

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

### I. (a) PLAINTIFFS

The Guardian Civic League, Inc., et al.

(b) County of Residence of First Listed Plaintiff Philadelphia  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Brian R. Mildenberg/David S. Mildenberg, Mildenberg & Stalbaum  
123 S. Broad St., Ste. 1610, Phila., PA 19019 (215)545-4870

### DEFENDANTS

Philadelphia Police Department, et al.

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated <i>or</i> Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated <i>and</i> Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):  
42 USC Sections 1981, 1983 and 1985 et seq.

Brief description of cause:  
Racially hostile employment environment.

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ \_\_\_\_\_  
CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE \_\_\_\_\_ SIGNATURE OF ATTORNEY OF RECORD \_\_\_\_\_

07/15/2009 /s/ Brian R. Mildenberg, Esq./David S. Mildenberg, Esq.

### FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

# UNITED STATES DISTRICT COURT

**FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.**

Address of Plaintiff: See attached list of parties.

Address of Defendant: See attached list of parties.

Place of Accident, Incident or Transaction: Philadelphia, PA

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes  No **XXX**

Does this case involve multidistrict litigation possibilities?

Yes  No **XXX**

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes  No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes  No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes  No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes  No

CIVIL: (Place    in ONE CATEGORY ONLY)

A. *Federal Question Cases:*

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7. **XXX** Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases  
(Please specify)

B. *Diversity Jurisdiction Cases:*

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify)
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases  
(Please specify)

## ARBITRATION CERTIFICATION

(Check appropriate Category)

I, BRIAN R MILDENBERG, ESQ., counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

Relief other than monetary damages is sought.

DATE: July 15, 2009

/s/ Brian R. Mildenberg, Esq.  
Attorney-at-Law

PA I.D.-84861  
Attorney I.D.#

**NOTE:** A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: July 15, 2009

/s/ Brian R. Mildenberg, Esq.  
Attorney-at-Law

PA I.D.-84861  
Attorney I.D.#

CIV. 609 (6/08)

**APPENDIX I  
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
CASE MANAGEMENT TRACK DESIGNATION FORM**

*The Guardian Civic League, Inc., et al.*

v.

*Philadelphia Police Department, et al.*

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (XXX)**
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

**MILDENBERG AND STALBAUM, P.C.**

**Date: July 15, 2009**

**By: /s/ Brian R. Mildenberg/David S. Mildenberg  
BRIAN R. MILDENBERG, ESQUIRE  
DAVID S. MILDENBERG, ESQUIRE  
123 S. Broad Street, Suite 1610  
Philadelphia, PA 19109  
(215) 545-4870**

**THE GUARDIAN CIVIC LEAGUE, INC., ET AL**

**V.**

**PHILADELPHIA POLICE DEPARTMENT, ET AL**

**LIST OF PARTIES**

**A. NAMED PLAINTIFFS**

1. The Guardian Civic League, Inc. a/k/a The Guardian Civic League, Philadelphia Chapter of the National Black Police Association, by and through Rochelle Bilal, President of the Guardian Civic League, individually and on behalf of all others similarly situated. Address: 1516 W. Girard Avenue, Philadelphia, PA 19130.

2. National Association for the Advancement of Colored People (“NAACP”), Philadelphia Branch by and through J. Whyatt Mondesire, President of the NAACP, Philadelphia Branch. Address: 1619 W. Cecil B. Moore Avenue, Philadelphia, PA 19121.

3. National Association of Black Law Enforcement Officers (“NABLEO”) by and through Charles P. Wilson, National Chairman of the NABLEO. Address: Post Office Box 1182, Newark, NJ 07102.

**B. DEFENDANTS**

1. Philadelphia Police Department. Address: The City of Philadelphia, 1515 Arch Street, Philadelphia, PA 19102.

2. Domelights.com a/k/a Domelights Enterprises, LLC. Address: c/o Domain Discreet, Rua Dr. Brito Camara, n 20, 1 Funchal, Madeira 9000-039.

3. Sergeant “McQ,” an Internet Screen Name used by the founder and Moderator of Domelights.com, who is an Active Duty Philadelphia Police Sergeant,

individually, and his capacity Sergeant. Address: The City of Philadelphia, 1515 Arch Street, Philadelphia, PA 19102.

