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CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff, v. ALLIED PLASTICS COMPANY, INC., Defendant.	)	CIVIL ACTION NO. 3:02-cv-910-J-20 HTS COMPLAINT JURY TRIAL DEMAND INJUNCTIVE RELIEF SOUGHT

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 sex, and to provide appropriate relief to Lee Dodd ("Ms. Dodd"), Donna Signorile ("Ms. Signorile"), Cheryl Williams, Christine Williams and any other similarly situated individuals who were adversely affected by such practices. As stated with greater particularity in paragraph seven below, the Commission alleges that Ms. Dodd, Ms. Signorile, Cheryl Williams, Christine Williams and any other similarly situated individuals were sexually harassed at Defendant's place of business in Jacksonville, Florida. Ms. Dodd, Ms. Signorile, Cheryl Williams, Christine Williams and any other similarly situated individuals were forced to endure unwelcome sexual comments and/or physical contact because of their sex, which created a hostile work environment. The Commission further alleges that the conditions of Ms. Dodd's and Ms. Signorile's employment were made so intolerable by the hostile work environment that they were forced to resign.

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 Middle District of Florida, Jacksonville Division.

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, Defendant, Allied Plastics Company, Inc. (the "Employer"), has continuously been a Florida corporation doing business in the State of Florida and the City of Jacksonville, 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 withing 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, Ms. Dodd, Ms. Signorile, Cheryl Williams and Christine Williams filed charges 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 on or about March, 2000, Defendant Employer has engaged in unlawful employment practices at its Jacksonville facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a).

(a) Specifically, Ms. Dodd, Ms. Signorile, Cheryl Williams and Christine Williams and other similarly situated individuals were subjected to unwelcome physical and verbal conduct of a sexual nature by Dennis Berger, Owner, and Richard Uhrie, Vice President of Operations, which was sufficiently severe and pervasive to constitute an intimidating hostile and offensive work environment. The sexually offensive conduct included, but was not limited to, touching, kissing, hugging, vulgar language and sexually explicit discussions and jokes.

(b) Ms. Dodd and Ms. Signorile were forced to resign their position because the working conditions of their employment were so intolerable (due to the persistent sexual harassment by Dennis Berger and Richard Uhrie and Defendant's failure to take any action) that a reasonable person subjected to the same or similar conduct would have been compelled to resign.

8. The effect of the practices complained of in paragraph seven above has been to deprive Ms. Dodd, Ms. Signorile, Cheryl Williams, Christine Williams and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as an employee because of their sex.

9. The unlawful employment practices complained of in paragraph seven above were intentional.

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Ms. Dodd, Ms. Signorile, Cheryl Williams, Christine Williams and any other similarly situated individuals.

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 sexual harassment 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 victims of sexual harassment, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Dodd and Ms. Signorile 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.

D. Order Defendant Employer to make whole Ms. Dodd and Ms. Signorile by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above including, but not limited to, job search expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Ms. Dodd, Ms. Signorile, Cheryl Williams, Christine Williams and any other similarly situated individual by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph seven above, including emotional pain, suffering and inconvenience, in amounts to be determined at trial.

F. Order Defendant Employer to pay Ms. Dodd, Ms. Signorile, Cheryl Williams, Christine Williams and any other similarly situated individual punitive damages for its malicious and reckless conduct described in paragraph seven above, in amounts to be determined at trial.

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

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

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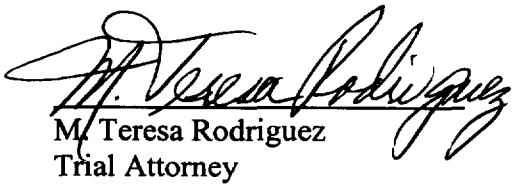

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