

2006 WL 741847 (N.D.Ill.) (Trial Pleading)
United States District Court, N.D. Illinois,
Eastern Division.

Stacey GRIFFIN, Carrie Babb, Jada Johnson, and Monica Moniuszko, Plaintiffs,
v.
SUTTON FORD, INC., Richard Mohammed, and Louis Mentor, Defendants.

No. 06CV0931.
February 21, 2006.

Jury Demanded

Complaint

Judge Bucklo.
Mag. Ashman.

Plaintiffs, by their undersigned attorney, and for their Complaint of discrimination against Defendants, state as follows;

NATURE OF THE CASE

1. The causes of action for the Plaintiffs arise under Title VII of the Civil Rights Act 42 U.S.C. Section 2000e as amended, 28 U.S.C. Paragraph 1331, and 28 U.S.C. 1367.

JURISDICTION AND VENUE

2. That this Court has jurisdiction over this matter based upon 42 U.S.C. 2000e, 28 U.S.C. Paragraph 1331, and 28 U.S.C. 1367.

3. That, Plaintiff CARRIE BABB (“BABB”), also brings her racial harassment claim pursuant to 42 U.S.C. Section 1981.

4. Venue in the Northern District of Illinois is proper. The claim for relief arose in this state as required by 42 U.S.C. 2000e.

5. That on or about November 29, 2004, STACEY GRIFFIN (“GRIFFIN”) filed a charge of discrimination #210-2005-01240 with the United States Equal Employment Opportunity Commission (“EEOC”), alleging sexual harassment and retaliation. Said charge and allegations therein are attached and incorporated herein. (Attached as Exhibit 1).

6. That on or about November 29, 2004, BABB filed a charge of discrimination #210-2005-01238 with the EEOC, alleging sexual harassment, racial harassment, retaliation, and constructive discharge. Said charge and allegations therein are attached and incorporated herein. (Attached as Exhibit 2).

7. That on or about November 29, 2004, JADA JOHNSON (“JOHNSON”) filed a charge of discrimination #210-2005-01243 with the EEOC, alleging sexual harassment and retaliation. Said charge and allegations therein are attached and incorporated herein. (Attached as Exhibit 3).

8. That on or about January 12, 2005, MONICA MONIUSZKO (“MONIUSZKO”) filed a charge of discrimination #210-2005-01242 with the EEOC, alleging sexual harassment and retaliation. Said charge and allegations therein are attached and incorporated herein. (Attached as Exhibit 4).

9. That Plaintiff MONIUSZKO brings her complaint in reliance upon her own charge and those of her co-Plaintiffs pursuant to the single filing rule and continuing violations doctrine.

10. That Plaintiffs requested right-to-sue letters from the EEOC in connection with their charges but the EEOC declined to issue said right-to-sue letters.

11. That Plaintiffs have since made several requests for the issuance of right-to-sue letters. To the present, the EEOC has refused to issue same. Plaintiffs have also repeatedly requested the status of this investigation and when to expect a conclusion. However, the EEOC has failed to provide same. (Letters attached as Exhibit 5).

12. That the charges have been pending for more than 180 days and the EEOC has not dismissed the charges, filed a civil action, or entered into a conciliation agreement with the parties. As such Plaintiffs may file suit pursuant to 42 U.S.C. 2000e-5(f)(1).

13. That Plaintiffs have cooperated with the EEOC’s investigation to the present.

PARTIES

14. That Plaintiff, BABB, is female and a resident of the state of Illinois.

15. That Plaintiff, GRIFFIN, is female and a resident of the state of Illinois.

16. That Plaintiff, JOHNSON, is female and was a resident of the state of Illinois.

17. That Plaintiff, MONIUSZKO, is female and a resident of the state of Illinois.

18. That Defendant, SUTTON FORD, INC. (“SUTTON FORD”), is duly registered to conduct business in the state of Illinois.

19. That at all times relevant herein, SUTTON FORD was engaged in an industry affecting commerce and has had fifteen (15) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year.

20. That at all times relevant herein, RICHARD MOHAMMED (“MOHAMMED”) was employed by Defendant as a manager.

21. That at all times relevant herein, LOUIS MENTOR (“MENTOR”) was employed by Defendant as a salesperson.

22. That at all times relevant herein, RAMONE (LNU) (“RAMONE”) was employed by Defendant as a porter.

23. That at all times relevant herein, EDDIE (LNU) (“EDDIE”) was employed by Defendant as a manager.

24. That at all times relevant herein, JOHN LEFEBER was employed by Defendant as a manager.

25. That at all times relevant herein, RAY LEFEBER was employed by Defendant as a manager.

26. That at all times relevant herein, JIM IRVING (“IRVING”) was employed by Defendant as a manager.

27. That at all times relevant herein, CHARLES THATCHER (“THATCHER”) was employed by Defendant as a salesperson.

28. That at all times relevant herein, MICHAEL STEIHLER (“STEIHLER”) was employed by Defendant as a salesperson.

29. That at all times relevant herein, SUTTON FORD and its managers created an environment which encouraged and fostered a hostile work environment for Plaintiffs and other females. Such conduct was ongoing, open, and notorious. However, SUTTON FORD failed to take effective remedial action.

30. That at all times relevant herein, SUTTON FORD and its managers created an environment which encouraged and fostered a racially hostile work environment for BABB. Such conduct was ongoing, open, and notorious. SUTTON FORD failed to take effective remedial action.

***COUNT I COMPLAINT F STACEY GRIFFIN FOR HOSTILE ENVIRONMENT SEXUAL HARASSMENT
DIRECTED AT SUTTON FORD, INC.***

31. That Plaintiff was hired by Defendant, SUTTON FORD, in November 2002 as a salesperson.

32. That during her employment, GRIFFIN performed her assigned tasks in a satisfactory and conscientious manner according to Defendant’s standards.

33. That at relevant times during her employment with Defendant, GRIFFIN was supervised by EDDIE, JOHN LEFEBER, RAY LEFEBER, and MOHAMMED.

34. That starting in January of 2004 and continuing until October 2004, GRIFFIN was subjected to persistent sexual harassment by MOHAMMED. Such harassing conduct included sexually offensive comments on a daily basis as well as inappropriate touching.

35. That MOHAMMED’s sexually harassing comments and inappropriate touching were severe and pervasive, with sexually offensive incidents occurring at least twenty (20) times a week.

36. That on one occasion during July of 2004, MOHAMMED grabbed GRIFFIN’s vaginal area and stated, “Yeah, I knew you had a fat pussy!”

37. That from January 2004 through October 2004, MOHAMMED slapped GRIFFIN’s buttocks multiple times a week.

38. That on another occasion, MOHAMMED grabbed GRIFFIN’s shirt, pulled it away from her body, and stated, “I just wanted to see what color bra you have on.”

