

Exhibit A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**SHEETZ, INC.; SHEETZ
DISTRIBUTION SERVICES, LLC; and
CLI TRANSPORT, LP,**

Defendants.

Civil Action No. 3:24-cv-00231-SLH

**CLASS ACTION COMPLAINT IN
INTERVENTION**

Judge: Stephanie L. Haines

Demand for Jury Trial

**KENNI MILLER, individually and on
behalf of all others similarly situated,**

Plaintiff-Intervenor

v.

**SHEETZ, INC.; SHEETZ
DISTRIBUTION SERVICES, LLC; and
CLI TRANSPORT, LP,**

Defendants.

NATURE OF THE ACTION

Plaintiff-Intervenor Kenni Miller brings this complaint in intervention, against Defendants Sheetz, Inc.; Sheetz Distribution Services, LLC; and CLI Transport, LP (collectively, “Sheetz” or “Defendants”), under Title VII of the Civil Rights Act of 1964, as amended (“Title VII”), to correct Sheetz’s unlawful and racially discriminatory employment policies and practices of denying employment based on overbroad criminal history screening, and to provide appropriate relief to the class of aggrieved Black, American Indian/Alaska Native, and multiracial job applicants who were adversely affected by Sheetz’s actions. Plaintiff-Intervenor Miller also brings this complaint in intervention under Pennsylvania’s Criminal History Record

Information Act (“CHRIA”), 18 Pa.C.S. § 9125, similarly, to correct the same policies and practices as to a class of aggrieved Black, American Indian/Alaska Native, and multiracial Pennsylvanians with criminal history. This case was initially filed against the Defendants by the United States Equal Employment Opportunity Commission (“EEOC”) under Title VII alleging that “since at least August 10, 2015, and continuing to the present, . . . [Sheetz has] subjected a class of aggrieved Black, American Indian/Alaska Native, and multiracial job applicants to an ongoing, companywide employment practice of refusing to hire such persons because of information about their criminal justice histories, including but not limited to convictions, that resulted in those applicants being denied employment opportunities because of race in violation of Title VII.” Because the EEOC has now notified Plaintiff-Intervenor Miller and others that it intends to dismiss this case, Plaintiff-Intervenor Miller seeks to intervene in this action, to ensure that the claims in this matter are not dismissed, and that Sheetz is held to account for its discriminatory and overbroad criminal history screening processes.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this civil action under 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345 and jurisdiction over Plaintiff-Intervenor’s CHRIA claims pursuant to 28 U.S.C. § 1367 (supplemental jurisdiction). This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

2. Plaintiff-Intervenor Miller’s CHRIA claim is so closely related to his Title VII disparate impact claim that they form part of the same case or controversy under Article III of the United States Constitution. Through both claims, Miller challenges the same policy and practice of Sheetz.

3. The alleged unlawful employment practices were and are being committed in the Commonwealth of Pennsylvania and within the jurisdiction of the United States District Court

for the Western District of Pennsylvania. On October 4, 2025, United States District Court for the District of Maryland transferred the case to the Western District of Pennsylvania. ECF No. 38.

PARTIES

Plaintiff-Intervenor

4. Kenni Miller and the putative Class Members he seeks to represent are each “persons,” “individuals,” and “applicants for employment” within the meaning of Title VII and CHRIA.

5. Plaintiff-Intervenor Miller is a Black man.

6. Plaintiff-Intervenor Miller is currently a resident of Altoona, PA, and applied to work for a Sheetz location in Altoona, PA.

7. Plaintiff-Intervenor Miller has a felony drug conviction that disqualified him for employment at Sheetz according to its policies and practices.

Defendants

8. At all relevant times, Defendant Sheetz, Inc., a Pennsylvania corporation, has continuously been doing business in the Commonwealth of Pennsylvania, as well as other states, and has continuously employed at least 15 employees.

9. At all relevant times, Defendant Sheetz Distribution Services, LLC, a Pennsylvania limited liability company, has continuously been doing business in the Commonwealth of Pennsylvania, as well as other states, and has continuously employed at least 15 employees.

10. At all relevant times, Defendant CLI Transport, LP, a Pennsylvania limited partnership, has continuously been doing business in the Commonwealth of Pennsylvania, as well as other states, and has continuously employed at least 15 employees.

