

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	Civil Action No.
Plaintiff,)	
)	
v.)	COMPLAINT
)	
V&J FOODS, INC.)	Jury Trial Demand
)	
Defendant.)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Samekiea Merriweather who was adversely affected by such practices when her manager at one of defendant’s Burger King restaurants subjected her to sexual harassment, created a hostile working environment, and discharged her because of her refusal to submit to the harassment and because of her opposition to such unlawful employment practices.

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 unlawful employment practices alleged were committed within the jurisdiction of the United States District Court for the Eastern District of Wisconsin.

PARTIES

3. The plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the agency of the United States of America charged with administering, interpreting, and enforcing 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, the defendant, V&J Foods, Inc., has continuously been and is now a Wisconsin corporation doing business in the City of Milwaukee, Wisconsin, and has continuously had at least 15 employees.

5. At all relevant times, V&J Foods, Inc. 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 30 days prior to the institution of this lawsuit, Samekiea Merriweather, a former V&J Foods, Inc. employee, filed charges with the EEOC alleging violations of Title VII by V&J Foods, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During Merriweather's employment, V&J Foods, Inc. engaged in unlawful employment practices at its facility at its Burger King restaurant at 3219 N. 35th Street, Milwaukee, Wisconsin, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2 and 2000e-3. Among other things, its manager subjected Merriweather, at the time a minor, to sexual harassment (including, but not limited to, unwelcome physical touching, propositions for sex, sexual comments, and quid pro quo requests for sex in exchange for favorable work conditions), which further created a sexually hostile work environment. V&J Foods, despite actual or constructive

notice of the situation, failed and refused to take prompt and appropriate action to correct the harassment and the resulting hostile environment. This situation continued until the manager discharged Merriweather, for her refusal to submit to the harassment and her opposition to such discriminatory practices.

8. The effect of the practices complained of in Paragraph 7 above has been to deprive Merriweather of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex and in retaliation for her opposition to discriminatory practices.

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 Merriweather's federally protected rights.

PRAYER FOR RELIEF

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining V&J Foods, Inc. and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in sexual harassment, any other employment practice which discriminates on the basis of sex, and retaliation for opposition to such practices.

B. Order V&J Foods, Inc. to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order V&J Foods, Inc. to make Merriweather whole by providing appropriate backpay and benefits, with pre-judgment 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 instatement and/or frontpay in lieu thereof.

D. Order V&J Foods, Inc. to make Merriweather whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices described in Paragraph 7 above, including (but not limited to) emotional pain, suffering, and humiliation, in amounts to be determined at trial.

E. Order V&J Foods to pay Merriweather punitive damages for its malicious and reckless conduct described in Paragraph 7 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 EEOC its costs of this action.

JURY TRIAL DEMAND

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

Date: February 17, 2005.

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Dated: _____, 2005

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Dated: _____, 2005

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