39. That on another occasion, MOHAMMED touched GRIFFIN’s leg and asked, “Do you shave?”

40. That MOHAMMED made sexually offensive comments daily. For example, MOHAMMED said the following to GRIFFIN on different occasions:

a. “How bad do you want this deal done? Are you going to suck my dick?”;

b. “Show me your titties!”;

c. “Do you have hair on your pussy?”;

d. “Do you shave?”;

e. “When are you going to let me hit that?”;

f. “This is my bitch!” (Referring to GRIFFIN);

g. MOHAMMED would unbuckle his pants and say, “I am not scared to pull it out. I will do it.”;

- h. "How big are your nipples?";
- i. "When are you going to let me get some?";
- j. "What type of panties do you have on? Thong or granny panties?"; and
- k. MOHAMMED would ask customers, "Would you do the deal if ??et you take her [GRIFFIN] home with you?"

41. That GRIFFIN witnessed MOHAMMED tell JOHNSON, "It tastes good. How would this feel?", while rolling and wiggling his tongue.

42. That on another occasion, MOHAMMED stated to customer MARQUITA DUNBAR ("DUNBAR"), "You don't have your W-2s, but if you suck my dick and give me some pussy, I will make them for you."

43. That on that same occasion, MOHAMMED locked his office door with DUNBAR inside. MOHAMMED pulled his pants down and asked DUNBAR to "suck" his dick. DUNBAR's mother complained to SUTTON FORD's owner, SUTTON. GRIFFIN is not aware if MOHAMMED was ever disciplined for this conduct.

44. That other members of management heard MOHAMMED's sexually offensive comments towards GRIFFIN and witnessed him inappropriately touch her. For example the following managers witnessed MOHAMMED's sexually inappropriate behavior: ERIC VATES ("VATES"); JEFFREY RANDOLPH ("RANDOLPH"); ANITA SUTTON; TIFF ARSELA ("ARESELA"); and RAY VILLONE ("VILLONE").

45. That as a result of GRIFFIN's rejection of sexual advances and conduct, ARSELA and VATES subjected her to inferior treatment by trying to get GRIFFIN terminated by changing her work to make it appear as though she was making mistakes. GRIFFIN communicated this information to ANITA SUTTON and IRVING. However, ARSELA and VATES were not disciplined.

46. That on another occasion as a result of GRIFFIN's rejection of sexual advances and conduct, ARSELA lied to the managers and told them that GRIFFIN could not come to work because she was at the circus. However, GRIFFIN had communicated to ARSELA that she was at the hospital for an emergency.

47. That even though other members of management witnessed MOHAMMED's conduct, no one rebuked MOHAMMED, requested that he stop, or disciplined him.

48. That from February 2004 through August 2004, GRIFFIN complained to management employees. Specifically, GRIFFIN complained to PANSY WHITE ("WHITE"), EMMA WILLIAMS ("WILLIAMS"), and NATE SUTTON about MOHAMMED's sexually offensive comments and inappropriate touching. However, the harassment never ceased.

49. That in December of 2002, GRIFFIN was subjected to persistent sexual harassment by EDDIE.

50. That starting in December of 2002, EDDIE would grab GRIFFIN's hands when she brought him work related documents.

51. EDDIE made comments about GRIFFIN's lips such as: "You got some really nice lips, I know what I could use those for" and "Your husband must be really happy to have lips like that."

52. That in December of 2002, GRIFFIN complained to the owner, SUTTON, that EDDIE was sexually harassing her. SUTTON responded, "Hold off for a little while, we will be making some management decisions soon." SUTTON never followed up with GRIFFIN following this discussion. GRIFFIN is not aware if EDDIE was ever disciplined.

53. That starting in December of 2002 and continuing until October 2004, GRIFFIN was subjected to persistent sexual harassment by RAMONE (LNU). Such harassing conduct included directing sexually offensive comments to GRIFFIN on a daily basis.

54. Some examples of comments that RAMONE made to GRIFFIN are:

- a. "When are you going to let me lick that?" Referring to GRIFFIN's vagina;
- b. "I am always doing something for you. When are you going to do something with me?";
- c. "Oh Stacey, you just don't know what I would do to you! You just give me one chance. I promise you!" RAMONE grabbed his penis when making this comment to GRIFFIN;
- d. "You have the most perfect butt. Really, really you do have a great butt."

55. That MARVIN (LNU; "MARVIN"), the manager of the porter team, witnessed numerous instances where RAMONE made sexually offensive comments. However, GRIFFIN is not aware if RAMONE was ever disciplined for such offensive comments.

56. That in February 2003, GRIFFIN complained to management employee, WILLIAMS, about RAMONE's comments and that RAMONE was sexually harassing her. However, the harassment continued.

57. That other members of management heard RAMONE's sexually offensive comments. For example, RANDOLPH ("RANDOLPH"), MARLON JACKSON ("JACKSON"), TINO (LNU; "TINO"), DOC HENDRIX ("HENDRIX"), and MARVIN were often present when RAMONE made sexually offensive comments.

58. That starting in January of 2003, GRIFFIN was subjected to persistent sexual harassment by one of the managers, JOHN LEFEBER. Such harassing conduct included daily sexually offensive comments.

59. Some examples of comments that JOHN LEFEBER made to GRIFFIN are as follows:

- a. "Have you ever been with a white man?";
- b. "Would you like to be with a white man?"; and
- c. "Do you like cream in your coffee?"

60. That throughout his employment with SUTTON FORD, JOHN LEFEBER would stare at GRIFFIN for prolonged periods of time, thus making her uncomfortable.

61. That throughout 2003, GRIFFIN witnessed JOHN LEFEBER consume alcohol while at work. When JOHN LEFEBER was intoxicated, his sexually offensive comments worsened.

62. That starting in January of 2003, and continuing until October 2004, GRIFFIN was subjected to persistent sexual harassment by MENTOR. Such harassing conduct included making sexually offensive comments on a daily basis, as well as inappropriate touching.

63. Some examples of comments that MENTOR made to GRIFFIN are:

- a. "Oh yeah, you've got pink panties on" and "I am going down again, only next time I am not coming back up!" MENTOR made these comments after he crawled under the desk that GRIFFIN was sitting in;
- b. "Yeah, you gaining weight in all the right places.";
- c. "Once you get a hold of this [his penis], you will leave Big Rod [GRIFFIN's Husband]!", while grabbing his penis;
- d. "Big Rod [GRIFFIN's Husband] must be working that right, because that ass is getting bigger and bigger!";
- e. "You have legs like a race horse"; and
- f. "I like those pants, you going to let me take them off?"