4. John/Jane Does ##1-10,000

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

MILDENBERG AND STALBAUM, P.C.  
By: BRIAN R. MILDENBERG, ESQUIRE  
By: DAVID S. MILDENBERG, ESQUIRE  
123 S. Broad Street, Suite 1610  
Philadelphia, PA 19109  
(215) 545-4870  
*Counsel for Plaintiffs*

THE GUARDIAN CIVIC  
LEAGUE, INC. a/k/a THE GUARDIAN  
CIVIC LEAGUE, PHILADELPHIA  
CHAPTER OF NATIONAL BLACK  
POLICE ASSOCIATION,  
by and through ROCHELLE BILAL,  
PRESIDENT, associational Plaintiff,  
individually and on behalf of all others  
similarly situated; and,

NATIONAL ASSOCIATION FOR  
ADVANCEMENT  
OF COLORED PEOPLE (“NAACP”)  
PHILADELPHIA BRANCH, by and  
through J. WHYATT MONDESIRE,  
PRESIDENT, associational Plaintiff,  
individually and on behalf of all others  
similarly situated; and,

NATIONAL ASSOCIATION OF  
BLACK LAW ENFORCEMENT  
OFFICERS (“NABLEO”), by and  
through CHARLES P. WILSON,  
NATIONAL CHAIRMAN, associational  
Plaintiff, individually and on behalf  
of all others similarly situated,

*Plaintiffs,*

v.

PHILADELPHIA POLICE  
DEPARTMENT; and,

DOMELIGHTS.COM a/k/a  
DOMELIGHTS ENTERPRISES, LLC

Civil Action No. \_\_\_\_\_

COMPLAINT  
CLASS ACTION  
CIVIL RIGHTS CONSPIRACY  
pursuant to 42 U.S.C. §§ 1981, 1983, and 1985  
to remedy racially discriminatory  
and hostile employment environment  
for all African-American  
Philadelphia Police Officers  
as a result of that certain racially offensive  
Internet website known as  
DOMELIGHTS.com, operated by  
a white Active Duty Sergeant of the  
Philadelphia Police Department  
known by the Internet Screen Name  
as Sgt. “McQ”

JURY TRIAL DEMANDED

**c/o Domain Discreet** :  
**Rua Dr. Brito Camara, n 20, 1** :  
**Funchal, Madeira 9000-039; and** :  
 :  
**Sergeant “McQ,” an Internet** :  
**Screen Name used by the founder and** :  
**moderator of Domelights.com,** :  
**who is an Active Philadelphia** :  
**Police Sergeant,** :  
**individually, and in his Capacity as a** :  
**Sergeant of the Philadelphia** :  
**Police Department of the City** :  
**of Philadelphia,** :  
 :  
**JOHN/JANE DOES #1-10,000,** :  
 :  
*Defendants.* :  
 :

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**COMPLAINT AND JURY DEMAND**  
**CLASS ACTION**

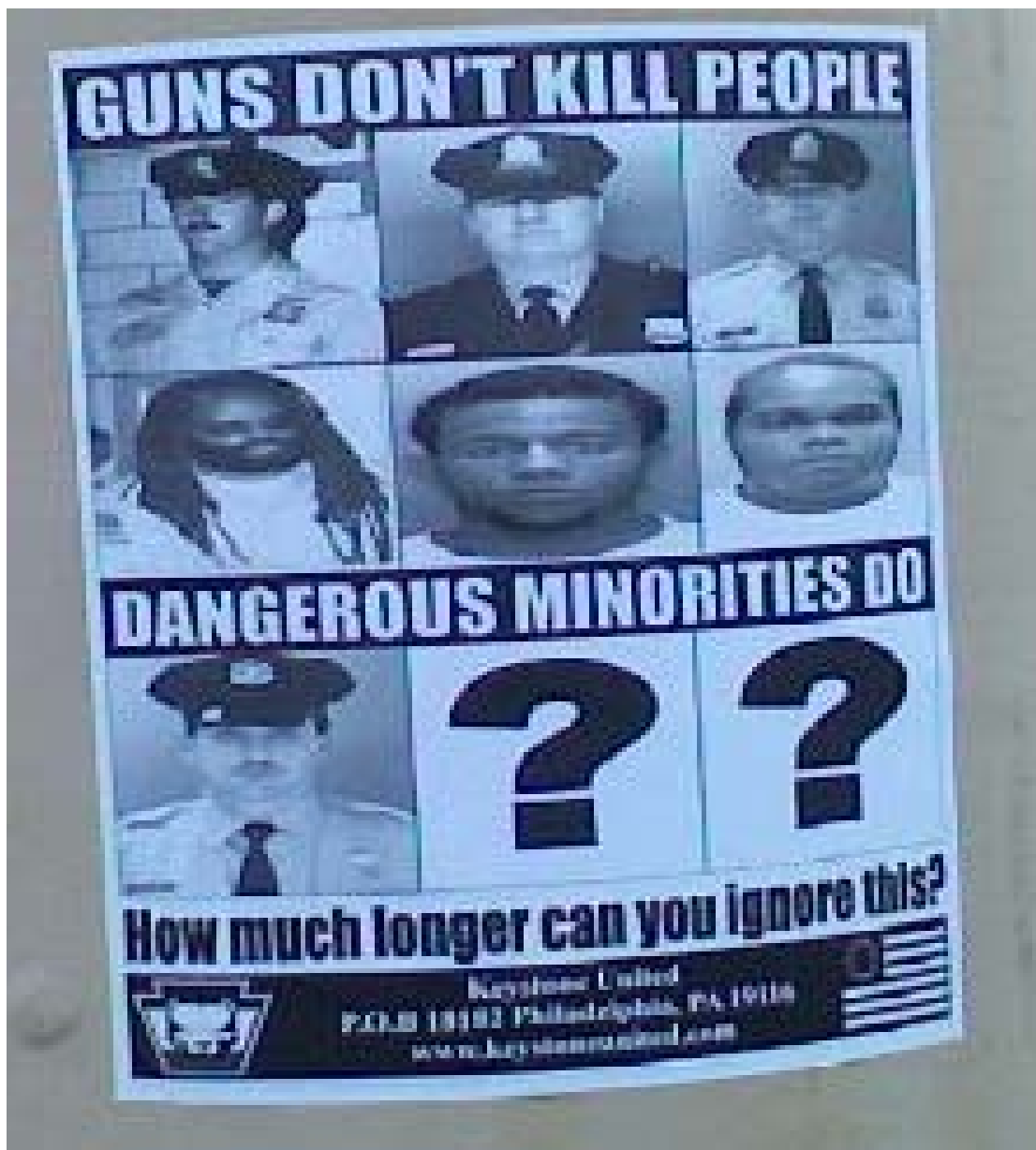
**COME NOW** Plaintiffs, by and through undersigned counsel, MILDENBERG AND STALBAUM, P.C., complaining of Defendants, and respectfully aver as follows:

