

1 Mary Jo O'Neill, AZ Bar No. 005924
2 C. Emanuel Smith, MS Bar No. 7473
3 Michelle G. Marshall, AZ Bar No. 017358
4 Equal Employment Opportunity Commission
5 3300 N. Central Ave., Suite 690
6 Phoenix, AZ 85012-2504
7 Telephone: 602-640-5020
8 Fax: 602-640-5009

E-Mail:
9 Mary.Oneill@eeoc.gov
10 Emanuel.Smith@eeoc.gov
11 Michelle.Marshall@eeoc.gov

12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF ARIZONA

15 EQUAL EMPLOYMENT)	Civ.
16 OPPORTUNITY COMMISSION,)	COMPLAINT
17 Plaintiff,)	(Jury Demand)
18 vs.)	
19 SUNLAND, INC., an Arizona corporation,)	
20 Defendant)	

21 **NATURE OF THE ACTION**

22 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
23 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex
24 and retaliation, and to provide appropriate relief to Thomas Bloom and a class of male
25 employees who were adversely affected by such practices. As alleged with greater
26 particularity in paragraphs 7-12 below, the Commission alleges that Thomas Bloom and a
27 class of similarly situated male employees were sexually harassed while working for
28 Defendant, Sunland, Inc. The Commission further alleges that Defendant retaliated
against a class of male employees and constructively discharged them.

1 **JURISDICTION AND VENUE**

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
3 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section
4 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
5 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42
6 U.S.C. § 1981a.

7 2. The employment practices alleged to be unlawful were and are now being
8 committed within the jurisdiction of the United States District Court for the District of
9 Arizona.

10 **PARTIES**

11 3. Plaintiff, the Equal Employment Opportunity Commission (the
12 “Commission”), is the agency of the United States of America charged with the
13 administration, interpretation and enforcement of Title VII, and is expressly authorized to
14 bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and
15 (3).

16 4. At all relevant times, Defendant, Sunland, Inc., (“Defendant” or
17 “Sunland”), has continuously been an Arizona corporation doing business in the State of
18 Arizona and the City of Tucson, and has continuously had at least 15 employees.

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

22 **STATEMENT OF CLAIMS**

23 6. More than thirty days prior to the institution of this lawsuit, Thomas Bloom
24 filed a charge with the Commission alleging violations of Title VII by Defendant
25 Sunland, Inc. All conditions precedent to the institution of this lawsuit have been
26 fulfilled.

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FIRST CLAIM: SEXUAL HARASSMENT

7. Since at least September 1999, Defendant has engaged in unlawful employment practices at its Tucson, Arizona facility, in violation of section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by subjecting Thomas Bloom and a class of male employees to sexual harassment.

8. The unlawful sexual harassment includes but is not limited to the following conduct:

- a. Defendant's supervisor, a Foreman, tried to kiss male employees;
- b. Defendant's supervisor, a Foreman, grabbed the genitals of male employees;
- c. Defendant's supervisor, a Foreman, touched male employees sexually and inappropriately, including grabbing male employees and "humping" or otherwise simulating having sex with them.
- d. Defendant's employee exposed himself to male employees;
- e. Defendant's employee urinated on male employees;
- f. Defendant's employee grabbed the genitals of male employees; and
- g. Defendant's employee touched male employees sexually and inappropriately, including grabbing male employees and "humping" or otherwise simulating having sex with them.

9. Although Defendant had notice of sexual harassment, it failed to exercise reasonable care to prevent and/or correct promptly any sexually harassing behavior.

SECOND CLAIM: CONSTRUCTIVE DISCHARGE

10. The unlawful employment practices described above caused a class of male employees to be constructively discharged in violation of section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

THIRD CLAIM: RETALIATION

11. Defendant retaliated against a class of employees for opposing unlawful employment practice(s) or because they made a charge, testified, assisted, or participated

1 in any manner in an investigation, proceeding, or hearing under Title VII, in violation of
2 Section 704 of Title VII, 42 U.S.C. §2000e-3(a).

