

JP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
GLAXOSMITHKLINE,)
)
)
Defendant.)
_____)

CIVIL ACTION NO. *04cv 4603*
COMPLAINT
JURY TRIAL DEMAND

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 pregnancy, and to provide appropriate relief to Judith StaRomana, who was adversely affected by such practices. As articulated with greater particularity in Paragraph 7 below, the Commission alleges that Defendant, GlaxoSmithKline, discriminated against Ms. StaRomana because of her pregnancy when it discharged her from her Microbiologist position on June 30, 2003, three months after learning of her pregnancy. As a result of her illegal discharge, Ms. StaRomana suffered backpay losses and emotional distress damages.

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. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the 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 mentioned herein, Defendant, GlaxoSmithKline, (the "Employer"), has continuously been doing business in the State of Pennsylvania and the City of Conshohocken, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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, Judith StaRomana filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 30, 2003, Defendant Employer has engaged in unlawful employment practices at its Conshohocken, Pennsylvania facility in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2(a)(1), by discriminating against Judith StaRomana on the

basis of her pregnancy. The unlawful employment practices included the following:

(a) On August 27, 2002, Judith StaRomana began working for Aerotek Scientific, LLC, a temporary employment agency, and was assigned through contract to work at Defendant Employer's facility as a Microbiologist. As a contingent worker for Defendant Employer, Ms. StaRomana was supervised on a daily basis by Stephen Trombetta, Supervisor of Defendant Employer. At all relevant times, Ms. StaRomana performed her duties in a satisfactory manner.

(b) In early March 2003, Ms. StaRomana learned of her pregnancy and reviewed all of the duties of her position with her doctor, and he advised her that there was nothing related to the job or the chemicals that she handled that posed a threat to her pregnancy.

(c) In May 2003, Ms. StaRomana advised Mr. Trombetta of her pregnancy. He reacted by expressing some concerns about her going into certain areas where products existed in powder form. However, Ms. StaRomana continued to perform her duties without any problem.

(d) On June 29, 2003, Ms. StaRomana received a telephone message and an e-mail from Ian McVeigh, Areotek Scientific Agent, regarding "an urgent matter." The following day, she retrieved the message and returned the call. On that date, June 30, 2003, Ms. Sta Romana was advised that she was being laid-off from her position immediately because of her pregnancy.

8. The effect of the practices complained of in paragraphs 7(a) through (d) above has been to deprive Judith StaRomana of equal employment opportunities and otherwise adversely affect her status as an employee on the basis of her pregnancy and pregnancy related medical conditions.

9. The unlawful employment practices complained of in paragraphs 7(a) through (d) above were intentional.

10. The unlawful employment practices complained of in paragraphs 7(a) through (d)

above were done with malice or with reckless indifference to the federally protected rights of Judith StaRomana.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and which eradicate the effects of its past unlawful employment practices.

C. Order Defendant Employer to make whole Judith StaRomana by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place reinstatement of Ms. StaRomana, or frontpay, in lieu thereof, if reinstatement is not feasible.

D. Order Defendant Employer to make whole Ms. StaRomana by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 (a) through (d) above in amounts to be determined at trial.

E. Order Defendant Employer to make whole Ms. StaRomana by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7(a) through (d) above, including emotional pain and suffering, suffering, depression, anxiety, inconvenience, loss of enjoyment of life and humiliation, in amounts

to be determined at trial.

F. Order Defendant Employer to pay Ms. StaRomana punitive damages for its malicious and reckless conduct described in paragraphs 7(a) through (d) above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

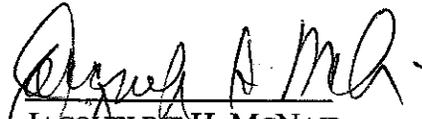
The Commission requests a jury trial on all questions of fact raised by its complaint.

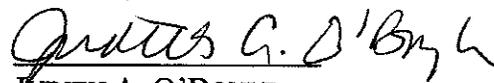
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