11. At all relevant times, Defendant Sheetz, Inc., has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

12. At all relevant times, Defendant Sheetz Distribution Services, LLC, has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

13. At all relevant times, Defendant CLI Transport, LP, has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

14. Defendants constitute a single “employer” within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (g), and (h). In support of this averment, Plaintiff-Intervenor Miller states the following:

- a. Defendant Sheetz Distribution Services, LLC, is and has at all relevant times been a subsidiary of Defendant Sheetz, Inc., its parent company.
- b. Defendant CLI Transport, LP, is and has at all relevant times been a subsidiary of Defendant Sheetz, Inc., its parent company.
- c. Defendant Sheetz, Inc., created Defendant Sheetz Distribution Services, LLC’s policies and practices concerning Title VII.
- d. Defendant Sheetz, Inc., created Defendant CLI Transport, LP’s policies and practices concerning Title VII.
- e. Defendant Sheetz, Inc., created Defendant Sheetz Distribution Services, LLC’s policies and practices concerning use of criminal justice history information as a particular employment practice to make hiring decisions for all positions companywide.

- f. Defendant Sheetz, Inc., created Defendant CLI Transport, LP's policies and practices concerning use of criminal justice history information as a particular employment practice to make hiring decisions for all positions companywide.
- g. Employees of Defendant Sheetz, Inc., participate and have at all relevant times participated in Defendant Sheetz Distribution Services, LLC's implementation of its policies and practices concerning use of criminal justice history information as a particular employment practice to make hiring decisions for all positions companywide.
- h. Employees of Defendant Sheetz, Inc., participate and have at all relevant times participated in Defendant CLI Transport, LP's implementation of its policies and practices concerning use of criminal justice history information as a particular employment practice to make hiring decisions for all positions companywide.
- i. At all relevant times, Defendants have had interrelated business operations.
- j. At all relevant times, Defendants have had common management.
- k. At all relevant times, Defendants have had common ownership.
- l. At all relevant times, Defendants have been financially intertwined.

15. Collectively, Defendants operate at least 700 Sheetz-brand store locations in Maryland, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia (and, potentially other locations), as well as distribution and other facilities, and employ more than 20,000 persons.

ADMINISTRATIVE EXHAUSTION

16. More than 30 days prior to the institution of the EEOC's original lawsuit, Joseph Gorsuch, a job applicant with Sheetz, filed a charge of discrimination with the Commission, EEOC Charge No. 530-2016-02176, alleging that Defendant Sheetz Distribution Services, LLC, had violated Title VII.

17. More than 30 days prior to the institution of this lawsuit, Rachael Whethers, another job applicant with Sheetz, filed a charge of discrimination with the Commission, EEOC Charge No. 533-2018-01081, alleging that Defendants had violated Title VII.

18. On May 18, 2022, the EEOC issued to Defendants Sheetz, Inc., and Sheetz Distribution Services, LLC, an administrative Determination arising from the EEOC's investigation of EEOC Charge No. 530-2016-02176 in which the EEOCC found reasonable cause to believe that Defendants Sheetz, Inc., and Sheetz Distribution Services, LLC, have violated and continue to violate Title VII and inviting them to join with the EEOC in informal methods of conciliation to endeavor to eliminate their discriminatory employment practices and provide appropriate relief. The EEOC's findings in the Determination included, but were not limited to, the following:

- a. Defendants Sheetz, Inc., and Sheetz Distribution Services, LLC, committed an ongoing practice in violation of Title VII with respect to a class of Black, American Indian/Alaska Native, and multiracial (i.e., persons identified as "two or more races") job applicants by denying them hire because of race through Defendant Sheetz, Inc.'s and Defendant Sheetz Distribution Services, LLC's use of criminal justice history information as a particular employment practice that has caused a

disparate impact against a class of Black, American Indian/Alaska Native, and multiracial job applicants, regarding all positions companywide; and

- b. Defendants Sheetz, Inc., and Sheetz Distribution Services, LLC, committed a continuing, companywide practice in violation of Title VII with respect to a class of Black, American Indian/Alaska Native, and multiracial job applicants who did not pass Defendant Sheetz, Inc.’s and Defendant Sheetz Distribution Services, LLC’s criminal justice history screening by failing to hire them for all positions because of race.