64. That MENTOR also often made cat calls such as, "Ohh", "Ah ah ah", and "Woo Woo".

65. That members of management heard MENTOR's sexually offensive comments towards GRIFFIN. For example, VATES and RANDOLPH witnessed and heard most of MENTOR's sexually inappropriate behavior.
66. That starting in January of 2003, GRIFFIN was subjected to persistent sexual harassment by, RAY LEFEBER, manager who routinely arranged sexually offensive activities.
67. That in the spring of 2003 for example, RAY LEFEBER arranged for exotic dancers to come to SUTTON FORD after the store had closed. GRIFFIN was working late in the finance office on this day and witnessed the exotic dancer arrive at SUTTON FORD. On that occasion, all of the male employees spoke freely and openly about the stripper.
68. That starting in 2003 and continuing until October 2004, GRIFFIN was subjected to persistent sexual harassment by IRVING, who directed sexually offensive comments to her on a daily basis.
69. Some examples of comments that IRVING made to GRIFFIN are:
- a. "Oh I just like to keep you around for eye candy.";
 - b. "Why don't you come with me to Las Vegas and hang out with me for a week. I got a jacuzzi and a pool."; and
 - c. "Do you like cream in your coffee?"
70. That Defendant failed to take effective and appropriate remedial action in 2002, 2003, or 2004, after GRIFFIN complained about sexual harassment to management employees.
71. That as a result, MOHAMMED, EDDIE, JOHN LEFEBER, RAY LEFEBER, MENTOR, RAMONE, and IRVING continued their conduct, and extended their harassment and assault to other females under their supervision or that worked with them.
72. That Defendant's officers and agents must also have been aware of this ongoing sexual harassment by MOHAMMED, EDDIE, JOHN LEFEBER, and RAY LEFEBER of their female subordinates, because it occurred on a daily basis in an open and notorious manner, such that it was observed by employees, managers, and supervisors alike.
73. That Defendant condoned sexual harassment, and failed to maintain a harassment-free work environment by failing to provide adequate training, counseling, and instructions to its employees and officers.
74. That Defendant failed to maintain a harassment-free work environment by failing to take effective corrective action against MOHAMMED, EDDIE, JOHN LEFEBER, RAY LEFEBER, MENTOR, RAMONE, and IRVING, after it became aware that they were making unwelcome sexual advances and comments towards women who worked for them, and assaulting them on an ongoing basis.
75. That as a result of these failures by Defendant, MOHAMMED, EDDIE, JOHN LEFEBER, and RAY LEFEBER continued to use their authority as supervisors to force their unwelcome sexual advances, offensive conduct and assaults on GRIFFIN and several other subordinate females on an ongoing basis.
76. That Defendant's treatment of GRIFFIN was motivated by evil motive and intent, and was in reckless and callous indifference to GRIFFIN's federally protected rights.
77. That the sex discrimination and sexual harassment that GRIFFIN was subjected to in the hands of Defendant, its agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating, and had the effect of creating a hostile and intimidating work environment for GRIFFIN.
78. That said continuous and persistent sex discrimination and sexual harassment adversely affected the terms and conditions of her employment with Defendant.

79. That as a direct and proximate result of said unlawful employment practices, GRIFFIN has suffered the indignity of discrimination, the invasion of her right to be free from discrimination, and great humiliation which has manifested in physical illnesses, and emotional stress on the relationships between GRIFFIN and her friends and family.

80. That as a further direct and proximate result of said unlawful employment practices, GRIFFIN has suffered extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity, painful embarrassment among her friends and co-workers, damage to her reputation, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, GRIFFIN respectfully requests that this Court provide the following equitable and legal relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date, and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award Plaintiff, GRIFFIN, back pay, reinstatement, appropriate future earnings, and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, GRIFFIN, costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award Plaintiff, GRIFFIN, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Grant such other and further relief as this court deems just and proper.

COUNT II COMPLAINT OF STACEY GRIFFIN FOR QUID PRO QUO SEX DISCRIMINATION DIRECTED AT SUTTON FORD, INC.

81. That GRIFFIN incorporates the preceding paragraphs by reference here.

82. That MOHAMMED implicitly and explicitly conditioned GRIFFIN's enjoyment of the various terms, conditions, and benefits of employment on her submission to his sexual advances. Such terms and conditions of employment include the assignment of deals, sales leads and such others.

83. That Defendant's conduct in subjecting Plaintiff to inferior terms and conditions of employment and in terminating her amounts to quid pro quo sexual harassment in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, GRIFFIN respectfully requests that this Court provide the following equitable and legal remedies for relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date, and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sexual discrimination and sexual harassment.
- c. Award Plaintiff, GRIFFIN, back pay, reinstatement, appropriate future earnings and reimbursement for income, and fringe benefits lost to the present with applicable statutory interest.

- d. Award Plaintiff, GRIFFIN, a judgment against Defendant for compensatory damages.
- e. Award Plaintiff, GRIFFIN, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.
- h. Grant such other and further relief as this Court deems just and proper.

COUNT III COMPLAINT OF STACEY GRIFFIN FOR RETALIATION DIRECTED AT SUTTON FORD, INC.

- 84. That GRIFFIN incorporates the preceding paragraphs by reference here.
- 85. That GRIFFIN was terminated on or around October 5, 2004.
- 86. That Defendant's termination of GRIFFIN amounts to illegal retaliation for resisting conduct which GRIFFIN in good faith believed to be sexual harassment.
- 87. That Defendant and its agents further subjected GRIFFIN to inferior terms and conditions of employment for resisting conduct GRIFFIN in good faith believed to be sexual harassment.
- 88. That the adverse actions followed GRIFFIN's protected activity within such a period of time as to raise an inference of retaliatory motivation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, GRIFFIN respectfully requests this Court provide the following equitable and legal remedies for relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award Plaintiff, GRIFFIN, back pay, reinstatement, appropriate future earnings and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, GRIFFIN, costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award Plaintiff, GRIFFIN, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.
- h. Grant such other and further relief as this Court deems just and proper.

***COUNT IV COMPLAINT OF STACEY GRIFFIN FOR ASSAULT AND BATTERY DIRECTED TO
RICHARD MOHAMMED AND SUTTON FORD, INC.***

89. That GRIFFIN incorporates the preceding paragraphs by reference here.
90. That MOHAMMED intended to engage in offensive and harmful physical contact with GRIFFIN's body.
91. That MOHAMMED's conduct in touching and attempting to touch GRIFFIN was intentional.
92. That MOHAMMED's conduct in touching and attempting to touch GRIFFIN placed her in apprehension of imminent offensive physical contact by MOHAMMED.
93. That MOHAMMED's conduct amounts to willful and wanton conduct.
94. That GRIFFIN is free from willful and wanton conduct.
95. That as a result of MOHAMMED's conduct, GRIFFIN suffered and continues to suffer fright, physical illnesses, mental anguish, humiliation and embarrassment.
96. That Defendant, Sutton Ford, is directly responsible for the assault and battery endured by GRIFFIN because it knew or in the exercise of reasonable care should have known about such conduct, but failed to take reasonable steps to prevent or correct it.