**I. FACTUAL BACKGROUND**

1. This Class Action is brought by the Guardian Civic League, Inc. (the Philadelphia Chapter of the National Black Police Association); The National Association for the Advancement of Colored People (“NAACP”), Philadelphia Branch; and The National Association of Black Law Enforcement Officers, Inc. (“NABLEO”), on behalf of in excess of two thousand three hundred (2300) African American Philadelphia Police Officers, to remedy invidious racial discrimination on the part of the Philadelphia Police Department, in allowing, through custom, practice and policy, a group of white Philadelphia Police Officers, including officers of supervisory rank, to operate, publish, disseminate and perpetuate during their employment as police officers, both on and off duty, a blatantly racist, anti-minority, disgusting

and offensive public Internet website called Domelights.com that has become an insult to all African-American Police Officers, and has created a racially harassing and hostile work environment, in violation federal law.

2. For example, included among the postings on this website is the following offensive picture disseminated by a White Supremacist Organization and posted by a member of Domelights.com, the website founded and operated by Sgt. "McQ," an Active Duty Philadelphia Police Sergeant, who routinely participates in and encourages the racially offensive conduct.



**LAW OFFICES OF: MILDENBERG AND STALBAUM, P.C.**  
123 S. BROAD STREET, SUITE 1610  
PHILADELPHIA, PENNSYLVANIA 19109  
(215) 545-4870 | WWW.MILANDSTAL.COM



See <http://www.domelights.com/forums/index.php?showtopic=20637&mode=linear>, accessed July 15, 2009, posted May 9, 2008 (indicating a poster that reads: **“Guns Don’t Kill People. Dangerous Minorities Do. How much longer can you ignore this?” set amongst images of white police officers and mug shots of African-Americans**).

3. Upon information and belief, Domelights.com is a website operated and moderated by a group of white Philadelphia Police Officers. Domelights.com contains public Internet message boards where members of the website, many of whom are active Philadelphia Police Officers, may post messages, pictures, links, and other information. These postings are available for the Internet browsing public to view, and are linked to and from sites throughout the Internet. The racially offensive website Domelights.com, operated and moderated by Sergeant “McQ,” even generates money on its racism by selling accessories branded with the Domelights.com name and logo, including shirts, children’s clothing, hats, bags, and “Intimate Apparel.” See “Domelights.com Shop” at <http://www.cafepress.com/domelights>.

4. Moreover, Domelights.com makes more money by selling advertising space through Yahoo.com, through which Yahoo.com, upon information and belief, places advertisements of major retail consumer websites, including Amazon.com. Upon information and belief, Domelights.com is paid fees by Yahoo.com and/or its affiliates in exchange for provision of links and/or clicks on the advertisements appearing on the site, many of the users of which are clearly racist and/or supportive of white supremacist ideals. This website is used by Police Officers during on-duty hours and creates a racially offensive and hostile employment environment for African-American Philadelphia Police Officers, in violation of federal law.