19. On May 18, 2022, the EEOC issued to Defendants Sheetz, Inc., Sheetz Distribution Services, LLC, and CLI Transport, LP, an administrative Determination arising from the EEOC’s investigation of EEOC Charge No. 533-2018-01081 in which the EEOC found reasonable cause to believe that Defendants Sheetz, Inc., Sheetz Distribution Services, LLC, and CLI Transport, LP, have violated and continue to violate Title VII and inviting them to join with the EEOC in informal methods of conciliation to endeavor to eliminate their discriminatory employment practices and provide appropriate relief. The EEOC’s findings in the Determination included, but were not limited to, the following:

- a. Defendants Sheetz, Inc., Sheetz Distribution Services, LLC, and CLI Transport, LP, committed an ongoing practice in violation of Title VII with respect to a class of Black, American Indian/Alaska Native, and multiracial (i.e., persons identified as “two or more races”) job applicants by denying them hire because of race through Defendants Sheetz, Inc.’s, Sheetz Distribution Services, LLC’s, and CLI Transport, LP’s use of criminal justice history information as a particular employment practice that has caused a disparate impact against a class of Black, American

Indian/Alaska Native, and multiracial job applicants, regarding all positions companywide; and

- b. Defendants Sheetz, Inc., Sheetz Distribution Services, LLC, and CLI Transport, LP, committed a continuing, companywide practice in violation of Title VII with respect to a class of Black, American Indian/Alaska Native, and multiracial job applicants who did not pass Defendants Sheetz, Inc.'s, Sheetz Distribution Services, LLC's, and CLI Transport, LP's criminal justice history screening by failing to hire them for all positions because of race.

20. The EEOC attempted conciliation with Sheetz, but those efforts were unsuccessful, and on June 20, 2023, the EEOC issued to Defendants a Notice of Failure of Conciliation.

21. On April 17, 2024, the EEOC then brought suit against Sheetz on behalf of a class of Black, American Indian/Alaska Native, and multiracial job applicants who did not pass Defendants Sheetz, Inc.'s, Sheetz Distribution Services, LLC's, and CLI Transport, LP's criminal justice history screening, challenging Defendants' refusal to hire them for all positions because of race.

22. Plaintiff is a member of the class for which the EEOC brought suit.

23. Plaintiff is entitled to "piggyback" off the EEOC charges of Gorsuch and Whethers.

STATEMENT OF FACTS

Plaintiff Kenni Miller

24. On June 25, 2020, Mr. Miller applied to be an evening/overnight shift supervisor at the Beale Avenue Sheetz location in Altoona, Pennsylvania (Store 14).

25. Mr. Miller was offered a conditional offer of employment for the role, subject to a background check. Mr. Miller quit his prior job with the local utility company in order to take the position at Sheetz.

26. Mr. Miller worked, contingently, as a shift supervisor for a little over one month.

27. During this time, he was told that he had passed the drug test successfully.

28. During this time, Mr. Miller was not aware of any complaints about his performance.

29. Mr. Miller's criminal history was flagged during the background check process by Global Investigative Services ("GIS"), the consumer reporting agency Sheetz uses to evaluate the criminal history of its potential workforce.

30. After a review of his criminal history, in approximately mid-August 2020, Sheetz determined that Mr. Miller was ineligible for employment and, accordingly, Sheetz denied him employment and withdrew the contingent offer.

Factual Allegations Common to Plaintiff and All Putative Class Members

31. Plaintiff-Intervenor Miller expressly incorporates the allegations presented in the EEOC's original complaint. *See* ECF No. 1.

32. Sheetz employs an overbroad criminal history screening policy that lacks individualized analysis. As a result of its overbroad policy, Sheetz denied employment to Plaintiff and disproportionately denies employment to countless other Black, American Indian/Alaska Native, and multiracial applicants.

33. Since at least August 10, 2015 (as determined by the EEOC), and continuing to the present, Sheetz has engaged in an uniform employment practice of using criminal history information as a basis for declining to hire job applicants for all of its positions in violation of Section 703(a)(1), (a)(2), and (k) of Title VII, 42 U.S.C. § 2000e-2(a)(1), (a)(2), and (k). Title

VII prohibits employment policies and practices that have a disparate impact on protected groups. CHRIA prohibits an employer from considering criminal history record information unless it “relate[s] to the applicant’s suitability for employment in the position for which he has applied.” 18 Pa.C.S. § 9125(b).

