

Eastern District of Kentucky
FILED

DEC 30 2005

AT COVINGTON
LESLIE G WHITMER
CLERK U S DISTRICT COURT

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

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)
)
) **Plaintiff,**)
)
) **v.**)
)
) **KECO INDUSTRIES, INC.**)
)
) **Defendant.**)

CIVIL ACTION NO. 05-247-
DLB
COMPLAINT
DAVID L. BUNNING
J. GREGORY
JURY TRIAL DEMAND

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the "Commission") brings this action against KECO Industries, Inc. ("KECO") 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 KECO's unlawful employment practices on the basis of sex, and pregnancy and to provide appropriate relief to Amber Hendrickson ("Hendrickson"), a female employee who was adversely affected by such practices. As alleged in paragraph seven below, the Commission alleges that KECO discriminated against Hendrickson because of her pregnancy.

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, Covington 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. At all relevant times, Defendant KECO has continuously been a corporation doing business in the Commonwealth of Kentucky, City of Florence, and has continuously employed at least 15 individuals.

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

7. From at least July 19, 2004, KECO engaged in unlawful employment practices within its facilities in Florence, Kentucky, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Hendrickson was subjected to sexual discrimination because of her pregnancy. On July 19, 2004, Hendrickson was relieved of her duties and informed that she could no longer work at KECO because of her pregnancy.

8. The effect of the practice complained of in paragraph seven above has been to deprive Hendrickson of equal employment opportunities and to otherwise adversely affect her employee status because of her sex.

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

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

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

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

C. Order KECO to make Hendrickson 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 KECO to make Hendrickson whole by providing her compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above in amounts to be determined at trial.

E. Order KECO to make Hendrickson whole by providing her compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph

seven above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, embarrassment and humiliation, in amounts to be determined at trial.

- F. Order KECO to pay Hendrickson 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.

Respectfully submitted,

JAMES L. LEE
Deputy General Counsel
GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 L Street, N. W.
Washington D. C. 20507



MICHELLE EISELE
Supervisory Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Indianapolis District Office
101 W. Ohio St., Suite 1900
Indianapolis, IN 46204-4203



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