5. On a regular basis, Domelights.com allows and encourages racist postings concerning African-Americans and African-American police officers to the Internet message boards. Upon information and belief, many of these racist postings are made by white Philadelphia Police Officers while they are on and off duty, and the site is moderated and operated by white Philadelphia Police Officers while they are on and off duty. White police officers use Domelights.com at work, in front of African-American Police Officers, and discuss the contents of this racist website, make jokes about it, and just simply say the word: “Domelights,” which has taken on an insulting connotation because of the widely known racially offensive content on the website. The word “Domelights” refers to the police lights on top a police vehicle, as reflected in the Domelights insignia, provided below for the Court’s convenience:



<a href="#">Domelights.com</a>	<a href="#">Domelights Portal</a>	<a href="#">Terms of Service</a>	<a href="#">Gallery</a>	<a href="#">Live Chat</a>	<a href="#">Calendar</a>	<a href="#">Members</a>	<a href="#">Search</a>	<a href="#">Help</a>
Welcome Guest ( <a href="#">Log In</a>   <a href="#">Register</a> )								<a href="#">Blogs</a>

► [Domelights Central](#) > [Our Classic Forums](#) > [Philadelphia Blue](#)

6. For instance, in a public posting forum on Domelights.com called “The Steam Vent,” the following public, racist posting of a racially offensive article was made by a member of Domelights.com:

As Harvard law professor Randall Kennedy accurately points out, etymologists believe the word "nigger" "was derived from an [old] English word 'neger' that was itself derived from 'Negro,' the Spanish word for black." He also

**writes, however, "the term 'nigger' is in most contexts a cultural obscenity."  
(See Kennedy's "A Note on the Word Nigger.")**

Hosea Easton, in his 1837 work, "The Condition of the Colored People of the United States; and the Prejudice Exercised toward Them," wrote, "**Nigger is an opprobrious term, employed to impose contempt upon [blacks] as an inferior race.** ... the term itself would be perfectly harmless were it used only to distinguish one class from another – but it is not used with that intent ... it flows from the fountains of purpose to injure."

\*\*\*

**Perhaps the most obvious question that begs to be answered is: How did and/or why do so many blacks find it acceptable to so demean themselves? Can you imagine Martin Luther King greeting someone with "My 'nigger,' come give me a hug"? Can you imagine former Secretary of State Gen. Colin Powell saying to his staff, "That was just my 'nigger' on the phone"? Would Al Sharpton's secretary say, "It's your 'nigger' on the phone"? Obviously, the answer is no.**

7. In another racially offensive Posting in "The Steam Vent" forum, a member of Domelights.com posted as follows, in reference to African-Americans:

**Welfare was not to be a free ride from generation to generation, yet it happens. Better to spend that "Good gub'ment" money on Cadillac Escalades sitting in a project parking lot, or wearing \$300 Nikes, but not spend money on hooked on phonics, or going to that library in every neighborhood. George Washington Carver had it much, much worse after slavery than anyone in the projects could imagine, yet educated himself, became a Dr., and found over 300 uses for the peanut. Yet young blacks look up to those who contributed much more to black society, like Tupac, Fiddy, and the local neighborhood dealer or pimp.**

**[]... No matter how bad the schools may be in urban areas, there is enough guidance to get kids out of the ghetto/thug life from many educators, even if their families do not know better, or do not care. And anyone trying to better themselves are "Tom's". And this brings us back to the trillions of dollars spent to change the above cycle. Looks like a big waste of that money. But it's society's fault, and Whitey's as well.**

**[] And in urban areas, it seems [African-Americans] living on welfare in paid for housing is ingrained in their culture as well as fighting, revolution and militarism you speak of as well. The black community can make of it what it wants. Make use of the tons of money spent to help them better themselves.**

**Kids, along with adults can't speak proper English or spell at a 3rd grade level, but they can sing among "theyselves" the lyrics to a rap song.**

[] ... Even if a city library in a poor area does not have the materials of a suburban one, there are still thousands of books one can still learn from. **And I can be certain that bars on windows in black areas are not there to stop whitey from stealing "they s\*\*t". Like any community, the problems in that community are from within that community. And no amount of money will ever fix them.**

8. The offensive postings on the Website are part of the intentional purpose of the creator of Domelights.com Sgt. "McQ." This is evidenced through his own racially offensive postings, including the following:

As stated previously, **blacks and other minorities frequently don't have the economic resources that white people have. Consequently, blacks may not be able to keep their vehicles inspected, registered, and roadworthy. Poor minorities are also forced to drive older cars that are more prone to breakdown—further drawing the attention of the police.**

\*\*\*

Police Officers often stop vehicles after observing traffic violations for the purpose of investigating something else--like a recent crime. **For example, if there is a pattern of liquor store robberies in a given area involving two black males driving a blue van, you can be reasonably certain that most blue vans occupied by black males that drive through the area will be stopped.**

\*\*\*

**[T]he minority areas, many of which are plagued with crime, have many more cops doing what cops are demanded to do by the community--maintaining order and safety. Unfortunately, this sometimes results in "over policing." Admittedly, "over policing" is inconvenient and annoying if you happen to be the black male who gets stopped once a week, every week, on your way to your job on the graveyard shift....**

See <http://domelights.com/racprof1.htm> (accessed July 15, 2009).

9. These racially offensive postings and forums are viewed by white Police Officer members of Domelights.com during work hours on Philadelphia Police Department computers

and are discussed in front of African-American Philadelphia Police Officers, and create a racially offensive, illegal, and hostile work environment.

