

# Six former black employees of Momentum Solar sue for racism and discrimination

[dailymail.co.uk/news/article-6998653/Six-former-black-employees-Momentum-Solar-sue-racism-discrimination.html](https://www.dailymail.co.uk/news/article-6998653/Six-former-black-employees-Momentum-Solar-sue-racism-discrimination.html)

May 5, 2019

Six black former employees have filed a lawsuit against a New Jersey solar energy company for racism and discrimination, claiming the n-word and racist comments were made on a daily basis and workers were fired if they complained.

The lawsuit against Momentum Solar - the number two energy company in the nation - was filed on Monday in New York by the employees represented by Wigdor LLP.

The lawsuit claims that the solar panel company, which has more than 1,200 employees and rakes in over \$100million in revenue per year, has created a work environment 'permeated with vile racism' at its New York-based warehouse.

Workers allegedly made racist jokes daily, openly used the n-word, while black employees were paid less and given less opportunities than their co-workers. Anyone that complained was subsequently fired, according to the lawsuit.



Six black former employees of Momentum Solar are suing the company for racism and discrimination at their New York warehouse



The energy company that specializes in solar panels is accused of allowing a culture of racism and discrimination where racist jokes were used daily, the n-word was said openly, and black employees were allegedly paid less and offered less opportunities

Three workers are named in the suit - a foreman and two heads of operations at the New York warehouse.

The lawsuit alleges that foreman Adam Murawski used the n-word in front of his employees and directed it towards black employees.

On one occasion he said that work on a project didn't go as planned because it was 'n\*\*\*\*red up'. One white employee heard Murawski refer to a broken table as 'n\*\*\*\*ed'.

He was also heard referring to himself, a white employee, and a black employee as 'two and a half people', an allusion to the slavery-era three-fifths compromise that deemed slaves as 60 percent the value of a free person.

On another occasion he further criticized the project to a black employee saying, 'This [project] is a clusterf\*\*k. It is a n\*\*\*\*r like you'.

On one occasion when an employee complained that Murawski called him the demeaning term 'boy', Murawski allegedly replied, 'I don't give a f\*\*k about how a n\*\*\*\*r thinks.

Murawski also allegedly drives a car with a bumper sticker that says, 'This is OUR America - Get the F\*\*k Out!'



The New York warehouse was run by white and Indian head of operations Rajan Silberman from December 2017 to April 2018 who made these Facebook posts allegedly after black employees complained about discrimination

The lawsuit states that white employees commonly made racist jokes and innuendos, making fun of the way Jamaican employees spoke English and questioned whether black employees could 'afford' to buy certain clothing, insinuating they were poorer than white people.

The lawsuit also claims that black employees are paid less than white employees, black employees are ostracized and handed the least desirable jobs with few opportunities for advancement.

The New York warehouse was run by manager Rajan Silberman, who is white of Indian descent, from December 2017 to April 2018.

Employees have accused him of harassment, saying after they complained of discrimination he posted on Facebook saying 'man f\*\*k these n\*\*\*\*s' and 'whackkk a\*\* n\*\*\*\*s'.

Silberman was replaced as head of operations for the New York warehouse by Jessica Adams, with whom he shares a child. She's accused of also fostering a discriminatory and retaliatory environment, firing black employees who complained about racism.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARRETH MURRELL, TEVIN BROWN,  
KENNETH SAPP, RAOUL GERDES, CHEVON  
RILEY and SHADDON BESWICK, on behalf of  
themselves and all similarly-situated employees,

Plaintiffs,

v.

PRO CUSTOM SOLAR LLC d/b/a MOMENTUM  
SOLAR, JESSICA ADAMS, RAJAN  
SILBERMAN and ADAM MURAWSKI, in their  
individual and professional capacities,

Defendants.  
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Civil Action No.:

**CLASS ACTION COMPLAINT**

**Jury Trial Demanded**

**PRELIMINARY STATEMENT**

1. Pro Custom Solar LLC d/b/a Momentum Solar ("Momentum" or the "Company") is one of the nation's most successful and fastest growing clean energy companies. It was recently ranked as the "#2" energy company in the nation, as well as the top company in New Jersey across all industries. In just under a decade, the company has grown from two employees to over 1,200. The \$100mm+ in revenue per year company has operations in New York, New Jersey, Florida, Texas, California, Pennsylvania and Connecticut. Last year, New Jersey provided Momentum with a \$7,200,000 tax credit and the investment firm Advantage Capital recently invested \$4,100,000 in Momentum.