PRAYER FOR RELIEF

WHEREFORE, GRIFFIN respectfully requests that the Court provide the following equitable and legal relief:

- a. Award GRIFFIN a judgment against MOHAMMED for compensatory and punitive damages.
- b. Award GRIFFIN a judgment against SUTTON FORD for compensatory and punitive damages.
- c. Enter an order granting GRIFFIN reasonable compensation for the fright, humiliation, embarrassment, physical illnesses and mental anguish suffered by GRIFFIN as a result of MOHAMMED's conduct.
- d. Grant GRIFFIN such other and further relief as this court deems just and proper.

***COUNT V COMPLAINT OF CARRIE BABB FOR HOSTILE ENVIRONMENT SEXUAL HARASSMENT
DIRECTED TO SUTTON FORD, INC.***

97. BABB incorporates the preceding paragraphs by reference here.
98. That BABB was hired by Defendant in April of 2004, as a Car Salesperson.
99. That during her employment, BABB performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.
100. That at relevant times during her employment with Defendant, BABB was supervised by MOHAMMED.
101. That starting in April of 2004, and continuing until September 2004, BABB was subjected to persistent sexual harassment by MOHAMMED. Such harassing conduct included sexually offensive comments on a daily basis and offensive as well as inappropriate touching.
102. That MOHAMMED's sexually harassing comments and inappropriate touching were severe and pervasive, and occurred on a daily basis.

103. That from April 2004 through September 2004, MOHAMMED slapped BABB's buttocks on numerous occasions.

104. That MOHAMMED made daily sexually offensive comments to BABB such as:

- a. "Is the hair on your pussy blonde too?";
- b. How bad do you want this deal done? Are you going to suck my dick?";
- c. How bad do you want this deal done? Show me your titties!";
- d. "Have you ever licked an asshole before?";
- e. "How big are your nipples?";
- f. "Do you have big nipples?";
- g. "Have you ever been with a black man before?";
- h. "Once you go black, you never go back.";
- i. "Oh is that a thong?";
- j. "Is it red today?" and "Is it pink today?". Referring to the color of BABB's underwear;
- k. "Do you want some of this dick?" While grabbing his penis;
- l. "Do you like your hair pulled?";
- m. "Show me them titties!";
- n. "Let me see them titties!";
- o. "Am I going to see those titties?";
- p. "What's wrong? Did somebody wear that ass out?"; and
- q. "White men have little dicks and you need a black one."

105. That BABB witnessed MOHAMMED tell JOHNSON, "It tastes good. How would this feel?", while he rolled and wiggled his tongue.

106. That on a daily basis, rather than say "good morning" to BABB, MOHAMMED would say, "Suck me!".

107. That BABB asked MOHAMMED to stop making offensive comments, slapping her buttocks. However, every time she complained, MOHAMMED just laughed. BABB also complained to other female employees about MOHAMMED's conduct.

108. That in or around July and August of 2004, BABB complained to VATES about MOHAMMED's sexually offensive comments and inappropriate touching. However, the harassment never ceased.

109. That members of management heard MOHAMMED's sexually offensive comments towards BABB, and witnessed MOHAMMED's inappropriate touching of her. For example, both VATES and ARSELLA witnessed MOHAMMED's sexually inappropriate behavior.

110. That starting in April of 2004, and continuing until September 2004, BABB was subjected to persistent sexual harassment by MENTOR. Such harassing conduct included making daily sexually offensive comments to BABB.

111. That one example of a comment that MENTOR made to BABB is, “Put a little extra lip gloss on it. It will make it easier.”

112. That starting in April 2004, and continuing until September 2004, BABB was subjected to persistent sexual harassment by RAMONE who directed offensive comments toward her on a daily basis.

113. That some examples of such comments are as follows:

a. “Can I go home with you?”;

b. “When are you going to let me get with that?”;

c. “When are you going to do something for me?”; and

d. “I know why you do not want to get with me. Its because I am not from this country.”

114. That MARVIN, the manager of the porter team, witnessed several of RAMONE’s sexually offensive comments. However, BABB is not aware if RAMONE was ever disciplined for such offensive comments.

115. That as a result of BABB’s rejection of sexual advances and conduct, ARSELA and VATES subjected BABB to inferior treatment by trying to get her terminated by changing her work to make it appear as though she was making mistakes. BABB communicated this information to ANITA SUTTON and IRVING. However, ARSELA and VATES were not disciplined.

116. That as a result of BABB’s rejection of sexual advances and conduct, MOHAMMED subjected BABB to inferior terms and conditions of employment by denying BABB’s financial deals. He also took BABB’s customers away and gave them to other employees.

117. That Defendant failed to take effective and appropriate remedial action in 2004 after BABB complained about sexual harassment to management employees.

118. That as a result, MOHAMMED, MENTOR, and RAMONE continued their conduct and extended their harassment and assault to other females under their supervision or those that worked with them.

119. That Defendant’s officers and agents must also have been aware of this ongoing sexual harassment by MOHAMMED of his female subordinates because it occurred on a daily basis in an open and notorious manner, such that it was observed by employees and supervisors alike.

120. That Defendant condoned sexual harassment and failed to maintain a harassment-free work environment by failing to provide adequate training, counseling, and instructions to their employees and officers.

121. That Defendant failed to maintain a harassment-free work environment by failing to take effective corrective action against MOHAMMED, MENTOR, and RAMONE after it became aware that they were assaulting and making unwelcome sexual advances and comments towards women who worked for them on an ongoing basis.

122. That as a result of these failures by Defendant, MOHAMMED continued to use his authority as a supervisor to force his unwelcome sexual advances, offensive conduct and assaults on BABB and several other subordinate females on an ongoing basis.

123. That Defendant’s treatment of BABB was motivated by evil motive and intent and was in reckless and callous indifference to BABB’s federally protected rights.

124. That the sex discrimination and sexual harassment that BABB was subjected to in the hands of Defendant, its agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating, and had the effect of creating a hostile and intimidating work environment for BABB.

125. That said continuous and persistent sex discrimination and sexual harassment adversely affected the terms and conditions of her employment with Defendant.

126. That as a direct and proximate result of said unlawful employment practices, BABB has suffered the indignity of discrimination, the invasion of her right to be free from discrimination, and great humiliation which has manifested in physical illnesses and emotional stress on the relationships between BABB and her friends and family.

127. That as a further direct and proximate result of said unlawful employment practices, BABB has suffered extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity, painful embarrassment among her friends and co-workers, damage to her reputation, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, BABB respectfully requests that the Court provide the following equitable and legal relief.

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award Plaintiff, BABB, back pay, reinstatement, appropriate future earnings, and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, BABB, costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award Plaintiff, BABB, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Grant such other and further relief as this court deems just and proper.