10. This legal action seeks class action status and seeks, on behalf of all African-American Police Officers, legal and equitable relief, including:

- a. A declaratory judgment declaring that Defendants have illegally discriminated against Plaintiffs because of the color of their skin;
- b. An appropriate remedial order, granting injunctive relief, directing, requiring and ordering the Philadelphia Police Department to:
  - i. Immediately ban the operation and use of Domelights.com by Philadelphia Police Officers;
  - ii. Immediately ban the posting of any racially offensive material by Philadelphia Police Officers to Domelights.com;
  - iii. Cease and desist all acts of proscribed racial discrimination as required pursuant to 42. U.S.C. §§ 1981, 1983 and 1985 *et seq.*;
  - iv. To take such other remedial action as is needed to enforce compliance with all relevant standards of non-discrimination on the basis of race or color.
- c. Payment of compensatory and punitive damages to Plaintiffs and the Plaintiff class in an amount to be determined at trial, together with an award of such ancillary relief as is available in an action brought pursuant to 42. U.S.C. §§ 1981, 1983 and 1985 *et seq.*

## **II. PARTIES**

### **A. PLAINTIFFS**

11. The above paragraphs are incorporated herein by reference.

12. Plaintiff, The Guardian Civic League, Inc. a/k/a The Guardian Civic League, Philadelphia Chapter of the National Black Police Association, is a not for profit corporation duly incorporated and existing pursuant to and by virtue of the laws of the Commonwealth of Pennsylvania. Plaintiff brings this action by and through Rochelle Bilal, President of the Guardian Civic League.

13. The Guardian Civic League was founded in 1956. As the local chapter of the National Black Police Association, the League brings this action as a representative Plaintiff on behalf of its African-American members, who consist of in excess of two-thousand (2000) African-American Philadelphia Police Officers. The Guardian Civic League regularly advocates for the civil rights of its members and is a membership service and advocacy organization to which African-American police officers can turn for support, assistance and advice with regard to their interests as Philadelphia Police Officers. In addition to advocacy, the Guardian Civic League holds social and cultural programming, engages in community service and support work, youth mentoring, member training and continuing education in the field of police work, and generally pursues the interests of its membership as a chapter of the National Black Police Association.

14. The Guardian Civic League is qualified to act as a Representative Organization and as named Plaintiff in this Class Action.

15. The Guardian Civic League brings this action individually, and on behalf of all African-American Philadelphia Police Officers.

16. Plaintiff, the National Association for the Advancement of Colored People (“NAACP”), Philadelphia Branch, is the Philadelphia branch of the NAACP. The NAACP is a national civil rights advocacy organization working on behalf of African Americans and other persons of color. The NAACP, Philadelphia Branch, membership include African American Philadelphia Police Officers. The NAACP, Philadelphia Branch brings this action by and through J. Whyatt Mondesire, President of the NAACP, Philadelphia Branch.

17. The NAACP, Philadelphia Branch is qualified to act as a Representative Organization and as named Plaintiff in this Class Action.

18. The NAACP, Philadelphia Branch brings this action individually, and on behalf of all African-American Philadelphia Police Officers.

19. The National Association of Black Law Enforcement Officers (“NABLEO”) is a national association of African American law enforcement officers that provides advocacy, educational, and professional services for its membership. The NABLEO regularly advocates for the civil rights of its members. The members of the NABLEO include African American Philadelphia Police Officers. The NABLEO brings this action by and through Charles P. Wilson, National Chairman of the NABLEO.

20. The NABLEO is qualified to act as a Representative Organization and as named Plaintiff in this Class Action.

21. The NABLEO brings this action individually, and on behalf of all African-American Philadelphia Police Officers.

## **B. DEFENDANTS**

22. Defendant, the Philadelphia Police Department, is, upon information and belief, a municipal agency of the City of Philadelphia.

23. Defendant, Domelights.com a/k/a Domelights Enterprises, LLC, is upon information and belief, a Pennsylvania Limited Liability Company duly organized and existing pursuant to and by virtue of the laws of the Commonwealth of Pennsylvania.

24. Defendant Domelights Enterprises, LLC, upon information and belief, through its members, owns and operates the racially offensive Internet website known as Domelights.com.

25. Defendant Domelights Enterprises has registered the website Domelights.com through an internet proxy service known as “Domain Descreet.” This proxy service allows the true identity of the operators of the website to be hidden from public view on the Internet. This proxy service is registered as having a location in the Madeira Islands, in Portugal. Upon information and belief, no other address is registered, either on the Internet, or with the Pennsylvania Department of State, for Defendant Domelights Enterprises, LLC. Upon information and belief, this secrecy was purposely engaged in by members and operators of the aforesaid LLC, including an Active Duty Philadelphia Police Sergeant, in order to hide the identities of those persons operating and facilitating this racist, discriminatory website.

