

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

EQUAL EMPLOYMENT	:	
OPPORTUNITY COMMISSION,	:	
<i>Plaintiff</i>	:	
AND	:	CIVIL ACTION NO.: 03-4416
	:	
GABRIELLE TARTAGLIA,	:	
<i>Plaintiff-Intervenor</i>	:	
AND	:	
	:	
CHRISTINE ROBBINS,	:	
<i>Plaintiff-Intervenor</i>	:	
	:	
v.	:	
	:	
INTERSTATE BRANDS	:	
CORPORATION,	:	<b>JURY TRIAL DEMANDED</b>
<i>Defendant.</i>	:	

**COMPLAINT OF INTERVENORS  
GABRIELLE TARTAGLIA AND CHRISTINE ROBBINS**

**I. JURISDICTION**

1. This action was brought by Plaintiff Equal Employment Opportunity Commission (“EEOC”) pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. and the Civil Rights Act of 1991, 42 U.S.C. §1981A; the claims contained in the initial Complaint are incorporated herein by reference. This Complaint of Intervenor Gabrielle Tartaglia (“Tartaglia”) and Christine Robbins (“Robbins”), is brought pursuant to the Pennsylvania Human Relations Act (“PHRA”), 43 P.S. §951 et seq., as well as Title VII of the Civil Rights Act of 1964. Jurisdiction is premised upon 28 U.S.C. §1331 and 28 U.S.C. §1367.

2. Plaintiff-Intervenors Tartaglia and Robbins have exhausted both State and Federal administrative remedies regarding their claims of hostile work environment, sexual harassment, gender discrimination, and retaliation, having filed EEOC claims at Charge Numbers: 170A201602, 170A300315, and 170A201776, and PHRA Charge Numbers: 200204899, 200207185, and 200205111.

3. Plaintiff-Intervenors Tartaglia and Robbins seek Intervention as of Right in this action pursuant to F.R.C.P. §24(a) and have filed an appropriate Motion with this Complaint, as this action was initiated by the EEOC and Tartaglia and Robbins wish to participate as Parties in this action to protect their individual rights under both federal and state law.

4. On April 30, 2003, the EEOC issued two separate Letters of Determination in favor of Plaintiff-Intervenors Tartaglia and Robbins, finding cause for hostile work environment, sexual harassment, and gender discrimination. On July 30, 2003, the EEOC filed this action following failure of conciliation.

## **II. PARTIES**

5. Plaintiff-Intervenor, Gabrielle Tartaglia is an individual and citizen of the Commonwealth of Pennsylvania and resides therein at 546 Gilham Street, Philadelphia, Pennsylvania 19111.

6. Plaintiff-Intervenor Christine Robbins is an individual and citizen of the State of New Jersey and resides therein at 50 N. Lippincott Avenue, Maple Shade, New

Jersey 08052.

7. Plaintiff in this action is the U.S. Equal Employment Opportunity Commission, a federal agency charged with the administration, interpretation, and enforcement of Title VII.

8. Defendant, Interstate Brands Corporation, is and was a Delaware corporation doing business in the Commonwealth of Pennsylvania at 9801 Blue Grass Road, Philadelphia, Pennsylvania 19115.

**IV. STATEMENT OF CLAIMS:**

11. Tartaglia has been employed by Defendant Corporation from on or about February 19, 1999 until the present.

12. Robbins was employed by Defendant Corporation from in or about 1997 until June 19, 2002, the date of her constructive termination.

13. Defendant Corporation has engaged in unlawful employment practices at its Philadelphia, Pennsylvania facility in violation of Title VII and the PHRA, by subjecting Tartaglia and Robbins to gender-based discrimination in the terms and conditions of their employment.

14. By way of example, Tartaglia and Robbins were told by male supervisors and coworkers that they were not wanted for the jobs in the higher paying make-up area, and that there are to be no women in the make-up area. Tartaglia and Robbins were discouraged and deterred from applying for assignment to the make-up area through

bidding or vacation relief.

15. Tartaglia was frequently told that she would not be assigned to certain make-up jobs as a vacation relief employee because she did not have training in those areas. Defendant Corporation refused to train Tartaglia in said areas but did in fact train similarly situated male employees.

16. Furthermore, Defendant Corporation placed similarly situated male employees into the higher paying make-up jobs even if they had not received proper training.

17. Despite requesting training from April of 1999 through at least December of 2001, Tartaglia did not receive the training she was told she needed to be assigned to the make-up area or other higher paying jobs.

18. Male jobbers or floaters with less seniority than Tartaglia and Robbins were routinely selected to fill vacation relief positions on the higher paying jobs in the make-up department.

19. Furthermore, Robbins repeatedly requested training in the higher paying jobs in the make-up area, but did not receive any training of that type for many years.

20. From in or about April of 2001 until on or about June 19, 2002, Robbins was repeatedly denied vacation relief assignments for the higher paying jobs in the make-up area despite her frequent requests.

21. Despite Tartaglia and Robbins' frequent complaints regarding Defendant

Corporation's discriminatory practices in assigning jobs, Defendant Corporation refused to take any remedial action.

22. Additionally, Defendant Corporation subjected Tartaglia and Robbins to a hostile work environment through countless instances of sexual harassment.

23. By way of example, Matt Szakil ("Szakil"), Supervisor, referred to Robbins as "Girl" and "Kensington Bitch," stated to Robbins, "I love your hooters," told Robbins' coworkers that he loved Robbins' "hooters," repeatedly attempted to hug and kiss Robbins, and even pressed his genitals against Robbins' backside.

