

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 28 2005

LUTHER D. THOMAS, Clerk
By: *[Signature]*
Deputy Clerk

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

REGENCY HEALTH
ASSOCIATES,

Defendant.

CIVIL ACTION NO.

05 CV 25 19

COMPLAINT

JURY TRIAL DEMANDED

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 ("Title VII") to correct unlawful employment practices on the basis of religion, and to provide appropriate relief to Ms. Hanı Mohamed, who was adversely affected by such practices. As expressed in greater detail below, Ms. Mohamed was employed by Regency Health Associates as a medical assistant. Ms. Mohamed is a Muslim and abides by the Muslim tenet of covering her head with a scarf called a hijab, which she is required to wear in public including at work. Defendant informed Ms. Mohamed that wearing her hijab was in violation of the company's uniform protocol, and that no accommodation would be made for her religious beliefs. Defendant also told her that if she continued to wear the hijab that she would no longer have a job.

FORMS RECEIVED
Consent To US Mag _____
Pretrial Instructions _____
Title VII NTC _____
[Signature]

with the company. Ms. Mohamed chose to adhere to her religious beliefs and was discharged by the Defendant

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), 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 Northern District of Georgia, Atlanta 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, 28 U S C § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Regency Health Associates (“Defendant”) has continuously been a corporation doing business in the State of

Georgia and the City of Atlanta, and has continuously had at least 15 employees

5 At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Section 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, Ms Mohamed filed her charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7 In July 2004, Defendant engaged in unlawful employment practices at its Atlanta, Georgia, facility in violation of Section 703(a) of Title VII, 42 U.S.C. § § 2000e-3(a), by failing to accommodate the religious beliefs of Ms. Mohamed and discharging her for wearing her hijab as proscribed by her religious beliefs.

8. The effects of the practices complained of in paragraph 7 above have been to deprive Ms. Mohamed of equal employment opportunities and otherwise adversely affect her status as an employee because of her religion.

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 carried out with malice and/or reckless indifference to the federally protected rights of Ms. Mohamed.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

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

C. Order Defendant to make whole Ms Mohamed, who was adversely affected by Defendant's discriminatory conduct, by providing appropriate back pay with prejudgement 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 reinstatement of Ms. Mohamed and/or front pay

D. Order Defendant to make whole Ms. Mohamed by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including job search expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Ms. Mohamed by providing compensation for non-pecuniary losses resulting from the unlawful employment practices described above, including emotional pain and suffering, inconvenience, loss of enjoyment of life, anxiety, stress, depression, and humiliation, in amounts to be determined at trial

F Order Defendant to pay to Ms Mohamed punitive damages for Defendant's malicious and reckless conduct described above, in amounts to be determined at trial

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

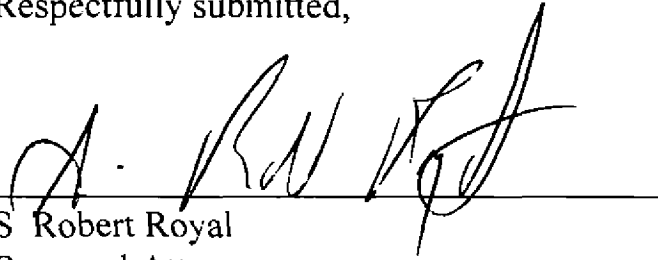
H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

(Signatures on next page)

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Robert Royal', is written over a horizontal line. The signature is stylized and cursive.

S Robert Royal
Regional Attorney
Georgia Bar No 617505

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