34. Since at least August 10, 2015 (as determined by the EEOC), and continuing to the present, Sheetz has implemented a practice requiring that job applicants seeking to be hired for all job titles must pass Sheetz’s review of information about their criminal history, including but not limited to convictions.

35. Sheetz obtains information about job applicants’ criminal history through its job application forms and a background check that is conducted at their behest by one or more third-party vendors, after Sheetz makes a conditional offer of employment to job applicants. The vendors supply Sheetz with consumer reports that include criminal history information about job applicants who are subject to the background checks.

36. In fact, in its answer to the EEOC’s complaint, Sheetz admits that “they obtain information about external job applicants’ criminal justice history in part through questions on their job application forms and a background check conducted by a third-party vendor who provides a report including criminal justice history information after one of the Defendants makes a conditional job offer of employment to an external job applicant.” ECF No. 70 (Answer), response to ¶ 22.

37. Based on job applicants’ criminal history, Sheetz makes a decision whether job applicants are deemed to have passed or failed the review.

38. In fact, in its answer to the EEOC’s complaint, Sheetz admits that “criminal justice history information is considered in determining whether an external applicant’s conditional offer of employment may be rescinded.” ECF No. 70 (Answer), response to ¶ 23.

39. Sheetz refuses to hire all job applicants who they deem to have failed their criminal conviction history screening.

40. In its answer to the EEOC's complaint, Sheetz admits that its "background check vendors maintain records related to Defendants' criminal justice history screening." ECF No. 70 (Answer), response to ¶ 29.

41. As the U.S. Commission on Civil Rights reported, "when employers use criminal background checks to indiscriminately disqualify all applicants with criminal records, these employers severely curtail employment opportunities for formerly incarcerated people" and "[B]lack and Latino individuals are likelier to have criminal records than white and Asian people[.]."¹

42. The U.S. Census Bureau reports that although Black individuals compose only 29% of the U.S. population, they make up 57% of the U.S. prison population.² This results in imprisonment rates for Black individuals that are 5.9 times the rate for white adults, respectively. "[T]hese disparities exist for both the least and most serious offenses."³

43. According to a report to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance, "[i]n 2010, 8% of all adults in the United States had a felony conviction on their record" but "[a]mong African-

¹ U.S. Commission on Civil Rights, *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* (June 2019), at 43, available at <https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf>.

² The Sentencing Project, *Report of The Sentencing Project to the United Nations Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia, and Related Intolerance: Regarding Racial Disparities in the United States Criminal Justice System* (2018) at 9, <https://www.sentencingproject.org/wp-content/uploads/2018/04/UN-Report-on-Racial-Disparities.pdf>.

³ *Id.* at 6-7.

American men, the rate was one in three.”⁴ Additionally, in 2016, of the 277,000 people imprisoned for a drug offense, over 56% were Black individuals.⁵

44. It is undisputed among social science researchers that Black individuals interact with the criminal justice system at rates that vastly outnumber the rates for whites. As a result, a much higher percentage of Black job applicants face the impact of a criminal record.⁶

45. Audit studies conducted by researchers at Harvard and Princeton Universities also have found that even among people with criminal records, Black applicants are particularly disadvantaged in the job market compared to white people with criminal records.⁷

46. Consistent with these statistics, as the EEOC determined before bringing suit, Sheetz’s criminal history screen causes a causes significant disparate impact against American Indian/Alaska Native job applicants. As the EEOC explained in its complaint, Black, American Indian/Alaska Native, and Multiracial job applicants “comprise a disproportionately high number of the total number of job applicants whom Defendants have refused to hire because of criminal justice history information.” ECF No. 1 (EEOC Complaint) ¶¶ 32, 37, 42.

47. As part of its investigation, the EEOC determined that: (i) Black job applicants have failed Sheetz’s “criminal justice history screening, and consequently are denied employment, at a rate exceeding approximately 14.5% while [w]hite job applicants have failed

⁴ *Id.* at 5.

⁵ See U.S. Department of Justice, Bureau of Justices Statistics Special Report, *Prevalence of Imprisonment in the U.S. Prison Population, 1974-2001*, 5 (2003). See generally Nazgol Ghandnoosh, *Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies* (Sept. 2014).

⁶ See generally Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration* (2007).

⁷ Devah Pager et al., *Discrimination in a Low-Wage Labor Market: A Field Experiment*, 74 Am. Soc. Rev. 777, 785-86 (2009); Devah Pager et al., *Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records*, 623 Annals Am. Acad. Pol. & Soc. Sci. 195, 199 (2009); Devah Pager, *The Mark of a Criminal Record*, 108 Am. J. Soc. 937, 955-61 (2003).