COUNT VI COMPLAINT OF CARRIE BABB FOR QUID PRO QUO SEX DISCRIMINATION DIRECTED AT SUTTON FORD, INC

128. That BABB incorporates the preceding paragraphs by reference here.

129. That MOHAMMED implicitly and explicitly conditioned BABB's enjoyment of the various terms, conditions, and benefits of employment on her submission to his sexual advances. Such terms and conditions of employment include the assignment of deals, sales leads, and such others.

130. That Defendant's conduct in subjecting Plaintiff to inferior terms and conditions of employment amounts to quid pro quo sexual harassment in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, BABB respectfully requests that this Court provide the following equitable and legal remedies for relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date, and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sexual discrimination and sexual harassment.

- c. Award Plaintiff, BABB, back pay, reinstatement, appropriate future earnings and reimbursement for income, and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, BABB, a judgment against Defendant for compensatory damages.
- e. Award Plaintiff, BABB, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.
- h. Grant such other and further relief as this Court deems just and proper.

COUNT VII COMPLAINT OF CARRIE BABB FOR RETALIATION DIRECTED AT SUTTON FORD, INC.

- 131. That Plaintiff, BABB, incorporates the preceding paragraphs by reference here.
- 132. That Defendant and its agents subjected BABB to inferior terms and conditions of employment for resisting conduct BABB in good faith believed to be sexual harassment.
- 133. That BABB was constructively discharged in or around September 2004.
- 134. That the adverse actions followed BABB's protected activity within such a period of time as to raise an inference of retaliatory motivation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, BABB respectfully requests this Court provide the following equitable and legal remedies for relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award Plaintiff, BABB, back pay, reinstatement, appropriate future earnings and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, BABB, costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award Plaintiff, BABB, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.
- h. Grant such other and further relief as this Court deems just and proper.

COUNT VIII COMPLAINT OF CARRIE BABB FOR ASSAULT AND BATTERY DIRECTED TO RICHARD MOHAMMED AND SUTTON FORD, INC.

135. That BABB incorporates the preceding paragraphs by reference here.
136. That MOHAMMED intended to engage in offensive and harmful physical contact with BABB's body.
137. That MOHAMMED's conduct in touching and attempting to touch BABB was intentional.
138. That MOHAMMED's conduct in touching and attempting to touch BABB placed her in apprehension of imminent offensive physical contact by MOHAMMED.
139. That MOHAMMED's conduct amounts to willful and wanton conduct.
140. That BABB is free from willful and wanton conduct.
141. That as a result of MOHAMMED's conduct, BABB suffered and continues to suffer fright, physical illnesses, mental anguish, humiliation and embarrassment.
142. That Defendant, Sutton Ford, is directly responsible for the assault and battery endured by BABB because it knew or in the exercise of reasonable care should have known about such conduct, but failed to take reasonable steps to prevent or correct it.

PRAYER FOR RELIEF

WHEREFORE, BABB respectfully requests that the Court provide the following equitable and legal relief:

- a. Award BABB a judgment against MOHAMMED for compensatory and punitive damages.
- b. Award BABB a judgment against SUTTON FORD for compensatory and punitive damages.
- c. Enter an order granting BABB reasonable compensation for the fright, humiliation, embarrassment, physical illnesses and mental anguish suffered by BABB as a result of MOHAMMED's conduct.
- d. Grant BABB such other and further relief as this court deems just and proper.

***COUNT IX COMPLAINT OF CARRIE BABB OF RACE DISCRIMINATION AND RACIAL HARASSMENT
DIRECTED AT SUTTON FORD, INC.***

143. That BABB incorporates the preceding paragraphs by reference here.
144. That BABB is Caucasian.
145. That MOHAMMED is African-American.
146. That throughout BABB's employment with SUTTON FORD, she was subjected to persistent and continuous racial discrimination and harassment.
147. That during the period from April 2004 through September 2004, MOHAMMED regularly made racially offensive comments around BABB such as:
- a. "I don't like white people!";
 - b. "White people ain't got no business selling cars!";
 - c. "White men have little dicks, you need a black one!";
 - d. "Once you go black, you never go back! Its true!"; and

e. "You white people can't sell cars, I'm taking this customer."

148. That BABB was subjected to unequal treatment in the various terms and conditions of employment due to her race by MOHAMMED.

149. That MOHAMMED would often take customers away from BABB and give them to the African-American sales people.

150. That Defendant condoned racial harassment and failed to maintain a harassment-free work environment by failing to provide adequate training, counseling, and instructions to its employees and officers.

151. That Defendant failed to implement and enforce an effective race discrimination policy. Had Defendant done so, it could have prevented said race discrimination.

152. That all of these and similar incidents have created a hostile and offensive work environment for BABB.

153. That Defendant's treatment of BABB was motivated by evil motive and intent and was recklessly and callously indifferent to BABB's federally protected rights

154. That Defendant's treatment of Plaintiff, BABB, was motivated by racial animus and Defendant and its agents acted with racial animus directed toward Caucasians in violation of the law.

155. That the racial discrimination and racial harassment BABB was subjected to at the hands of Defendant, its agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating, and resulted in creating a hostile and intimidating work environment for Plaintiff.

156. That said continuous and persistent racial discrimination and racial harassment adversely affected the terms and conditions of BABB's employment with Defendant.

157. That as a direct and proximate result of said unlawful employment practices and disregard for BABB's rights and sensibilities, BABB has lost and will continue to lose substantial income, including, but not limited to, wages, fringes, seniority benefits, and other employment benefits

158. That as a further direct and proximate result of said unlawful employment practices, BABB has suffered the indignity of discrimination, the invasion of her right to be free from discrimination, and great humiliation which is manifest in physical illnesses and emotional stress on the relationships between BABB and her friends, family, and colleagues.

159. That as a further direct and proximate result of said unlawful employment practices, BABB has suffered extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity, shameful embarrassment among her friends, colleagues, and co-workers, damage to her reputation, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, BABB, respectfully prays that the Court provide the following equitable and legal relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Award Plaintiff, BABB, appropriate back-pay, reinstatement, future earnings and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- c. Award Plaintiff, BABB, costs of litigation, including reasonable attorney's fees and expert fees and expenses.
- d. Award Plaintiff, BABB, a judgment against Defendant for compensatory damages.

- e. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- f. Enter an order requiring Defendant to implement effective steps to eliminate discrimination from Defendant's organization.
- g. Grant such other and further relief as this court deems just and proper.

COUNT X COMPLAINT OF CARRIE BABB OF CONSTRUCTIVE DISCHARGE DIRECTED AT SUTTON FORD, INC.

- 160. That BABB incorporates the preceding paragraphs by reference here.
- 161. That Defendant had notice, condoned Plaintiff's intolerable conditions, and did nothing.
- 162. That Plaintiff had no other choice but to resign because of Defendant's intolerable conditions which included inferior treatment of Plaintiff, coupled with inferior benefits, terms, and conditions of employment.