3 12. The unlawful retaliation includes but is not limited to the constructive
4 discharges alleged above, as well as Defendant's refusal to promote a class member
5 because he engaged in activity protected under Section 704(a) of Title VII, 42 U.S.C.
6 §2000e-3(a). As part of Defendant's refusal to promote the class member, management
7 made a statement to the effect of "You can forget about becoming Foreman" after the
8 class member had complained about the sexual harassment.

9 13. The effect of the practices complained of in paragraphs 7-12 above has
10 been to deprive Thomas Bloom and a class of male employees of equal employment
11 opportunities and otherwise adversely affect their status as employees, because of their
12 sex, male and in retaliation for opposing unlawful employment practice(s) or because
13 they made a charge, testified, assisted, or participated in any manner in an investigation,
14 proceeding, or hearing under Title VII.

15 **ALLEGATIONS RELATED TO COMPENSATORY AND PUNITIVE DAMAGES**

16 14. The unlawful employment practices complained of in paragraphs 7-12
17 above were and are intentional.

18 15. The unlawful employment practices complained of in paragraphs 7-12
19 above were and are done with malice or with reckless indifference to the federally
20 protected rights of Thomas Bloom and a class of male employees.

21 **PRAYER FOR RELIEF**

22 Wherefore, the Commission respectfully requests that this Court:

23 A. Grant a permanent injunction enjoining Defendant, its officers, successors,
24 assigns, and all persons in active concert or participation with it, from engaging in sexual
25 harassment, retaliation or any other employment practice which discriminates on the
26 basis of sex or retaliation.

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1 B. Order Defendant to institute and carry out policies, practices, and programs
2 which provide equal employment opportunities for men, and which eradicate the effects
3 of its past and present unlawful employment practices.

4 C. Order Defendant to make whole Thomas Bloom and a class of male
5 employees, by providing appropriate backpay with prejudgment interest, in amounts to be
6 determined at trial, and other affirmative relief necessary to eradicate the effects of its
7 unlawful employment practices, including but not limited to rightful place reinstatement
8 or promotion or, alternatively, front pay for Thomas Bloom and a class of male
9 employees.

10 D. Order Defendant to make whole Thomas Bloom and a class of male
11 employees, by providing compensation for past and future pecuniary losses resulting
12 from the unlawful employment practices described in paragraphs 7-12 above, including
13 any relocation expenses, job search expenses, and medical expenses not covered by
14 Defendant's employee benefit plan, in amounts to be determined at trial.

15 E. Order Defendant to make whole Thomas Bloom and a class of male
16 employees by providing compensation for past and future nonpecuniary losses resulting
17 from the unlawful practices complained of in paragraphs 7-12 above, including emotional
18 pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to
19 be determined at trial.

20 F. Order Defendant to pay Thomas Bloom and a class of male employees
21 punitive damages for its malicious and reckless conduct described in paragraphs 7-12
22 above, in amounts to be determined at trial.

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

25 H. Award the Commission its costs of this action.

26 **JURY TRIAL DEMAND**

27 The Commission requests a jury trial on all questions of fact raised by its
28 Complaint.

1 DATED this 21st day of September, 2005.

2 Respectfully submitted,

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4 JAMES L. LEE
Deputy General Counsel

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6 GWENDOLYN YOUNG REAMS
Associate General Counsel

7
8 EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
9 1801 L Street, N.W.
10 Washington, D.C. 20507

11
12 s/ Mary Jo O'Neill
MARY JO O'NEILL
13 Regional Attorney

14
15 s/ C. Emanuel Smith
C. EMANUEL SMITH
16 Supervisory Trial Attorney

17
18 s/ Michelle G. Marshall
MICHELLE G. MARSHALL
19 Trial Attorney

20
21 EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
22 Phoenix District Office
3300 N. Central Ave., Suite 690
23 Phoenix, AZ 85012

24 Attorneys for Plaintiff
25
26
27
28