2. What Momentum's investors and clients and the tax payers who help foot the bill for its operations do not know is that the management at the Company's New York-based warehouse fostered a work environment permeated with vile racism. By way of example only:

The lawsuit: The lawsuit was filed by six former black employees on Monday

- Foreman and Defendant Adam Murawski regularly used the word “█████” in front of and directed towards Black employees, including Plaintiffs.
- Defendant Murawski often remarked that work on a project that did not go as planned had been “█████ up.”
- On one occasion when criticizing a project, Defendant Murawski stated to Plaintiff Garreth Murrell, who is Black, “This [project] is a clusterfuck. It is a █████ like you.”
- Another foreman named Tom also regularly directed the term “█████” towards Plaintiff Tevin Brown, who is Black.
- Defendant Murawski routinely referred to Mr. Brown as “boy,” a patently racist term historically used to demean Black persons and “put them in their place.”
- Other white employees commonly made racist “jokes” and engaged in other racist innuendo, such as mocking the manner in which Jamaican employees spoke English and questioning whether Black employees could “afford” to buy certain clothing, implying that Black persons are universally poorer than white persons.
- Plaintiff Kenneth Sapp, who is Black, heard Defendant Murawski refer to a broken table as “█████’d.”
- Mr. Sapp also heard Defendant Murawski refer to himself, another white employee, and Mr. Sapp as “two and a half people,” a despicable (albeit mathematically incorrect) allusion to the so-called “three-fifths compromise” between Southern and Northern states during the slavery era, which set the census value of a slave as 60 percent of the value of a free person.
- The crew that Plaintiff Raoul Gerdes worked for, which was comprised predominantly of Black employees, was constantly referred to as the “█████ crew” by Defendant Murawski.
- Defendant Rajan Silberman, who ran the operations of the New York warehouse, also referred to Mr. Gerdes crew as “the █████ crew,” as did two white foreman named Jeff and Tom.
- When Plaintiff Shaddon Beswick, who is Black, objected to Defendant Murawski’s use of the term “boy,” Defendant

The shocking lawsuit lists the alleged racism and discrimination that took place at Momentum Solar's New House warehouse

One employee, represented by Wigdor, claims that they complained to Adams about Murawski's use of the n-word around October 2018.

The meeting was recorded and Murawski admitted to using the n-word on multiple occasions, but no disciplinary action was taken.

Later Murawski joined his colleagues and allegedly huffed, 'can you believe he though he could make a complaint against me?'

The employee who complained says he was subjected to increased discriminatory harassment and retaliation after that meeting.

He complained a second time and the following day he was fired.

Three other black employees were also fired after complaining about discrimination or racial slurs in the office.

Now there are two black employees out of the 40 workers in the New York office as foremen and installers. None of the foremen are black, the lawsuit states.

'As alleged in the class action complaint, rather than occurring sporadically, acts of vile racism occurred on a near-daily basis and were part and parcel to the culture of Momentum's NY operations,' Wigdor LLP partner and associate Michael J. Willemin and Tanvir H. Rahman said in a statement.

'Despite being well aware of this racism, Momentum's NY managers did nothing whatsoever to remedy it. When white supervisors admitted to using the n-word, no disciplinary action was taken. When Black employees complained about racism at Momentum, they were fired. As alleged in the complaint, Momentum treated its Black employees as second class citizens - it is time for Momentum to be held accountable for that,' the statement added.

Momentum Solar was ranked as the number two energy company in the U.S.

The company, founded in 2009, has operations in New Jersey, New York, Florida, Texas, California, Pennsylvania and Connecticut.

Momentum Solar's Executive Assistant Mallory Downes dismissed the allegations saying in a statement to DailyMail.com.

'There is no basis in law or fact for the claims asserted against Pro Custom Solar LLC in the purported Complaint filed in the Eastern District of New York,' the statement read.

'The six disgruntled former hourly employees were terminated for legitimate, non-discriminatory reasons including unacceptable workplace behavior, fighting, poor performance, failure to show up for work and violations of material company policies and procedures. The Company intends to vigorously defend all claims,' it added.