PRAYER FOR RELIEF

- WHEREFORE, Plaintiff, BABB, respectfully prays that the Court provide the following equitable and legal relief:
- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
 - b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
 - c. Award Plaintiff, BABB, back pay, reinstatement, appropriate future earnings and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
 - d. Award Plaintiff, BABB, costs of litigation, including reasonable attorneys' fees and expert fees and expenses
 - e. Award Plaintiff, BABB, a judgment against Defendant for compensatory damages.
 - f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
 - g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.
 - h. Grant such other and further relief as this Court deems just and proper.

COUNT XI COMPLAINT OF JADA JOHNSON FOR HOSTILE ENVIRONMENT SEXUAL HARASSMENT DIRECTED TO SUTTON FORD, INC.

- 163. That JOHNSON incorporates the preceding paragraphs by reference here.
- 164. That JOHNSON was hired by Defendant in April of 2004, as a Car Salesperson.
- 165. That during her employment, JOHNSON performed her assigned tasks in a satisfactory and conscientious manner according to Defendant's standards.
- 166. That at relevant times during her employment with Defendant, JOHNSON was supervised by MOHAMMED.

167. That starting in April of 2004 and continuing until July 2004, JOHNSON was subjected to persistent sexual harassment by MOHAMMED. Such harassing conduct included offensive and inappropriate touching and sexually offensive comments directed towards JOHNSON on a daily basis.

168. That for example, MOHAMMED said the following to JOHNSON:

a. "How bad do you want this deal done? Let me see those titties!" When MOHAMMED was making this statement he would slam his hands down on his desk;

b. "Bend over and I will get your deal approved.";

c. "Jada, can I just smell it?" While pointing to JOHNSON's vaginal area;

d. "What color? Black? What color panties are you wearing?";

e. "Can you take two guys at the same time?";

f. "Show me your titties!";

g. "I'm rich bitch! Let me see those titties!";

h. "I know that it tastes good. How would this feel?" While rolling/wiggling his tongue in reference to him performing oral sex on JOHNSON);

i. "Looks like he [JOHNSON's boyfriend at the time] has made that ass spread."; and

j. "He is smiling because he [JOHNSON's boyfriend at the time] got that ass!"

169. That on another occasion, MOHAMMED stated to JOHNSON, "I know I am a nymphomaniac and I know I need help. I just love pussy. I ain't lying. I make you sick, don't I?"

170. On another occasion during the summer of 2004, MOHAMMED put his hand under JOHNSON's buttocks as she was sitting down on a chair. His hand touched her buttocks on that occasion.

171. On numerous occasions, when JOHNSON bent over, MOHAMMED stood behind her and simulated that he was having sex with her. MOHAMMED rubbed his penis against JOHNSON's buttocks in a back and forth motion, humping her.

172. That MOHAMMED often drank gin from a coffee cup in the workplace. When he became intoxicated, the sexual harassment intensified.

173. That JOHNSON often asked MOHAMMED to stop making offensive comments, and to stop touching her. However, every time she complained, MOHAMMED just laughed and the harassment continued.

174. That on another occasion when JOHNSON complained to MOHAMMED, she told him, "You make me feel like a piece of meat." MOHAMMED responded, "You are a piece of meat."

175. That in or around June or July of 2004, JOHNSON complained to management employees, WHITE, WILLIAMS, and SUTTON about MOHAMMED's sexually offensive comments and inappropriate touching. However, the harassment never ceased.

176. That in or around May or June of 2004, JOHNSON also complained to RANDOLPH and VATES about being sexually harassed. JOHNSON is not aware if MOHAMMED was disciplined as a result of her complaints.

177. That other members of management heard MOHAMMED's sexually offensive comments toward JOHNSON, and witnessed MOHAMMED's inappropriate touching of her. For example the following managers witnessed

MOHAMMED's sexually inappropriate behavior: VATES; RANDOLPH; ANITA SUTTON; ARSELA; and VILLONE.

178. That VATES witnessed almost all of MOHAMMED's sexually inappropriate behavior, but often just laughed and giggled in response to such behavior.

179. That starting in April of 2004 and continuing until July of 2004, JOHNSON was subjected to persistent sexual harassment by MENTOR. Such harassing conduct included inappropriate touching and sexually offensive comments directed toward her on a daily basis.

180. That on one occasion during June or July of 2004, MENTOR touched the side of JOHNSON's breast and said, "Put that thing back." JOHNSON told MENTOR never to touch her again.

181. That some examples of comments that MENTOR made to JOHNSON are:

- a. "Jada, I see you just sucked and fucked your way into another deal";
- b. "Jada, you should let the customers grab your ass.";
- c. "You look more like my speed then Jeff's." While simulating intercourse with his chair.;
- d. "Put it under Jada's ass, it will stay dry." MENTOR said this outside while it was raining.;
- e. "Jada, I see you were a little nervous with those customers, next time call me over and I will work that out for you."

182. That after complaining about MOHAMMED's sexual harassment, he subjected JOHNSON to inferior treatment by making her wait longer periods of time for her financial deals to go through. This caused JOHNSON to lose money because customers did not want to wait extended periods of time.

183. That members of management and customers heard MENTOR's sexually offensive comments toward JOHNSON. For example, customer CHARLES HANCOCKS, witnessed MENTOR sexually harass JOHNSON. VATES, ARSELLA, JACKSON and RANDOLPH also witnessed MENTOR's sexually inappropriate behavior.

184. That starting in April of 2004 and continuing until July of 2004, JOHNSON was subjected to persistent sexual harassment by RAMONE (LNU). Such harassing conduct included making sexually offensive comments directed to JOHNSON on a daily basis.

185. That Some examples of comments that RAMONE made to JOHNSON are:

- a. "Let me show you how we do it where I'm from." While sticking out his tongue. and
- b. "Just let me taste you and you won't want another man!"

186. That MARVIN, the manager of the porter team, witnessed several of RAMONE's sexually offensive comments. However, JOHNSON is not aware if RAMONE was ever disciplined for such offensive comments.

187. That Defendant failed to take effective and appropriate remedial action in 2004 after JOHNSON complained about sexual harassment to management employees.

188. That as a result, MOHAMMED, MENTOR, and RAMONE continued their conduct and extended their harassment and assault to other females under their supervision or those that worked with them.

189. That Defendant's officers and agents must also have been aware of this ongoing sexual harassment by MOHAMMED of his female subordinates because it occurred on a daily basis in an open and notorious manner, such that it was observed by employees and supervisors alike.

190. That Defendant condoned sexual harassment, and failed to maintain a harassment-free work environment by failing to provide adequate training, counseling, and instructions to its employees and officers.

191. That Defendant failed to maintain a harassment-free work environment by failing to take effective corrective action against MOHAMMED, MENTOR, and RAMONE after they became aware that they were making unwelcome sexual advances and comments towards women who worked for them and assaulting them on an ongoing basis.

