

ORIGINAL

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U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

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CLERK OF COURT

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7 UNITED STATES DISTRICT COURT

8 DISTRICT OF TEXAS

9 **Jaime Reborn,**

4-14CV-269-A

10 **Plaintiff**

**PLAINTIFF'S RESPONSE TO  
DEFENDANT'S - NATIONAL STAFF  
ORGANIZATION - NEVDA - MOTION TO  
DISMISS PLAINTIFF'S AMENDED  
COMPLAINT**

11 v.

12 **National Staff Organization - Nevada**

13 **3511 E. Harmon Ave.**

14 **Las Vegas, NV 89123**

15 **Defendant**

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20 **NOW COMES** The Plaintiff, Jaime Reborn, who respectfully opposes the defendant  
21 National Staff Organization - Nevada's (NSO-N) motion to dismiss. The Plaintiff's complaint  
22 states a claim for relief under 42 U.S.C. § 1983 and the Plaintiff has standing to bring their  
23 claims. Furthermore, Title VII prohibits discrimination on the basis of race. The Plaintiff, Jaime  
24 Reborn, is a Negro. The Defendant's motion to dismiss should be denied by this court because  
25 this court has proper authority to hear the issues between the parties. The issues between the  
26 parties, Plaintiff, Jaime Reborn, and the Defendant, NSO-N, are rightfully filed in the proper  
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1 court as the two parties are of different states. The Plaintiff, Jaime Reborn, is a permanent  
2 resident of Texas, was born and raised in Texas, and has always maintained a Texas residence  
3 even when he was an employee of the Nevada State Education Association. This action was  
4 filed within proper time parameters after an Equal Employment Opportunity (EEOC)  
5 investigation.  
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7 **FACTS**

8 The facts of this case will show that the Defendant, NSO-N, either colluded with the  
9 Nevada State Education Association (NSEA) to terminate the Plaintiff, Jaime Reborn's  
10 employment, due to his race, or failed to properly act upon the disparate treatment of the  
11 Plaintiff, Jaime Reborn, after his complaints that he was passed over for the job of Director of  
12 Communications. The Plaintiff complained to the NSEA Board of Directors and then was  
13 summarily fired only weeks after voicing his concerns. The recruitment for the Director of  
14 Communications position took place in or around August 2012. The Plaintiff was told by NSO-  
15 N Executive Director Gary Peck and NSO-N Deputy Director Debbie Cahill that he would not  
16 be allowed to even interview for the position. The Plaintiff was not allowed to even interview  
17 for the position despite sufficiently having the requisite qualifications for the position.  
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20 Additionally, while the Plaintiff, Jaime Reborn, was working at the Nevada State  
21 Education Association, he was designated as Professional Staff member a year or so before his  
22 termination. However, the Plaintiff, Jaime Reborn was not paid the same as the Caucasian  
23 members of the NSEA who were Professional Staff members of the NSEA. Indeed, the Plaintiff  
24 Jaime Reborn, was paid significantly less than that of the Caucasian Professional Staff members  
25 of the NSEA.  
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1 The Defendant, NSO-N, is attempting dwarf the reach of Title VII down to a narrow  
2 definition that it believes will allow it to escape blame for its violations of the law. Title VII  
3 prohibits discrimination in compensation and other terms, conditions, and privileges of  
4 employment. Thus, race or color discrimination may not be the basis for differences in pay or  
5 benefits, work assignments, performance evaluations, training, discipline or discharge, or any  
6 other area of employment.  
7

8 The Plaintiff, Jaime Reborn's, position was supposedly eliminated due to a  
9 recommendation by the NSEA's parent organization, the National Education Association (NEA).  
10 However here was no evidence provided to the Plaintiff, Jaime Reborn to support this position.  
11 Furthermore, no such evidence was provided to the NSO-N, who should have been assisting the  
12 Plaintiff, Jaime Reborn in this matter but failed to do so. The NSO-N had a fiduciary  
13 responsibility to investigate these claims as the Plaintiff, Jaime Reborn was a member of the  
14 NSO-N but the NSO-N failed to engage the Plaintiff, Jaime Reborn, with any assistance at all.  
15 Additionally, the NSO-N failed to investigate claims by the Plaintiff, Jaime Reborn, that he was  
16 being discriminated against when he wasn't allowed to interview for the position of Director of  
17 Communications. The President of the NSO-N, Lori Vece, told the Plaintiff, Jaime Reborn, that  
18 his references on his application for Director of Communications were not even reviewed by  
19 NSEA management and that the Plaintiff, Jaime Reborn, had a Master's degree and could speak  
20 Spanish as preferred requirements for the position of Director of Communications were not taken  
21 into consideration at all.  
22

23 The Defendant, the National Staff Organization, also had a fiduciary duty to negotiate on  
24 behalf of the Plaintiff, Jaime Reborn, in good faith, with regard to salary. The NSO-N negotiated  
25 with Nevada State Education Association management to include Jaime Reborn as a part of the  
26

1 Professional Staff from being a de facto Associate Staff member. However, this designation  
2 came with all the duties of a Professional Staff member but the Plaintiff, Jaime Reborn, was not  
3 given an increase in salary and was not even put on the same salary scale as the other Caucasian  
4 Professional Staff Members of the NSEA.  
5

6 By eliminating the Plaintiff, Jaime Reborn's, position as Information Systems  
7 Administrator, the NSO-N sought to use the resulting income as pay increases for salaries.  
8 During this process, the NSO-N knew well in advance that the NSEA management was planning  
9 to eliminate the Plaintiff, Jaime Reborn's position and did nothing to prevent the elimination of  
10 his position. Additionally, though the Plaintiff, Jaime Reborn, had far more formal education  
11 and qualifications than anyone on the NSEA staff and NSO-N staff, the NSO-N did not give  
12 Plaintiff, Jaime Reborn any assistance in pursuing the Director of Communications position.  
13 The Plaintiff, Jaime Reborn, feels that this was done due to his race, since he is a Negro.  
14

15 The National Staff Organization - Nevada is an affiliate of the National Staff  
16 Organization, which also operates in Texas as the Staff Association, Professional, Texas  
17 Teachers Association. Due to the nature of the NSO-N's relationship with NSO, this also gives  
18 this court jurisdiction over this case as the Staff Association, Professional, Texas Teachers  
19 Association, which operates in Texas, is another affiliate of the parent organization, the National  
20 Staff Organization which governs the NSO-N.  
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### 23 CONCLUSION

24 For the foregoing reasons, the Plaintiff, Jaime Reborn, respectfully requests that the  
25 Motion to Dismiss, by the Defendant, National Staff Organization - Nevada, be denied by this  
26 Court as this Court has proper jurisdiction the hear the case.  
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PLAINTIFF'S RESPOSNSE TO DEFENDANT'S - NATIONAL STAFF ORGANIZATION -  
NEVADA - MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT - 4

*Jaime R*  
*Jaime Reborn*

Jan R

Jane Reborn

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and representing myself Pro Se in this action. On this date, I caused to be served a true and correct copy of the foregoing PLAINTIFF'S RESPONSE TO DEFENDANT -

~~NEVADA STATE EDUCATION ASSOCIATION'S~~ MOTION TO DISMISS by the method indicated below:  
*JR* National Staff Organization - Nevada's

_____	CM/ECF	XXXXXXXX	E-Mail
XXXXXXXX	U.S. Mail	_____	Federal Express
_____	Facsimile Transmission	_____	Hand Delivery
_____	Electronic Service		

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