

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

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**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

APRIL LEPERA,

Plaintiff/Intervenor,

vs.

CAGLE'S, INC.,

Defendant.

**Civil Action No.
5:03-CV-0219-2(WDO)**

COMPLAINT OF INTERVENOR

NOW COMES APRIL LEPERA, Plaintiff/Intervenor, and respectfully shows the Court the following:

Nature of the Case

1.

This is an action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq., (as amended) to redress Defendant's discrimination against Plaintiff/Intervenor on the basis of her sex, including sexual harassment and retaliation.

Jurisdiction and Venue

2.

This Court has jurisdiction of this action under 42 U.S.C. §2000e-5(f)(1) and (3) and 28 U.S.C. §1331, 1337 and 1343. Venue is proper in this District because Defendant's unlawful

employment practices as alleged in this Complaint were committed within the jurisdiction of the United States District Court for the Middle District of Georgia, Macon, Division.

Parties

3.

Plaintiff, the Equal Employment Opportunity Commission (EEOC) is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is authorized to bring this action by 42 U.S.C. § 2000e-5(f)(1) and (3).

4.

Plaintiff/Intervenor April Lepera is an adult female, a citizen of the United States and a resident of Warner Robins, Georgia.

5.

Defendant Cagle's, Inc. (Defendant) is a for-profit corporation organized under the laws of the State of Georgia, and at all relevant times in this Complaint has been a corporation doing business in Houston County, Georgia with at least 15 employees. Defendant is subject to the jurisdiction of this Court.

Facts

6.

On July 17, 2001, April Lepera filed Charge of Discrimination Number 110A13979 with the Equal Employment Opportunity Commission alleging that, while employed by Defendant, she was sexually harassed by her supervisor, that she reported that sexual harassment, and that Defendant terminated her employment in retaliation for participating in protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended.

7.

On April 16, 2002, the Equal Employment Opportunity Commission issued a determination in connection with Charge of Discrimination Number 110A13979. Among other things, the EEOC determined that “Based on the analysis of the evidence, it is reasonable to believe that Charging Party was subjected to sexual harassment and was demoted and discharged in retaliation for having opposed unlawful employment practices in violation of Title VII.”

8.

Plaintiff/Intervenor has fulfilled all conditions precedent to this suit.

9.

Since at least October of 2000, Defendant engaged in unlawful employment practices at its facility in Houston County, in violation of 42 U.S.C. §§ 2000e-2(a) and 2000e-3(a) by subjecting Plaintiff/Intervenor to sexual harassment and retaliation.

10.

On or about April 2, 2001, Plaintiff/Intervenor complained to the General Manager at Defendant’s Houston County facility that she had been subjected to sexual harassment by her supervisor, the Human Resources Manager, from October of 2000.

11.

Defendant terminated Plaintiff/Intervenor’s employment sixteen (16) days after she complained of the sexual harassment by her supervisor.

12.

Plaintiff/Intervenor engaged in activity protected by Title VII of the Civil Rights Act of 1964 when she complained about the sexual harassment by her supervisor, and her protected

conduct was a motivating factor in Defendant's decision to terminate her employment.

13.

By its conduct, Defendant has denied Plaintiff/Intervenor equal employment opportunities and has adversely affected the terms and conditions of her employment because of her sex and because she has engaged in activity protected under Title VII of the Civil Rights Act of 1964, as amended.

14.

Defendant has acted with actual malice or reckless indifference to Plaintiff/Intervenor's federally protected rights, and Plaintiff/Intervenor is entitled to punitive damages.

WHEREFORE, Plaintiff/Intervenor prays that this Court grant her the following relief:

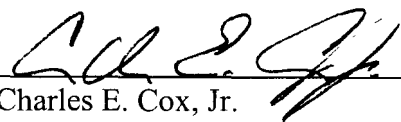
- (a) Award Plaintiff/Intervenor appropriate back pay with prejudgment interest, in an amount to be determined at trial;
- (b) Award Plaintiff/Intervenor front pay and/or reinstatement, and any other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices;
- (c) Award Plaintiff/Intervenor compensation for past and future pecuniary loss resulting from Defendant's unlawful conduct;
- (d) Award Plaintiff/Intervenor compensation for non-pecuniary loss resulting from Defendant's unlawful conduct, including emotional pain and suffering, anxiety, stress, depression, and humiliation, in an amount to be determined by the jury at trial;

- (e) Award Plaintiff/Intervenor punitive damages for Defendant's malicious and reckless conduct, in an amount to be determined by the jury at trial;
- (f) Award Plaintiff/Intervenor her attorney's fees and costs; and
- (g) Award Plaintiff/Intervenor such other and further relief as the Court may deem appropriate.

PLAINTIFF DEMANDS TRIAL BY JURY OF ALL ISSUES SO TRIABLE.

Respectfully submitted, this 14th day of October, 2003.

CHARLES E. COX, JR.
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Charles E. Cox, Jr.
Attorney at Law

Attorney for Plaintiff/Intervenor

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing

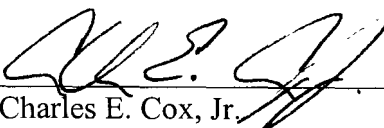
COMPLAINT OF Plaintiff/Intervenor upon the following:

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by placing a copy of the same in the United States Mail, First Class, in a properly addressed envelope with sufficient postage affixed thereto to ensure delivery.

This 14th day of October, 2003.



Charles E. Cox, Jr.