26. Defendant, Sergeant “McQ,” is an Active Duty Philadelphia Police Sergeant, and is the founder and moderator of Domelights.com. Defendant is sued individually and in his Capacity as a Sergeant of the Philadelphia Police Department of the City of Philadelphia.

27. Defendants, John/Jane Does #1-10,000, are individuals and or entities unknown to Plaintiff at this time, who are or may be responsible for the herein alleged violations of law, and whom the Plaintiffs reserve the right to join as Defendants, or to substitute the actual names thereof, upon discovery of same in the due course of investigation.

28. At all times relevant hereto, Defendants acted by and through their agents, officers, shareholders, employees, servants, directors, executives, and members, who were acting



within the course and scope of their employment or agency or duties on behalf of the respective Defendants.

### **III. CLASS ACTION ALLEGATIONS**

29. The above paragraphs are incorporated herein by reference.

30. This action is properly maintained as a class action pursuant to Rule 23 (a) & (b)(2) of the Federal Rules of Civil procedure.

31. The class is defined as: “**All African-American Philadelphia Police Officers.**”

32. The Class of Plaintiffs is referred to herein as the “Plaintiff Class.”

33. The Plaintiff Class is sufficiently numerous. Upon information and belief, there are in excess of two thousand three hundred (2300) African American Philadelphia Police Officers.

34. The questions of law and fact raised by the claims of the Associational Plaintiffs are common to and typical of those raised by the claims of the putative class members. The Associational Plaintiffs provide services to their African-American Police Officer membership, as set forth above, and each member of the putative class is an African-American Police Officer.

35. Common questions of fact and law for the members of the Plaintiff Class include, but are not limited to, the question of whether Defendants discriminated against the class members the basis of their race or the color of their skin in violation of 42. U.S.C. §§ 1981, 1983 and 1985 *et seq.*

36. The legal violations alleged by the Associational Plaintiff are typical of those raised by the claims of each and every member of the putative class. The harms alleged by the Associational Plaintiff are typical of harms suffered by all African-American Police Officers similarly situated.

37. The Associational Plaintiff will fairly and adequately protect the interests of the Plaintiff Class. Plaintiff's proposed Class counsel, MILDENBERG AND STALBAUM, P.C., can adequately represent the rights of the Plaintiff Class.

38. Defendants have acted or refused to act on grounds generally applicable to the Plaintiff Class, making declaratory and injunctive relief with respect to the Plaintiff Class as a whole appropriate and necessary.

#### **IV. JURISDICTION AND VENUE**

39. The above paragraphs are incorporated herein by reference.

40. Jurisdiction over the matter is conferred upon the Court by 42. U.S.C. §§ 1981, 1983 and 1985 *et seq.*

41. Venue lies in this judicial district because the events which give rise to the claims herein occurred in this jurisdiction.

#### **V. FACTS**

42. The above paragraphs are incorporated herein by reference.

43. The use and reference to Domelights.com in the Philadelphia Police Department is pervasive.

44. Domelights.com contains insulting, disgusting, and racist postings.

45. Domelights.com is operated and moderated by, inter alia, a white Philadelphia Police Sergeant known by his Internet Screen Name as Sgt. "McQ."

46. The operators and moderators use Domelights.com at work at the Philadelphia Police Department, while on duty, and while off duty.

47. The management of the Philadelphia is aware of the existence and offensive nature, and pervasive use and reference to Domelights.com in the workplace.

48. African American Police Officers have complained to the Philadelphia Police Department regarding Domelights.com, but no actions have been taken to restrict this website or to discipline those police officers responsible for its racially offensive and legally violative content.

49. Rather, the managers of the Philadelphia Police Department have ignored the Complaints, and have allowed this discriminatory material to be used, operated, and published from computers owned by the Department, by police officer employees of the Department, including those of rank and supervisory position, thereby creating a racially offensive and hostile work environment for African American Philadelphia Police Officers.

50. By and through their conduct, the Philadelphia Police Department has evidenced a policy, practice or custom of allowing the use of their computers for a racially hostile purpose, and allowing its employee Police Officers to engage publically in racially offensive and hostile commentary and postings.

51. In addition to being racially offensive, the conduct of these Police Officers, including Sgt. “McQ,” constitutes conduct unbecoming of a Philadelphia Police Officer, and is contrary to Depart policies and regulations that apply to all Police Officers, as law enforcement officials, to avoid engaging in racially offensive speech or conduct in public. There is no First Amendment Safe Harbor for racially discriminatory conduct against African Americans that takes place at, is connected to, and creates a hostile environment in, the workplace. Moreover, a Police Officer is subject to a higher standard of conduct and speech while on duty, as well as whenever such sworn Police Officer is in a public forum. The same standard applies with even greater force to a Police Sergeant, a supervisory Police Official charged with upholding the dignity of the uniform, badge, office and law.

52. The racially offensive nature of Domelights.com is pervasive and severe, and on an almost daily basis insults African American Police Officers.