Defendants’ criminal justice history screening, and consequently are denied employment, at a rate of under approximately 8%,” ECF No. 1 (EEOC Complaint) ¶ 33; (ii) American Indian/Alaska Native job applicants have failed Sheetz’s “criminal justice history screening, and consequently are denied employment, at a rate exceeding approximately 13% while [w]hite job applicants fail Defendants’ criminal justice history screening, and consequently are denied employment, at a rate of under approximately 8%,” ECF No. 1 (EEOC Complaint) ¶ 38; and multiracial job applicants have failed Sheetz’s “criminal justice history screening, and consequently are denied employment, at a rate exceeding approximately 13.5% while [w]hite job applicants fail Defendants’ criminal justice history screening, and consequently are denied employment, at a rate of under approximately 8%,” ECF No. 1 (EEOC Complaint) ¶ 43.

48. Given these statistics, it is more than plausible that by screening for criminal history, Sheetz’s hiring practices import the nation’s severe racial disparities in conviction rates, resulting in a policy and practice that disproportionality screens out Black, American Indian/Alaska Native, and multiracial applicants, when compared with white applicants.

49. Sheetz’s policy and practice of denying employment to individuals with criminal convictions, including individuals who Sheetz deems to have failed to fully or precisely self-disclose their criminal history, is far too over-inclusive to meet the standards of job-relatedness and consistency with business necessity. Rather, it renders persons ineligible for employment for convictions that do not relate to suitability for employment or Sheetz’s business needs.

50. Having a conviction is not an accurate proxy for determining whether an applicant would be able to perform the duties of the job.⁸

⁸ See, e.g., Ian B. Petersen, *Toward True Fair-Chance Hiring: Balancing Stakeholder Interests and Reality in Regulating Criminal Background Checks*, 94 Tex. L. Rev. 175, 187-88 (2015).

51. Sheetz also frequently hires individuals, and allows them to start working, before completing a full criminal history background check, illustrating that Sheetz itself does not view its criminal history screening process as necessary to protect the safety of its workforce or customers.

52. Moreover, there are less discriminatory alternatives to Sheetz's criminal history screen, which will be determined through discovery, including but not limited to narrowing the categories of convictions and time periods Sheetz uses to disqualify applicants.

CLASS ACTION ALLEGATIONS CLAIMS

53. Plaintiff brings this case as a proposed class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of himself and others similarly situated.

54. Plaintiff brings this class action pursuant to Rule 23(a), (b)(2), and/or (c)(4) seeking injunctive and declaratory relief.

55. Plaintiff also bring this class action pursuant to Rule 23(a), (b)(3) and/or (c)(4) seeking backpay, monetary damages, and other make-whole relief.

56. Plaintiff asserts his First Cause of Action against Sheetz on behalf of the "Nationwide Class" defined as follows:

All Black, American Indian/Alaska Native, and multiracial (*i.e.*, persons identified as "two or more races") individuals nationwide who, from August 10, 2015, through judgment, were denied employment at Sheetz based in whole or in part on their criminal history.

57. Plaintiff asserts his Second Cause of Action against Sheetz on behalf of the "Pennsylvania Class" defined as follows:

All Black, American Indian/Alaska Native, and multiracial (*i.e.*, persons identified as "two or more races") individuals in Pennsylvania who, from August

10, 2015 through judgment, were denied employment at Sheetz based in whole or in part on their criminal history.

58. Together, the Nationwide Class and the Pennsylvania Class are the “Classes.”

59. The members of the Classes are collectively referred to as “Class Members.”

60. Plaintiff reserves the right to amend the definition of above-defined Classes based on discovery or legal developments.

