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U.S. DISTRICT COURT
SAVANNAH DIV.

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IN THE UNITED STATES COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
and)
)
MONICA STROBRIDGE,)
)
Plaintiff-Intervenor,)
)
vs.)
)
L.A. WATERS FURNITURE, COMPANY,)
INC., D/B/A RENTOWN,)
)
Defendant.)

CIVIL ACTION NO. CV 603-78

JURY TRIAL DEMANDED

COMPLAINT

PRELIMINARY STATEMENT

1.

This action is brought pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5 et seq. as amended by 42 U.S.C. § 1981a, seeking relief for discrimination in employment based on sex, including but not limited to sexual harassment, and for retaliation against Plaintiff-Intervenor for exercising her rights to complain of and attempt to remedy said discrimination, including but not limited to defendants' termination of plaintiff-intervenor's employment. Plaintiff-Intervenor seeks equitable relief in the form of back-pay with prejudgment interest, front pay and/or rightful place reinstatement, compensatory and punitive damages, as well as attorneys fees and costs. Further, Plaintiff-Intervenor asserts claims against Defendant

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PLAINTIFF'S
EXHIBIT
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under Georgia law for invasion of privacy and negligent retention, and asks the Court to award both compensatory and punitive damages on those claims.

2.

Plaintiff-Intervenor filed a charge of discrimination with the United States Equal Employment Opportunity Commission (EEOC) against her employer, the Defendant in this action (hereinafter Rentown) on October 10, 2002.

3.

This action was timely filed by the EEOC following its investigation and finding of cause as to said charge, and Plaintiff-Intervenor Monica Strobridge was notified by the agency of her right to intervene in this action.

JURISDICTION AND VENUE

4.

Jurisdiction of this Court is invoked by Plaintiff-Intervenor Monica Strobridge pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1367. This action is authorized and instituted pursuant to Sections 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. The Court's jurisdiction under 28 U. S. C. § 1367 is invoked to provide Plaintiff-Intervenor Strobridge a remedy for her state law claims which flow from the same facts.

5.

All of the practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Georgia, Statesboro Division.

PARTIES

6.

Plaintiff-Intervenor MONICA STROBRIDGE, a resident of Emanuel County, Georgia, was employed by the Defendant, from October 1, 2001 to August 17, 2002, when she was notified of immediate termination by Defendant. Plaintiff-Intervenor is female.

7.

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).

8.

At all relevant times, Defendant L. A. Waters Furniture Company, Inc. d/b/a Rentown ("Defendant") has continuously been a corporation doing business in the State of Georgia and the cities of Statesboro, Claxton, Vidalia, Swainsboro, Eastman, Baxley, and Jesup, Georgia (among other cities), and has continuously had at least 15 employees.

9.

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).

FACTUAL ALLEGATIONS

10.

Beginning by at least November 2001, Plaintiff-Intervenor Strobbridge was repeatedly

subjected to unwelcome verbal remarks of a sexual nature, and physical touching, by a co-worker.

11.

She complained to her managers. The co-worker was allowed to continue his verbal and physical assaults on Plaintiff-Intervenor Strobridge in the workplace, despite Ms. Strobridge's statements to him and to management that she wanted it to stop.

12.

On August 17, 2002, after Plaintiff-Intervenor Strobridge had taken her complaint to a higher level of management, after seeking guidance from counsel and the EEOC, she was summarily fired.

13.

On October 10, 2002, she timely filed a charge with the EEOC which precipitated this action.

CLAIMS FOR RELIEF

COUNT I

14.

Paragraphs 1 through 13 are re-alleged and incorporated by reference as if fully set forth herein.

15.

Defendant's sexually discriminatory treatment, including especially sexual harassment, during the course of plaintiff's employment violated plaintiff's rights under Title VII of the Civil Rights Act of 1964, as amended. 42 U.S.C. §§ 2000e-5 and 1981a.

16.

Plaintiff-Intervenor is entitled to an order reinstating her to her former position and to back pay with prejudgment interest from the date of her termination to the date of reinstatement. She is also entitled to compensatory damages flowing from Defendant's discriminatory treatment.

COUNT II

17.

Paragraphs 1 through 16 are re-alleged and incorporated by reference.

18.

Defendant's termination of Plaintiff-Intervenor Strobidge's employment was done in retaliation for her having engaged in protected activities, in violation of Title VII, supra.

19.

Plaintiff-Intervenor is entitled to an order reinstating her to her former position and to back pay with prejudgment interest from the date of her termination to the date of reinstatement, pursuant to 42 U.S.C. § 2000e-5. She is also entitled to compensatory damages flowing from Defendant's retaliatory conduct, pursuant to 42 U. S. C. § 1981a.

COUNT III

20.

Paragraphs 1 through 19 are re-alleged and incorporated by reference as if fully set forth herein.

21.

The unlawful employment practices complained of above in Counts I and II were

intentional and were carried out with malice and/or reckless indifference to the federally protected rights of Plaintiff-Intervenor Strobridge. She is therefore entitled to an award of punitive damages, pursuant to 42 U.S.C. § 1981a.

COUNT IV

22.

Paragraphs 1 through 21 are re-alleged and incorporated by reference as if fully set forth herein.

23.

The actions of Defendant, including but not limited to those it permitted Plaintiff's co-worker to commit, constituted an intentional and unreasonable invasion upon the privacy rights of plaintiff, for which she is entitled to recover compensatory and punitive damages.

COUNT V

24.

Paragraphs 1 through 23 are re-alleged and incorporated by reference as if fully set forth herein.

25.

Defendant's actions in permitting Plaintiff-Intervenor Strobridge's co-worker to continue to verbally and physically harass her constitute extreme and outrageous conduct intentionally or recklessly causing Plaintiff-Intervenor Strobridge to suffer emotional damage, for which she is entitled to recover compensatory and punitive damages.

COUNT VI

26.

Paragraphs 1 through 25 are re-alleged and incorporated by reference as if fully set forth herein.

27.

Defendant recklessly and negligently permitted the harassing co-worker to remain in its employ and to continue his behavior, despite repeated complaints from Plaintiff-Intervenor Strobridge.

28.

Defendant was negligent in retaining the co-worker in its employ, and Plaintiff-Intervenor Strobridge was injured thereby, thus entitling her to recover compensatory damages proximately caused by Defendant's negligence.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff-Intervenor requests that the court grant the following:


- a) Enter an order compelling Defendant to reinstate Plaintiff-Intervenor Strobridge to her job at an appropriate salary;
- b) Award Plaintiff-Intervenor Strobridge back-pay with interest accruing from the date of her termination to the date of reinstatement, with adjustments for other payments received;
- c) Award Plaintiff-Intervenor Strobridge compensatory damages for her physical and emotional distress caused by Defendant's discriminatory acts and other torts committed against her;

- d) Award Plaintiff-Intervenor Strobridge punitive damages for Defendant's willful and intentionally discriminatory acts and other intentional torts committed against her;
- e) Award Plaintiff-Intervenor Strobridge nominal damages, and attorneys fees and expenses of litigation, and assess all costs of this action against the Defendant;
- f) Grant Plaintiff-Intervenor Strobridge a trial by jury; and
- g) Grant such other and further relief as this court may deem just and proper.

Respectfully submitted this 29th day of July, 2003.

RESPECTFULLY SUBMITTED,

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