53. The racially offensive nature of Domelights.com has created a discriminatory and hostile working environment on the basis of race, in violation of the federal civil rights of Plaintiffs and the Plaintiff Class.

54. Defendants Sgt. “McQ” and Domelights.com a/k/a Domelights Enterprises LLC have used Philadelphia Police Department computers to maintain, publish, and encourage a racially hostile and offensive website and working environment.

55. Defendants John/Jane Does #1-10,000 include the individual operators and members of Domelights.com who are Police Officer employees of the Philadelphia Police Department and who engage in or encourage racially offensive postings, or discuss them at work, or make jokes and comments about them in front of African-American Police Officers.

56. These Defendants use “screen names” on the Internet to hide their true identities.

57. It is well known within the Department, however, that these Defendants are a group of white Philadelphia Police Officers.

58. The racially offensive conduct of these Defendants has created a discriminatory and hostile working environment on the basis of race, in violation of the federal civil rights of Plaintiffs and the Plaintiff Class.

59. In addition to the postings on Domelights.com already mentioned above, the following are a sample of other postings, all publically available on the Domelights.com forums and accessed as of July 15, 2009, all in reference to African Americans and African American Police Officers:

- By the way. these azzholes [sic] who hate white America so much. "Every city has an airport f\*ckhead. Go back to the motherland if you hate it here so much." You will not be missed.
- relax mista black man. dont be mad that michael jackson hated being black. so he shrunk his nose and straightened his hair and bleached his skin to look powder white. and has white kids. dont be mad that prez 44 is 1/2 whitey. you can have those slug boses u mentioned. oh and u mentioned mcnabb...hmm..43 superbows and only ONE doug williams. go figure.
- Mr. Biggs.. Yes I am a minority, and I am on Domelights. What makes me a minority in Philadelphia is that I am a white male. In response to your post, just because I don't want my children around the kids from the hood, that doesn't make me a redneck. That makes me a caring parent. I grew up in a mixed neighborhood and when I could get out, I did. Sorry to say I had to move twice for the same reason. I do not bash minorities, I bash low life criminals, I bash welfare cheats, I bash bad parents, I bash people who move in and destroy neighborhoods. I also bash people who murder each other in the streets. Its a shame but it is true that most of these cold blooded killers and victims are black. I do not bash blacks, I tell it like I see it and if you don't see the destruction that's going on all around us, and who is doing it, you must be color blind. I don't wear a McNabb jersey, he never was my QB, especially when he had a fainting spell in the superbowl. It suprise me that you would support Michael Jackson, a black man who spent a fortune trying to turn himself white and married two white women. It doesn't surprise me that you would support a pedophile and drug addict, that's ok I guess because he is black. Maybe instead of calling white people rednecks, maybe that term applies more to the blacks in Philadelphia. According to the dictionary, Redneck... A poor rural southerner... one regarded as ignorant, bigoted and violent. If the shoe fits wear it.
- While the african-american community is presented as a victim group, facts & numbers show that the day of Jiw Crow's America are long gone, it is now blacks who are the most violent group toward other racial groups in America while European-Americans are the more targetted for interracial violence. Blacks are safer today when they are amongst whites than when they are among their own community. That isn't true for whites, who are not as safe around Blacks as among their own community. Indeed, the statistics show that while most criminality is intra-racial from the victims point of view,(white on white and Black on Black) from the offender point of view, Black criminality is, for many types of crime, interracial: Black criminal assault more Whites or as many Whites as they assault other Blacks. It would therefore be more accurate to say that today, European Americans are living in Louis Farrakhan's America.
- Where I work is an area where black people own 700" plasma TVs, drive Caddilac Escalades, never seem to go to work, and have every Nintendo Wii game there is, but thier kids sleep 4 to a bed in a house infested with livestock that looks like it hasn't been cleaned in years.

- **Officials said that "racially isolated" schools are at least 90 percent African-American or Latino. Does that mean that schools that are at least 90 percent White are also considered to be "racially isolated" too? Hummmmm? Thank God for Catholic School!**
- **There are NO public schools in this city that are 90% white. Busing put an end to that years ago. How are we still the majority if the "minorities" occupy most of our schools?**

60. The aforesaid postings are representative of public postings and comments that are made on a regular basis on Domelights.com, published by the aforesaid white Philadelphia Police Officers who use Department computers during working hours to access and administer the site.

**VI. CAUSE OF ACTION**

**COUNT I**

**CIVIL RIGHTS ACT**

**FEDERAL CIVIL RIGHTS VIOLATION/DISCRIMINATION**

***HOSTILE WORK ENVIRONMENT ON THE BASIS OF RACE***

**42 U.S.C. § 1981 as enforceable through § 1983**

***Plaintiffs, individually, and on behalf of all others similarly situated v.  
The Philadelphia Police Department***

61. The above paragraphs are hereby incorporated herein by reference.

62. The aforesaid actions of Defendants have created, encouraged, and continued a pervasive and severe hostile working environment for African American Philadelphia Police Officers.

