassment claim by bootstrapping his discrimination claim – means that Plaintiffs' waive this argument. *Henneghan*, 916 F. Supp. 2d at 9. For this reason, Williams' harassment claim should be dismissed.	
63	Garner Willis, Jr.	TAC, ¶¶ 2242, 2249-2259. The incidents described in ¶¶ 2249-2259 of Willis' allegations, including the events leading to his termination and post-termination occurrences, constitute discrete employment actions that cannot sufficiently create a plausible inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Notably, Willis fails to specifically contest Amtrak's argument here. (*See* Opp'n, Ex. A at 26). Indeed, Willis only includes a generic, conclusory response stating: "Plaintiff presents a harassment claim that is supported, including identification harassers [sic]. The motion is without merit." (*Id.*). Contrary to Willis' assertion, D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F.	TAC, ¶¶ 2243-2245, 2247, 2260. Based on Willis' allegations, he was working for Amtrak in 1996 and was terminated at some unspecified point in 1998. (TAC, ¶¶ 2244, 2249). While Willis initially claims that his supervisor, Mattie McCabe scolded employees by saying, "your black ass" (*id*. at ¶ 2243), Willis only points to one occurrence in 1996 in which he specifically alleges McCabe referred to Willis using this language (*id*. at ¶¶ 2244-2245). Separately, Willis also claims that another employee allegedly made a racist comment, "How many monkeys does it turn to turn a lightbulb?" (*Id*. at ¶ 2247). Willis does not describe any other comments made by this employee, nor does he specify when this one comment, in particular, was made. Willis also does not assert that the comment was made in his presence or that it

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		Supp. 3d at 53. Willis' response is simply conclusory, and Willis therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	was directed at him. *See Smith*, 905 F. Supp. 2d at 103 (citing *Lester*, 290 F. Supp. 2d at 31). Without sufficient factual allegations describing when these comments were made, they should be deemed as untimely. *See* Amtrak's Motion to Dismiss at 15, 41-43, Ex. D (explaining that a failure to promote or hire claim that accrued before March 6, 1999 is time-barred, and that all other Section 1981 claims are time-barred if they accrued before March 6, 1998). Moreover, even though the comments may involve racially-tinged language, without adequate details as to the timing, they are not sufficiently pervasive or severe especially when considering the length of Willis' employment and the fact that he could only identify a solitary instance in 1996 when the term, "your black ass" was used. For this reason, Willis fails to sufficiently set forth a plausible harassment claim. *See Fortson v. Carlson*, 618 F. App'x 601, 607 (11th Cir. 2015) (identifying nine times that racial language, including "black ass" or "black ass fool", was used and stating that the conduct was infrequent such that it was deemed insufficiently severe or pervasive).
64	Eric Woodruff	TAC, ¶¶ 2265-2270. Woodruff's allegations relate only to discrete employment actions that cannot by themselves sufficiently create a plausible	TAC, ¶¶ 2265-2270. Woodruff's harassment claims with respect to this argument are directly addressed in both Amtrak's Motion to Dismiss and

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		inference of race harassment. *See* Amtrak's Motion to Dismiss at 34-35. Indeed, the only mention of "harassment", "hostile work environment", or conduct that could be attributable to a hostile work environment is in ¶ 2270 in which Woodruff states: "Plaintiff Eric Woodruff was subjected to racial harassment and a racially hostile work environment during Plaintiff's employment at Amtrak." This Court has found the very same statement to be nothing more than conclusory. *See Loggins*, 2022 WL 21758545, at *4. Notably, Woodruff's Opposition fails to specifically contest that his allegations in ¶¶ 2140-2144 do not relate to discrete employment actions, which cannot form the basis for a viable harassment claim. (*See* Opp'n 26-27). Nor can he because D.C. federal courts have repeatedly found similar allegations to be insufficient to state a harassment claim. *See*, *e.g.*, *Massaquoi*, 81 F. Supp. 3d at 53. Like the allegations themselves, Woodruff's response is simply conclusory, and Woodruff therefore concedes this argument. *Henneghan*, 916 F. Supp. 2d at 9.	Reply. *See* Amtrak's Motion to Dismiss at 33-38; Amtrak's Reply at 19-21.