

FILED

SEP 23 2003

AT PIKEVILLE
LESLIE O. WATSON
CLERK, U.S. DISTRICT COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF KENTUCKY
PIKEVILLE DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)
)
)
 Plaintiff,)
)
)
 v.)
)
 **CONTINENTAL CONVEYOR &
EQUIPMENT COMPANY,**)
)
)
 Defendant.)

CIVIL ACTION NO. 7:03-CV-295-DCK

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the "Commission") brings this action against Continental Conveyor & Equipment Company ("Continental") pursuant to Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 in order to correct Continental's unlawful employment practices on the basis of sex and to provide appropriate relief to Cynthia Horne ("Horne") and a class of similarly situated female applicants (the "class"), all of whom were adversely affected by such practices. As alleged in paragraph seven below, the Commission alleges that Continental subjected Horne and the class to discrimination based on sex.

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) ("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 Eastern District of Kentucky, Pikeville Division.

PARTIES

3. Plaintiff, 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, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. Defendant, Continental, is a corporation and at all relevant times has continuously been a corporation doing business in the Commonwealth of Kentucky and the City of Salyersville, and has continuously had at least 15 employees.

5. At all relevant times, Continental has 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, Horne filed a charge with the Commission alleging violations of Title VII by Continental. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least February 1, 2001, Continental engaged in unlawful employment practices at its Salyersville, Kentucky facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Continental failed to hire Horne and the class into vacant positions within its Salyersville, Kentucky, facility because of their sex.

8. The effect of the practice complained of in paragraph 7 above has been to deprive Horne and the class of equal employment opportunities because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional and done with malice or reckless indifference to Horne and the class's federally protected rights.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Continental, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in discrimination based on sex.

B. Order Continental to institute and carry out policies, practices, and programs which provide equal employment opportunities for females and which eradicate the effects of its past and present unlawful employment practices based on sex.

C. Order Continental to make Horne and the class whole by providing appropriate back-pay with prejudgment interest in amounts to be determined at trial and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Continental to make Horne and the class whole by providing each of them compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above in amounts to be determined at trial.

E. Order Continental to make Horne and the class whole by providing each of them

compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, embarrassment and humiliation, in amounts to be determined at trial.

F. Order Continental to pay Horne and the class punitive damages for its malicious and reckless conduct described in paragraph 7 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

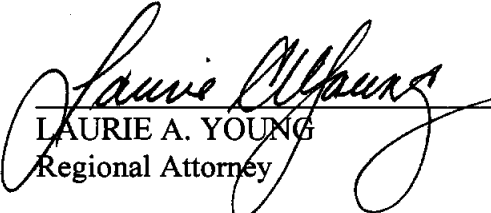
The Commission requests a jury trial on all questions of fact raised by its Complaint.

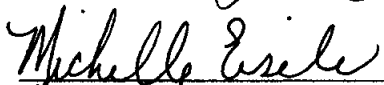
Respectfully submitted,

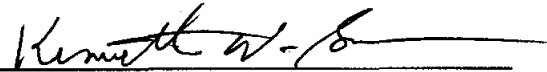
ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel


LAURIE A. YOUNG
Regional Attorney


MICHELLE EISELE
Supervisory Trial Attorney



KENNETH W. BROWN
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Louisville Area Office
600 Martin Luther King, Jr. Place
Suite 268
Louisville, Kentucky 40202-2285
(502) 582.5440 (Direct Dial)
(502) 582.5435 (Facsimile)
Email: kenneth.brown@eeoc.gov