

Ricky Meador,

Plaintiff,

versus

Pe Ben USA, Inc.,

Defendant.

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Civil Action H-10-1015

Opinion on Summary Judgment

In May of 2007, Ricky Meador was hired through the union hall to drive a truck for Pe Ben USA, Inc. On several occasions, he noticed that yellow nooses had been tied to the rear bumper of his truck while it was parked in Pe Ben's un-gated lot.

Meador reported the nooses to his supervisor, Ray Piper. Piper reported them to Pe Ben's president. To try to catch the responsible person, he then kept a two-night vigil on a gravel pit overlooking the yard while Meador's truck was there. He did not see anyone come into the yard or tie nooses.

At the time, Pe Ben was delivering to only one client. That client called Pe Ben to complain about Meador because he refused to wear his hardhat on its site and was gruff with the office employees. The client asked Pe Ben not to send Meador anymore.

On November 21, 2007, Pe Ben fired Meador. After his termination, Pe Ben hired a law firm to investigate racially-motivated problems at the site.

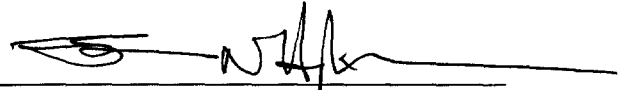
Meador sued Pe Ben on March 3, 2010, saying that he was subjected to a racially hostile environment based on the nooses and the use of racial slurs in the workplace. At the second conference, he abandoned his retaliation claim.

Meador's termination was not based on his race. His truck could have been tampered with by anyone – it was left overnight in an open lot. When he reported the nooses to PeBen, the company fully investigated his complaint, including both internal monitoring and the hiring of a third party to conduct an external investigation.

Meador did not complain of racial slurs to the Commission; he is barred from doing so here. Even if he had included the slurs, they do not help his case. He was hired and fired by the same person, and he was fired because he did not get along with the company's only client. The same supervisor who Meador says used the slurs also reported the noose incident to the company's president and took his own time to watch for the culprit. Meador cannot connect the use of some unsavory language to his termination.

Ricky Meador will take nothing from Pe Ben USA, Inc.

Signed on May 27, 2010, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Lynn N. Hughes', written over a horizontal line.

Lynn N. Hughes
United States District Judge