24. Furthermore, in Robbins' presence, Robert Romando, Supervisor, placed a roll in front of his pants simulating a penis.

25. By way of further example, Szakil, Tartaglia's Supervisor, referred to her as "Bimbo," asked if she was the person to come to for a "blow job," and attempted to kiss Tartaglia on numerous occasions.

26. At all times relevant hereto, Robbins and Tartaglia complained to Defendant Corporation's management regarding the aforesaid sexual harassment and gender discrimination, however no remedial action was taken. In fact, Al King, Assistant Superintendent, condoned Szakil's behavior and stated, "that's Marty."

27. After registering complaints of discrimination and harassment, Defendant Corporation subjected Tartaglia to retaliation.

28. By way of example, in retaliation for opposing unlawful discrimination

and harassment in the workplace, various supervisors of Defendant Corporation, including Supervisors Hagen and Rebholtz threatened Tartaglia's job security.

29. Due to the intolerable working conditions at Defendant Corporation's facility, Robbins was constructively discharged on or about June 9, 2002. Furthermore, on or about September 23, 2002, as a result of the aforesaid sexual harassment and Defendant Corporation's failure to take corrective action, Tartaglia was forced to take a medical leave of absence.

**COUNT I**  
**(TITLE VII - *Gender Discrimination, Sexual Harassment,***  
***Hostile Work Environment and Retaliation*)**  
**Tartaglia and Robbins v. Defendant Corporation**

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30. Tartaglia and Robbins incorporate by reference paragraphs 1 through 29 of their Complaint as though fully set forth at length herein.

31. Based on the foregoing, Defendant Corporation has engaged in unlawful practices in violation of Title VII. The said unlawful practices for which Defendant Corporation is liable to Tartaglia and Robbins include, but are not limited to, fostering and perpetuating a hostile and offensive work environment, subjecting Tartaglia and Robbins to unlawful sexual harassment and gender discrimination, subjecting Tartaglia to retaliation after she complained about said harassment, forcing Tartaglia to take a medical leave of absence, and constructively terminating Robbins.

32. As a direct result of the aforesaid unlawful discriminatory employment practices engaged in by Defendant Corporation, as aforesaid, in violation of Title VII,

Tartaglia and Robbins have suffered severe emotional and psychological distress and loss of self-esteem, loss of wages, benefits and other economic damages.

**COUNT II**  
***(PHRA - Gender Discrimination, Sexual Harassment,  
Hostile Work Environment and Retaliation)***  
**Tartaglia and Robbins v. Defendant Corporation**

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33. Tartaglia and Robbins incorporate by reference paragraphs 1 through 32 of their Complaint as though fully set forth at length herein.

34. Based on the foregoing, Defendant Corporation has engaged in unlawful practices in violation of the PHRA. The said unlawful practices for which Defendant Corporation is liable to Tartaglia and Robbins include, but are not limited to, fostering and perpetuating a hostile and offensive work environment, subjecting Tartaglia and Robbins to unlawful sexual harassment and gender discrimination, subjecting Tartaglia to retaliation after she complained about said harassment, forcing Tartaglia to take a medical leave of absence, and constructively terminating the Robbins in retaliation for opposing unlawful discrimination.

35. As a direct result of the aforesaid unlawful discriminatory employment practices engaged in by Defendant Corporation, as aforesaid, in violation of the PHRA, Tartaglia and Robbins have suffered severe emotional and psychological distress and loss of self-esteem, loss of wages, benefits and other economic damages.

**COUNT III**  
**(Intentional Infliction of Emotional Distress)**  
**Tartaglia and Robbins v. Defendant Corporation**

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36. Tartaglia and Robbins incorporate by reference paragraphs 1 through 35 of their Complaint as though fully set forth at length herein.

37. In committing the acts as aforesaid, Defendant Corporation knowingly, willfully, intentionally, and recklessly engaged in extreme, outrageous and intentional conduct for the purpose of causing severe emotional distress to the Plaintiffs.

38. As a result of the acts of the Defendant Corporation as aforesaid, the Plaintiffs have suffered from anxiety and extreme and severe emotional distress, humiliation and embarrassment.

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**PRAYER FOR RELIEF**

\_\_\_\_39. Tartaglia and Robbins incorporate by reference paragraphs 1 through 38 of their Complaint as though fully set forth at length herein.

a. Defendant Corporation compensate Tartaglia and Robbins with a rate of pay and other benefits and emoluments of employment, to which they would have been entitled, had they not been subjected to unlawful discrimination and retaliation;

b. Defendant Corporation compensate Tartaglia and Robbins with an award of front pay, if appropriate;

c. Defendant Corporation compensate Tartaglia and Robbins for the wages and other benefits and emoluments of employment lost, because of its unlawful conduct;

d. Defendant Corporation pay to Tartaglia and Robbins compensatory damages for future pecuniary losses, pain and suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses as allowable;

e. Defendant Corporation pay to Tartaglia and Robbins punitive damages, (under Title VII) pre and post judgment interest, costs of suit and attorney and expert witness fees as allowed by law;

f. the Court award such other relief as is deemed just and proper.

**JURY DEMAND**

\_\_\_\_\_Tartaglia and Robbins demand trial by jury.

SIDNEY L. GOLD & ASSOCIATES, P.C.

BY: \_\_\_\_\_

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