192. That as a result of these failures by Defendant, MOHAMMED continued to use his authority as a supervisor to force his unwelcome sexual advances, offensive conduct, and assaults on JOHNSON and several other subordinate females on an ongoing basis.

193. That Defendant's treatment of JOHNSON was motivated by evil motive and intent, and was in reckless and callous indifference to JOHNSON's federally protected rights.

194. That the sex discrimination and sexual harassment that JOHNSON was subjected to in the hands of Defendant, its agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating, and had the effect of creating a hostile and intimidating work environment for JOHNSON.

195. That said continuous and persistent sex discrimination and sexual harassment adversely affected the terms and conditions of her employment with Defendant.

196. That as a direct and proximate result of said unlawful employment practices, JOHNSON has suffered the indignity of discrimination, the invasion of her right to be free from discrimination and great humiliation which has manifested in physical illnesses, and emotional stress on the relationships between JOHNSON and her friends and family.

197. That as a further direct and proximate result of said unlawful employment practices, JOHNSON has suffered extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity, painful embarrassment among her friends and co-workers, damage to her reputation, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, JOHNSON respectfully requests that the Court provide the following equitable and legal relief.

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date, and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award Plaintiff, JOHNSON, back pay, reinstatement, appropriate future earnings, and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, JOHNSON, costs of litigation, including reasonable attorneys' fees and expert fees, and expenses.
- e. Award Plaintiff, JOHNSON, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Grant such other and further relief as this court deems just and proper.

COUNT XII COMPLAINT OF JADA JOHNSON FOR QUID PRO QUO SEX DISCRIMINATION DIRECTED AT SUTTON FORD, INC.

198. That JOHNSON incorporates the preceding paragraphs by reference here.

199. That MOHAMMED implicitly and explicitly conditioned JOHNSON's enjoyment of the various terms, conditions, and benefits of employment on her submission to his sexual advances. Such terms and conditions of employment include the assignment of deals, sales leads and such others.

200. That Defendant's conduct in subjecting Plaintiff to inferior terms and conditions of employment and in terminating her amounts to quid pro quo sexual harassment in violation of the law.

PRAYER FOR RELIEF

WHEREFORE, JOHNSON respectfully requests that this Court provide the following equitable and legal remedies for relief:

a. Advance this case on the docket, order a speedy hearing at the earliest practicable date, and cause this case to be expedited in every possible way.

b. Order a permanent injunction prohibiting Defendant from further acts of sexual discrimination and sexual harassment.

c. Award Plaintiff, JOHNSON, back pay, reinstatement, appropriate future earnings and reimbursement for income, and fringe benefits lost to the present with applicable statutory interest.

d. Award Plaintiff, JOHNSON, a judgment against Defendant for compensatory damages.

e. Award Plaintiff, JOHNSON, a judgment against Defendant for compensatory damages.

f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.

g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.

h. Grant such other and further relief as this Court deems just and proper.

COUNT XIII COMPLAINT OF JADA JOHNSON FOR RETALIATION DIRECTED AT SUTTON FORD, INC.

201. That Plaintiff, JOHNSON, incorporates the preceding paragraphs by reference here.

202. That JOHNSON was terminated on or around July 25, 2004.

203. That Defendant's termination of JOHNSON amounts to illegal retaliation for resisting conduct which JOHNSON in good faith believed to be sexual harassment.

204. That Defendant and its agents further subjected JOHNSON to inferior terms and conditions of employment for resisting conduct JOHNSON in good faith believed to be sexual harassment.

205. That the adverse action followed JOHNSON's protected activity within such a period of time as to raise an inference of retaliatory motivation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, JOHNSON respectfully requests this Court provide the following equitable and legal remedies for relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award Plaintiff, JOHNSON, back pay, reinstatement, appropriate future earnings and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, JOHNSON, costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award Plaintiff, JOHNSON, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.
- h. Grant such other and further relief as this Court deems just and proper.

COUNT XIV COMPLAINT OF JADA JOHNSON FOR ASSAULT AND BATTERY DIRECTED TO LOUIS MENTOR AND SUTTON FORD, INC.

206. That JOHNSON incorporates the preceding paragraphs by reference here.
207. That MENTOR intended to engage in offensive and harmful physical contact with JOHNSON's body.
208. That MENTOR's conduct in touching and attempting to touch JOHNSON was intentional.
209. That MENTOR's conduct in touching and attempting to touch JOHNSON placed her in apprehension of imminent offensive physical contact by MENTOR.
210. That MENTOR's conduct amounts to willful and wanton conduct.
211. That JOHNSON is free from willful and wanton conduct.
212. That as a result of MENTOR's conduct, JOHNSON suffered and continues to suffer fright, physical illnesses, mental anguish, humiliation and embarrassment.
213. That Defendant, Sutton Ford, is directly responsible for the assault and battery endured by JOHNSON because it knew or in the exercise of reasonable care should have known about such conduct, but failed to take reasonable steps to prevent or correct it.

PRAYER FOR RELIEF

WHEREFORE, JOHNSON respectfully requests that the Court provide the following equitable and legal relief:

- a. Award JOHNSON a judgment against MENTOR for compensatory and punitive damages.
- b. Award JOHNSON a judgment against SUTTON FORD for compensatory and punitive damages.
- c. Enter an order granting JOHNSON reasonable compensation for the fright, humiliation, embarrassment, physical illnesses and mental anguish suffered by JOHNSON as a result of MENTOR's conduct.
- d. Grant JOHNSON such other and further relief as this court deems just and proper.

COUNT XV COMPLAINT OF JADA JOHNSON FOR ASSAULT AND BATTERY DIRECTED TO RICHARD MOHAMMED AND SUTTON FORD, INC.

214. That JOHNSON incorporates the preceding paragraphs by reference here.
215. That MOHAMMED intended to engage in offensive and harmful physical contact with JOHNSON's body.
216. That MOHAMMED's conduct in touching and attempting to touch JOHNSON was intentional.
217. That MOHAMMED's conduct in touching and attempting to touch JOHNSON placed her in apprehension of imminent offensive physical contact by MOHAMMED.
218. That MOHAMMED's conduct amounts to willful and wanton conduct.
219. That JOHNSON is free from willful and wanton conduct.
220. That as a result of MOHAMMED's conduct, JOHNSON suffered and continues to suffer fright, physical illnesses, mental anguish, humiliation and embarrassment.
221. That Defendant, Sutton Ford, is directly responsible for the assault and battery endured by JOHNSON because it knew or in the exercise of reasonable care should have known about such conduct, but failed to take reasonable steps to prevent or correct it.

