



Southampton Groundskeepers Discrimination Suit Sent To Trial

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By Michael Wright Apr 8, 2015 9:50 AM

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A federal judge has cleared the way for a lawsuit filed by a Southampton Town Parks Department employee who has accused supervisors and town officials of allowing years of racial discrimination and abuse to go to trial.

David Coles has accused the town and two of his supervisors at the Parks Department of unfair treatment, of allowing racial slurs and "aggression" toward Mr. Coles to continue without report and of withholding a promised promotion as retaliation for his complaints about his treatment.

Last week, federal District Court Judge Joanna Seybert dismissed most of a motion by Southampton Town for summary judgment in the case, sending it either to trial or to the settlement table.

Mr. Coles's complaint was first filed in 2011. In January, the New York State Division of Human Rights held an administrative trial on Mr. Coles's complaints. A ruling is pending.

According to Mr. Coles's attorney, Frederick K. Brewington, the federal lawsuit should be scheduled for trial in the fall.

"We are pleased to learn that Mr. Coles's lawsuit has been allowed to proceed," Mr. Brewington said in a statement on Monday. "My client continues to experience racial discrimination and harassment by his supervisors and yet the town has done nothing to remedy the situation. He has not been promoted and he has been relegated to more menial tasks. For someone with his experience and tenure, that is unacceptable."

Southampton Town Attorney Tiffany Scarlato said that the town had "no choice but to appeal" the ruling, which she described as rife with "conclusory statements" that seemed to indicate the judge had taken many of the plaintiff's claims at face value.

The town's defense of the lawsuit is being handled by contracted attorneys from Devitt Spellman Barrett LLP, a Smithtown law firm.

Mr. Brewington said he expected that the prospect of a trial would spur the town to ask for settlement negotiations.

Mr. Coles was hired as a groundskeeper by the Parks Department in 2001.

In 2014, two years after he filed his lawsuit against the town, he was appointed to the town's Labor-Management Committee.

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