63. Such hostile work environment denies African American Philadelphia Police Officers the right to the same terms, conditions, privileges and benefits of their employment agreement with the Philadelphia Police Department, in violation of 42 U.S.C. § 1981.

64. Such violation of 42 U.S.C. § 1981 is actionable against the Philadelphia Police Department, a municipal entity, pursuant to 42 U.S.C. § 1983.

65. As a result of the aforesaid racially offensive conduct, Plaintiffs, and the Plaintiff Class, have been discriminated against on the basis of their race, made to suffer humiliation and embarrassment, and sustained damages for which recovery of compensatory damages may be had pursuant to 42 U.S.C. § 1983.

66. In addition, Plaintiffs and the Plaintiff Class are entitled to an award of all relief available under 42 U.S.C. § 1988.

## **COUNT II**

### **CIVIL RIGHTS ACT**

#### **FEDERAL CIVIL RIGHTS VIOLATION/DISCRIMINATION**

#### **42 U.S.C. § 1981**

*Plaintiffs, individually, and on behalf of all others similarly situated v.  
Sgt. "McQ," Domelights.com a/k/a Domelights Enterprises, LLC  
and JOHN/JANE DOES ## 1-10,000*

67. The above paragraphs are hereby incorporated herein by reference.

68. The aforesaid actions of Defendants have created, encouraged, and continued a pervasive and severe hostile working environment for African American Philadelphia Police Officers.

69. The aforesaid actions of Defendants violate 42 U.S.C. §§ 1981.

70. As a result of the aforesaid racially offensive conduct, Plaintiffs, and the Plaintiff Class, have been discriminated against on the basis of their race, made to suffer humiliation and embarrassment, and sustained damages for which recovery of compensatory and punitive damages may be had pursuant to 42 U.S.C. § 1981.

71. In addition, Plaintiffs and the Plaintiff Class are entitled to an award of all relief available under 42 U.S.C. § 1988.

**COUNT III**

**CIVIL RIGHTS ACT**

**FEDERAL CIVIL RIGHTS VIOLATION/CIVIL RIGHTS CONSPIRACY**

**42 U.S.C. § 1985**

*Plaintiffs, individually, and on behalf of all others similarly situated v.  
Sgt. “McQ,” Domelights.com a/k/a Domelights Enterprises, LLC  
and JOHN/JANE DOES ## 1-10,000*

72. The foregoing paragraphs are incorporated by reference.

73. The aforesaid conduct of Defendants deprived Plaintiffs and the Plaintiff Class to their rights as secured by 42 U.S.C. §§ 1981 and 1983.

74. Defendants agreed or conspired with one another to engage in such conduct, for the intended purpose of depriving Plaintiffs and the Plaintiff Class of the aforesaid federally guaranteed civil rights.

75. As a result of the aforesaid racially offensive conduct, Plaintiffs, and the Plaintiff Class, have been discriminated against on the basis of their race, made to suffer humiliation and embarrassment, and sustained damages for which recovery of compensatory and punitive damages may be had pursuant to 42 U.S.C. § 1985.

76. In addition, Plaintiffs and the Plaintiff Class are entitled to an award of all relief available under 42 U.S.C. § 1988.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully request that this Honorable Court enter judgment in favor of Plaintiffs and against Defendants, and Order the following relief:



- a. A declaratory judgment declaring that Defendants have illegally discriminated against Plaintiffs because of the color of their skin;
- b. An appropriate remedial order, granting injunctive relief, directing, requiring and ordering the Philadelphia Police Department to:
  - i. Immediately ban the operation and use of Domelights.com by Philadelphia Police Officers;
  - ii. Immediately ban the posting of any racially offensive material by Philadelphia Police Officers to Domelights.com;
  - iii. Cease and desist all acts of proscribed racial discrimination as required pursuant to 42. U.S.C. §§ 1981, 1983 and 1985 *et seq.*;
  - iv. To take such other remedial action as is needed to enforce compliance with all relevant standards of non-discrimination on the basis of race or color.
- c. Payment of compensatory and punitive damages to Plaintiffs and the Plaintiff class in an amount to be determined at trial, together with an award of such ancillary relief as is available in an action brought pursuant to 42. U.S.C. §§ 1981, 1983 and 1985 *et seq.* by virtue of 42 U.S.C. § 1988.
- d. Order such additional relief as is deemed just and proper, or that the interests of justice may require.

**VII. JURY DEMAND**

The Plaintiff Class hereby demands a jury trial as to all issues so triable herein.

**Respectfully submitted,**

**MILDENBERG AND STALBAUM, P.C.**

**Date: July 16, 2009**

**By: /s/ Brian R. Mildenberg/David S. Mildenberg  
BRIAN R. MILDENBERG, ESQUIRE  
DAVID S. MILDENBERG, ESQUIRE  
123 S. Broad Street, Suite 1610  
Philadelphia, PA 19109  
(215) 545-4870  
*Counsel for Plaintiff***