

Lawsuit Accuses NJ Energy Firm of Racial Bias at NY Warehouse

LAW [law.com/newyorklawjournal/2019/05/06/lawsuit-accuses-nj-energy-firm-of-racial-bias-at-ny-warehouse](https://www.law.com/newyorklawjournal/2019/05/06/lawsuit-accuses-nj-energy-firm-of-racial-bias-at-ny-warehouse)

By Tom McParland | May 06, 2019 at 05:32 PM

Former employees of Momentum Solar on Monday accused the New Jersey-based energy company in a federal lawsuit of racial discrimination and retaliation, saying they had been fired after complaining about racism at the firm's New York warehouse.

In a [complaint](#) filed in the U.S. District Court for the Eastern District of New York, six black workers alleged that white supervisors at the warehouse regularly used racial slurs and directed other insults at minorities who worked there. When the plaintiffs complained about their treatment, they were soon fired, leaving just two black workers employed at the New York office, the filing said.

"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 [New York] operations," Wigdor LLP attorneys Michael J. Willemin and Tanvir H. Rahman said in a statement announcing the lawsuit.

"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," they said.

Momentum on Monday denied any wrongdoing, saying that the claims asserted against the company had "no basis in law or fact."

"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," Momentum said in a statement. "The company intends to vigorously defend all claims."

The proposed class action lawsuit targeted one of the nation's fastest-growing clean energy companies, which last year received a \$7.2 million tax credit from the state of New Jersey and more recently secured a \$4.1 million investment from New Orleans-based venture capital firm Advantage Capital, according to the complaint.

The plaintiffs said that in addition to "racial hostility," Momentum paid black workers less than their racial counterparts and often assigned black employees less desirable jobs than their white counterparts.

The complaint cited a recorded conversation in which Adam Murawski, a former foreman who managed the plaintiffs, admitted to plaintiff Garreth Murrell that he had used the N-word on multiple occasions. However, the filing alleged that neither Momentum nor the warehouse's head of operations, Jessica Adams, took any disciplinary action. Murrell said he was fired from the company the following day.

After the interaction, Murawski told his white colleagues, “can you believe he thought he could make a complaint against me,” the complaint said.

The filing also cited other incidents where foremen and white workers at the warehouse made racist comments and referred to crews that included black workers as the “nigga crew.”

“As a result of defendants’ discriminatory and retaliatory conduct, there are now only two black employees out of the approximately 40 individuals who work out of the New York office as foremen and installer,” the complaint said. “None of the foremen are black.”

The filing also alleged violations of federal and state wage laws, including requiring employees to work off-the-clock and failing to reimburse workers for the costs of tools needed to perform their jobs.

According to the lawsuit, Murrell planned to file a charge of discrimination with the federal Equal Employment Opportunity Commission and would later amend the complaint to include violations of Title VII of the Civil Rights Act, which bars workplace discrimination on the basis of sex, race, color, national origin and religion.

The case, captioned *Murrell v. Pro Custom Solar*, has not yet been assigned to a judge.

An online docket-tracking service on Monday did not list counsel for Momentum.