61. The Class Members identified herein are so numerous that joinder of all members is impracticable.

62. There are questions of law and fact common to Class Members, and these questions predominate over any questions affecting only individual members. Common legal and factual questions include, among others:

- a. Whether Sheetz’s policy and practice to exclude job applicants based on their criminal history has a discriminatory disparate impact on Black, American Indian/Alaska Native, and multiracial individuals;
- b. Whether Sheetz’s policy and practice to exclude job applicants based on their criminal history is job-related and/or consistent with business necessity;
- c. Whether Sheetz systemically assesses applicants’ evidence of rehabilitation or mitigating circumstances when assessing criminal history;
- d. Whether there was a less discriminatory policy and practice that would have met Sheetz’s legitimate needs;
- e. Whether Sheetz violated CHRIA by denying employment to Plaintiff and the Pennsylvania Class based on criminal history record information unrelated to their suitability for employment in the position;

- f. Whether Sheetz was willful in its noncompliance with the requirements of CHRIA;
- g. Whether Class Members are entitled to damages; and
- h. Whether a declaratory judgment and/or injunctive or other equitable relief is warranted regarding Sheetz's policies and practices.

63. Plaintiff is a member of the Nationwide Class and Pennsylvania Class he seeks to represent. Sheetz took discriminatory adverse action against Plaintiff based on his criminal history.

64. Plaintiff's claims are typical of the claim of the Classes he seeks to represent, because Plaintiff: (1) applied for a job with Sheetz within the relevant time period; (2) was subjected to the challenged criminal history screening process for applicants; and (3) was denied a position with Sheetz because of his criminal history. This claim is shared by each and every Class Member.

65. Upon information and belief, it is Sheetz's standard practice to take adverse actions against applicants based on criminal history in a manner that is discriminatory, not job related, inconsistent with business necessity, and otherwise not related to an applicant's suitability for employment.

66. Plaintiff will fairly and adequately represent and protect the interests of Class Members because his interests coincide with, and are not antagonistic to, the interests of the Class Members he seeks to represent. Plaintiff has retained counsel who are competent and experienced in complex class actions, including litigation pertaining to Title VII, criminal background checks, disparate impact litigation, CHRIA, other employment litigation, and the intersection thereof. There is no conflict between Plaintiff and the Class Members.

67. A class action is superior to other available methods for the fair and efficient adjudication of this litigation, especially given that this is the only way to ensure that the case originally filed by the EEOC continues on behalf of all impacted individuals. Class Members have been damaged and are entitled to recovery as a result of Sheetz's uniform policies and practices. Sheetz has acted and/or refused to act on grounds generally applicable to the Class Members, making declaratory and injunctive relief appropriate with respect to Plaintiff and the Class Members as a whole. Because Sheetz has maintained a common policy of denying employment to individuals with criminal histories but may not have explained that policy to all Class Members, many Class Members may be unaware that their rights have been violated. Judicial economy will be served by the maintenance of this lawsuit as a class action, in that it is likely to avoid the burden which would otherwise be placed on the judicial system by the filing of many similar suits by individually harmed persons. There are no obstacles to the effective and efficient management of this lawsuit as a class action.

**COUNT I: TITLE VII DISPARATE IMPACT DISCRIMINATION
(ON BEHALF OF PLAINTIFF-INTERVENOR AND THE NATIONWIDE CLASS)**

68. Plaintiff-Intervenor incorporates by reference the allegations in all preceding paragraphs.

69. Plaintiff-Intervenor brings this claim on his own behalf and on behalf of the Nationwide Class.

70. Plaintiff-Intervenor has a statutory right to intervene as an "aggrieved person". Furthermore, Plaintiff-Intervenor is entitled to "piggyback" off the EEOC charges of Gorsuch and Whethers.

71. Sheetz's criminal history screening policy and practice of denying employment opportunities to individuals with criminal convictions has harmed, and continues to harm,

Plaintiffs, and constitutes unlawful discrimination on the basis of race in violation of 42 U.S.C. §§ 2000e *et seq.*

72. Sheetz’s policy and practice of denying employment opportunities to individuals with criminal convictions had and continues to have a disparate impact on Black, American Indian/Alaska Native, and multiracial individuals and is neither job related nor consistent with business necessity. Even if Sheetz’s policy and practice of denying employment opportunities to individuals with criminal convictions could be justified by business necessity, a less discriminatory alternative exists that would have equally served any legitimate purpose.

73. Sheetz’s conduct has caused, and continues to cause, Plaintiff-Intervenor and the members of the Nationwide Class losses in earnings and other employment benefits.

74. Plaintiff-Intervenor and the Nationwide Class also seek injunctive and declaratory relief to correct Sheetz’s discriminatory policies and practices.

