

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

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U.S. DISTRICT COURT  
N.D. OF ALABAMA

EQUAL EMPLOYMENT OPPORTUNITY ]  
COMMISSION, ]  
Plaintiff, ]  
vs. ]  
PEMCO AEROPLEX, INC, ]  
Defendant. ]

CIVIL ACTION #

COMPLAINT

JURY TRIAL DEMAND

CV-00-AR-2762-S

**NATURE OF THE ACTION**

This is an action brought under Title VII of the Civil Rights Act of 1964, as amended, to correct unlawful employment practices on the basis of race, and to make whole a class of individuals, comprised of Blacks, who were aggrieved by the unlawful practices.

The Defendant discriminated against a class of Black individuals, by subjecting them to a hostile work environment.

**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 703(a)(1), 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) and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful herein were

committed within the jurisdiction of the United States District Court for the Northern District of Alabama, Southern Division.

### **PARTIES**

3. The Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is an 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 § 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, the Defendant, Pemco Aeroplex, Inc. (the "Employer"), has continuously been a corporation doing business in the State of Alabama, and has continuously had at least fifteen employees.

5. At all relevant times, the Defendant Employer have continuously been and is now an employer engaged in an industry affecting commerce within the meaning of § 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, charges were filed with the Commission by thirty-six individuals alleging violations of Title VII by the Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On a continuing basis, the Defendant Employer has engaged in unlawful employment practices at its Birmingham, Alabama, facility in violation of §42 U.S.C. § 2000e-2(a)(1) and 3(a), by subjecting its Black employees to a hostile work environment..

8. The effect of the practices complained of in paragraph seven above has been to deprive the class of Black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

9. The unlawful employment practices complained of above were intentional.

10. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of the class of Black employees.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race.

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

c. Order the Defendant Employer to make any affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole the class of Black employees by providing compensation for past and future pecuniary losses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole the class of Black employees,

by providing compensation for non-pecuniary losses, including emotional pain, suffering, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

- C. Grant such further relief as the Court deems necessary and proper.
- D. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

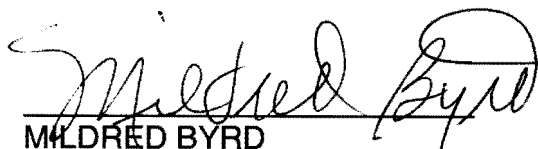
The Commission requests a jury trial on all questions of fact raised in this complaint involving intentional violations of Title VII.

Respectfully submitted,

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