PRAYER FOR RELIEF

WHEREFORE, JOHNSON respectfully requests that the Court provide the following equitable and legal relief:

- a. Award JOHNSON a judgment against MOHAMMED for compensatory and punitive damages.
- b. Award JOHNSON a judgment against SUTTON FORD for compensatory and punitive damages.
- c. Enter an order granting JOHNSON reasonable compensation for the fright, humiliation, embarrassment, physical illnesses and mental anguish suffered by JOHNSON as a result of MOHAMMED's conduct.
- d. Grant JOHNSON such other and further relief as this court deems just and proper.

COUNT XVI COMPLAINT OF MONICA MONIUSZKO FOR HOSTILE ENVIRONMENT SEXUAL HARASSMENT DIRECTED TO SUTTON FORD, INC.

222. That MONIUSZKO incorporates the preceding paragraphs by reference here.
223. That MONIUSZKO was hired by Defendant in the fall of 2002 as a Finance Assistant.
224. That on March 11, 2003, MONIUSZKO was subjected to sexual harassment by STEIHLER who directed sexually offensive comments to her.
225. That for example, STEIHLER stated to MONIUSZKO:
- a. "What is wrong? Do you have boyfriend problems?"
 - b. "What do you do for sex?";
 - c. "Do you have a boyfriend?"; and

d. "I suggest you try girl on girl. It would be good for you."

226. MONIUSZKO reported the incidents to SUE SCHAFROTH ("SCHAFROTH") who then reported them to WILLIAMS. WILLIAMS made both STEIHLER and MONIUSZKO sign a copy of the complaint. MONIUSZKO is not aware if STEIHLER was disciplined.

227. That in 2003, MONIUSZKO was subjected to sexual harassment by RANDOLPH who touched her inappropriately.

228. That on many occasions, RANDOLPH rubbed MONIUSZKO's shoulders and hair, touched her leg, put his arms around her, and ran his foot up her leg. Every time he touched MONIUSZKO, she pulled away and told him to stop.

229. That RANDOLPH put his arms around MONIUSZKO almost every day that he worked with her.

230. That MONIUSZKO complained to RANDOLPH and asked him to stop each time he touched her. She also complained to other females that worked for Defendant.

231. That almost every day, RANDOLPH stared at MONIUSZKO for extended periods of time. He would not say anything when he stared at her.

232. That in approximately February and March of 2003, MONIUSZKO was subjected to sexual harassment by THATCHER. Such harassing conduct included inappropriate comments such as.

a. "I want to take you home";

b. "I could do some things to you"; and

c. "Do you want to hang out after work?"

233. That in February and March of 2003, MONIUSZKO was subjected to sexual harassment by MENTOR who made inappropriate comments and touched her in an offensive manner.

234. That MENTOR stated to MONIUSZKO:

a. "I would go out with you if I wasn't married" and

b. "Oh you are so hot!"

235. That MENTOR often grabbed MONIUSZKO's hands for extended periods of time. Each time he did this, MONIUSZKO pulled away from him.

236. That from approximately January 2003 through March of 2003, MONIUSZKO was also subjected to sexual harassment by EDDIE who made sexually offensive and inappropriate comments.

237. That Defendant failed to maintain a harassment-free work environment by failing to take effective corrective action against EDDIE, MENTOR, RANDOLPH, THATCHER, and STEIHLER after they became aware that they were making sexually offensive comments and inappropriately touching women.

238. That as a result of these failures by Defendant, EDDIE, continued to use his authority as supervisor to force his unwelcome sexual advances, offensive conduct and sexually harass MONIUSZKO and other subordinate females on an ongoing basis.

239. That Defendant's treatment of MONIUSZKO was motivated by evil intent and was in reckless and callous indifference to their federally protected rights.

240. That the sex discrimination and sexual harassment that MONIUSZKO was subjected to in the hands of the Defendant, its agents, representatives and employees was persistent in nature, unwelcome, extremely offensive, humiliating, and had the effect of creating a hostile and intimidating work environment for MONIUSZKO.

241. That said continuous and persistent sex discrimination and sexual harassment adversely affected the terms and conditions of her employment with Defendant.

242. That as a direct and proximate result of said unlawful employment practices, MONIUSZKO has suffered the indignity of discrimination, the invasion of her right to be free from discrimination and great humiliation which is manifest in physical illnesses and emotional stress on the relationships between MONIUSZKO and her friends and family.

243. That as a further direct and proximate result of said unlawful employment practices, MONIUSZKO has suffered extreme mental anguish, outrage, severe anxiety about her future and her ability to support herself, harm to her employability and earning capacity, painful embarrassment among her friends and co-workers, damage to her reputations, disruption of her personal life, and loss of enjoyment of the ordinary pleasures of life.

PRAYER FOR RELIEF

WHEREFORE, MONIUSZKO respectfully requests that the Court provide the following equitable and legal relief.

a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.

b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.

c. Award Plaintiff, MONIUSZKO, back pay, reinstatement, appropriate future earnings and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.

d. Award Plaintiff, MONIUSZKO, costs of litigation, including reasonable attorneys' fees and expert fees and expenses,

e. Award Plaintiff, MONIUSZKO, a judgment against Defendant for compensatory damages.

f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.

g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.

h. Grant such other and further relief as this court deems just and proper.

COUNT XVII COMPLAINT OF MONICA MONIUSZKO FOR RETALIATION DIRECTED AT SUTTON FORD, INC.

244. That MONIUSZKO incorporates the preceding paragraphs by reference here,

245. That MONIUSZKO was terminated in or around May of 2003.

246. That Defendant's termination of MONIUSZKO amounts to illegal retaliation for resisting conduct which MONIUSZKO in good faith believed to be sexual harassment.

247. That Defendant and its agents further subjected JOHNSON to inferior terms and conditions of employment for resisting conduct JOHNSON in good faith believed to be sexual harassment.

248. That the adverse action followed MONIUSZKO's protected activity within such a period of time as to raise an inference of retaliatory motivation.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, MONIUSZKO respectfully requests this Court provide the following equitable and legal remedies for relief:

- a. Advance this case on the docket, order a speedy hearing at the earliest practicable date and cause this case to be expedited in every possible way.
- b. Order a permanent injunction prohibiting Defendant from further acts of sex discrimination and sexual harassment.
- c. Award Plaintiff, MONIUSZKO, back pay, reinstatement, appropriate future earnings and reimbursement for income and fringe benefits lost to the present with applicable statutory interest.
- d. Award Plaintiff, MONIUSZKO, costs of litigation, including reasonable attorneys' fees and expert fees and expenses.
- e. Award Plaintiff, MONIUSZKO, a judgment against Defendant for compensatory damages.
- f. Grant judgment against Defendant for punitive damages for willful and wanton conduct.
- g. Enter an order requiring Defendant to implement effective steps to eliminate sex discrimination and sexual harassment from Defendant's company.
- h. Grant such other and further relief as this Court deems just and proper.

JURY DEMAND

NOW COME Plaintiffs by their undersigned attorney, and demand a trial by jury in the above entitled cause of action.

Appendix not available.

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