

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT  
OF INDIANA  
APR 13 PM 3:01  
LAUREN S. BRIGGS

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

FIGGAZIGA, INC. D/B/A  
BROWN COUNTY IGA

Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

**1 : 05 - cv - 0529 - SEB - VSS**

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the "Commission") brings this action against Figgaziga, Inc. d/b/a Brown County IGA ("Figgaziga") pursuant to 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 Amanda Hedrick, and a class of similarly situated female employees who were adversely affected by such practices. As alleged in paragraph seven below, the Commission alleges that Figgaziga subjected Amanda Hedrick and a class of similarly situated female employees to sexual harassment, and alleges that such actions, in addition to individually violating Title VII of the Civil Rights Act of 1964, constitute a pattern or practice of discrimination based on sex, and a continuing violation of the statute.

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 Sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and 2000e-6 ("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 Southern District of Indiana, Indianapolis 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 Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and 2000e-6.

4. At all relevant times, Defendant, Figgaziga, Inc., an Indiana corporation (the "Employer"), has continuously been doing business in the State of Indiana and the City of Nashville, 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 within 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, Amanda Hedrick filed a charge 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 at least 1999, Defendant has engaged in unlawful employment practices at its facility in Nashville, Indiana, in continuing violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Defendant subjected Amanda Hedrick and a class of similarly situated female employees to sexual harassment. Defendant's above-described actions, in addition to individually violating Section 703 (a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), constitute a pattern or practice of discrimination based on sex in violation of Sections 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and 2000e-3(a).

8. The effect of the practice complained of in paragraph seven above has been to

deprive Amanda Hedrick and a class of similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees, 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 Amanda Hedrick and a class of similarly situated female employees.

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 women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Amanda Hedrick and a class of similarly situated female employees, by providing the affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Amanda Hedrick and a class of similarly situated female employees, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including reimbursement of attorneys fees and other miscellaneous expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Amanda Hedrick and a class of

similarly situated female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph seven above, including emotional pain, suffering, loss of enjoyment of life, humiliation, embarrassment, and inconvenience, in amounts to be determined at trial.

F. Order Defendant Employer to pay Amanda Hedrick and a class of similarly situated female employees punitive damages for its malicious and reckless conduct described in paragraph seven above, in amounts to be determined at trial.

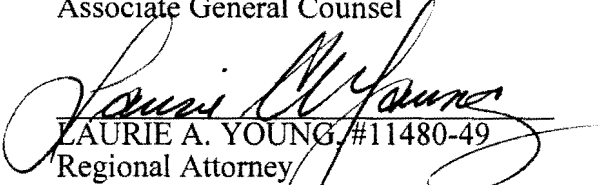
G. Grant such further relief as the Court deems necessary and proper in the public interest.


H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

GWENDOLYN YOUNG REAMS  
Associate General Counsel

  
LAURIE A. YOUNG, #11480-49  
Regional Attorney

  
MICHELLE EISELE, #12070-49  
Supervisory Trial Attorney

  
JOHANNA PHILHOWER MAPLE  
Trial Attorney, #20245-49

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
101 W. Ohio Street, Suite 1900  
Indianapolis, IN 46204  
(317) 226-5601  
Fax: (317) 226-5571  
[johanna.maple@eeoc.gov](mailto:johanna.maple@eeoc.gov)