

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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EQUAL EMPLOYMENT OPPORTUNITY : CIVIL ACTION NO.
COMMISSION, :
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 Plaintiff, :
 :
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 v. :
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 EDEN PARK HEALTH SERVICES, INC. : COMPLAINT AND
 : JURY TRIAL DEMAND
 :
 Defendant. :
 :
-----X

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Kathleen Mary Verna and a class of similarly situated female employees (hereinafter "the class") who were affected by such practices. As alleged with greater particularity in paragraph 7 below, Defendant, Eden Park Health Care Center (hereinafter "Defendant"), subjected a class of female employees to repeated sexual harassment and unlawful retaliation.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is

authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. Defendant regularly does business in the Northern District of New York and venue is proper in this district pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission") is the agency of the United States of America charged with administration, interpretation, and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been a New York corporation doing business in the State of New York, Schoharie County, and has continuously employed at least fifteen persons.

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

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Kathleen Mary Verna filed charges with the Commission, on behalf of herself and similarly situated female employees, alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March of 2003, Defendant has engaged in unlawful employment practices at its facilities in Cobleskill, New York, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These practices include, but are not limited to, the following:

a. Defendant subjected a class of female employees, some of them teenagers, to abusive conduct including but not limited to: offensive propositioning and degrading comments regarding oral sex, masturbation, and their physical appearance.

b. Defendant retaliated against employees who complained about the harassment.

c. Although female employees complained about the harassment, Defendant made no efforts reasonably calculated to prevent or eradicate the continuing behavior and hostile work environment.

8. The effect of the practices complained of above has been to deprive a class of female employees equal employment opportunity, inflict emotional pain and suffering upon them, cause them to suffer financial losses and otherwise adversely

affect them.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of the class, and are imputable to the Defendant.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with Defendant, from engaging in any employment practice which discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal opportunities for employees to work in an environment free of unlawful discrimination and provide affirmative relief necessary to eradicate the effects of Defendant's past and present unlawful employment practices.

C. Order Defendant to make the class whole by providing compensation for past and future pecuniary losses resulting from their unlawful treatment, including prejudgement interest, in amounts to be determined at trial.

D. Order Defendant to compensate the class for past and future nonpecuniary losses resulting from the unlawful employment

practices described above, including but not limited to emotional pain, suffering and inconvenience in amounts to be determined at trial.

E. Order Defendant to pay the class punitive damages for its conduct described above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by U.S. Mail, postage prepaid, on this 29th day of September, 2005, to the following:

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