**COUNT II: CHRIA SECTION 9125 DISCRIMINATION
(ON BEHALF OF PLAINTIFF-INTERVENOR AND THE PENNSYLVANIA CLASS)**

75. Plaintiff-Intervenor incorporates by reference the allegations in all preceding paragraphs.

76. Plaintiff-Intervenor brings this claim on his own behalf and on behalf of the Pennsylvania Class.

77. CHRIA provides that “[f]elony and misdemeanor convictions may be considered by the employer *only* to the extent to which they relate to the applicant’s suitability for employment in the position for which he has applied.” 18 Pa.C.S. § 9125(b) (emphasis added).

78. Plaintiff-Intervenor and the members of the Pennsylvania Class have convictions that Sheetz considered when deciding not to offer them employment.

79. The conviction information Sheetz used to deny employment to Plaintiff-Intervenor and the members of the Pennsylvania Class is “part of [the] applicant’s criminal history record information file” under CHRIA. 18 Pa. C.S. § 9125(a).

80. Plaintiff-Intervenor’s conviction and the convictions of members of the Pennsylvania Class are not related to their suitability for employment in the position for which they applied.

81. Plaintiff-Intervenor and the members of the Pennsylvania Class have been aggrieved by Sheetz’s denials of employment.

82. Rather than making assessments of what crimes related to the suitability of applicants for particular jobs, Sheetz applies an overbroad criminal history screen that fails to actually assess whether an applicant’s convictions are job-related – including by failing to account for evidence of rehabilitation or mitigating circumstances.

83. As a result of the denials of employment, and the manner in which those denials occur, Plaintiff-Intervenor alleges that Sheetz rejects applicants with criminal records, whether or not they were job related or stale, denying job opportunities to those with criminal records to the detriment of Plaintiff-Intervenor and the Pennsylvania Class.

84. Sheetz’s actions in denying employment to Plaintiff-Intervenor and the members of the Pennsylvania Class showed reckless disregard or indifference to its obligations under the law.

85. As a result of its actions, Sheetz is liable to Plaintiff-Intervenor and the members of the Pennsylvania Class for injunctive relief, damages and reasonable costs of litigation, and attorneys’ fees, pursuant to 18 Pa.C.S. § 9183(a)-(b).

86. Sheetz’s conduct has been willful, rendering it liable for exemplary and punitive damages, pursuant to 18 Pa.C.S. § 9183(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and Class Members pray for relief as follows:

- a. A declaratory judgment that the practices complained of herein are unlawful and violate Title VII and CHRIA, and that Sheetz acted willfully under CHRIA;
- b. A preliminary and permanent injunction against Sheetz and all officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful policies, practices, customs, and usages set forth herein;
- c. An order that Sheetz institute and carry out policies, practices, and programs that provide equal employment opportunities for applicants with criminal records who would be eligible under application of Title VII and CHRIA that Sheetz eradicate the effects of past and present unlawful employment practices;
- d. Certification of the case as a class action on behalf of the proposed Classes;
- e. Designation of Plaintiff as a representative of the members of the Nationwide Class;
- f. Designation of Plaintiff as a representative of the members of the Pennsylvania Class;
- g. Designation of Plaintiff's counsel of record as Class Counsel;
- h. Restoring of Plaintiff and Class Members to their rightful positions at Sheetz or those positions equivalent at Sheetz (i.e., reinstatement), or in lieu of reinstatements, an order for front pay benefits;

- i. An award of backpay, including but not limited to instatement with retroactive seniority and benefits or front pay in lieu thereof and an additional amount to offset adverse tax consequences of payment of a lumpsum monetary award in a single tax year that represents earnings that would have accrued over multiple tax years but for Defendants' unlawful employment practices;
- j. An award of nominal and/or exemplary damages;
- k. An award of all statutory damages provided by CHRIA, including actual and real damages for each violation, and exemplary and punitive damages for each violation found to be willful;
- l. An award of costs incurred herein, including reasonable attorneys' fees to the extent allowable by law;
- m. Such other injunctive and/or declaratory or other equitable relief that is necessary to correct Sheetz's discriminatory policies and practices;
- n. Pre-judgment and post-judgment interest, as provided by law;
- o. Payment of a reasonable service award to Plaintiff, in recognition of the services he rendered and will continue to render to Class Members, and the risks he has taken and will take; and
- p. Such other and further legal and equitable relief as this Court deems necessary, just and proper.

Dated: June 5, 2025

Respectfully submitted,

By: /s/ Christopher M. McNerney
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