

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

FILED (SG)
US DISTRICT COURT CLERK
WESTERN DISTRICT OF KY
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EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

TRI-VALLEY PLASTICS, INC., d/b/a)
TRI-VALLEY MILLENNIUM PLASTICS,)
INC.,)

Defendant.)

CIVIL ACTION NO. 4:05CV-39-M

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the "Commission") brings this action against Tri-Valley Plastics, Inc., d/b/a Tri-Valley Millennium Plastics Inc., ("TVP") 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 TVP's unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Destiny Chapman, Jason Chapman, ("the Charging Parties") and a class of similarly situated female employees who were adversely affected by such practices. As alleged in paragraphs seven and eight below, the Commission alleges that TVP subjected Destiny Chapman and a class of similarly situated female employees to sexual harassment and retaliated against Destiny Chapman and Jason Chapman because they complained of and opposed sexual harassment.

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 §§ 704(a); 706(f)(1) and (3); and 707(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-3(a); 2000e-5(f)(1) and (3); and 2000e-6(a) ("Title VII") and § 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 Western District of Kentucky, Owensboro 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, TVP, is currently a Kentucky corporation and at all relevant times has continuously been a Kentucky corporation doing business in the Commonwealth of Kentucky and the City of Madisonville, and has continuously had at least 15 employees.

5. At all relevant times, TVP has been an employer engaged in an industry affecting commerce within the meaning of §§ 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, the Charging Parties each filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least March 2003, Defendant engaged in unlawful employment practices at its facility in Madisonville, Kentucky, in violation of §§ 703(a)(1) and 707(a) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and 2000e-6(a). Defendant subjected Destiny Chapman and the affected class members to sexual harassment.

8. From at least May 2003, Defendant engaged in unlawful employment practices at its facility in Madisonville, Kentucky, in violation of § 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). Defendant subjected Jason Chapman and Destiny Chapman to illegal retaliation when they complained about and opposed conduct made unlawful by Title VII.

9. The effect of the practices complained of in paragraphs seven and eight above have been to deprive the Charging Parties and affected class members of equal employment opportunities and to otherwise adversely affect their respective employee status.

9. The unlawful employment practices complained of in paragraphs seven and eight above were intentional.

10. The unlawful employment practices complained of in paragraph seven and eight above were done with malice or with reckless indifference to the Charging Parties' and affected class members' respective federally protected rights.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining TVP, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in retaliation and sexual harassment.

B. Order TVP 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 TVP to make each Charging Party and each affected class member 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 TVP to make each Charging Party and affected class member whole by providing each Charging Party and affected class member compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs seven and eight above in amounts to be determined at trial.

E. Order TVP to make each Charging Party and affected class member whole by providing each Charging Party and affected class member compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph seven and eight above, including losses resulting from any emotional pain, suffering, inconvenience, loss of enjoyment of life, embarrassment and humiliation, in amounts to be determined at trial.

F. Order TVP to pay each Charging Party and affected class member punitive damages for its malicious and reckless conduct described in paragraphs seven and eight 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.

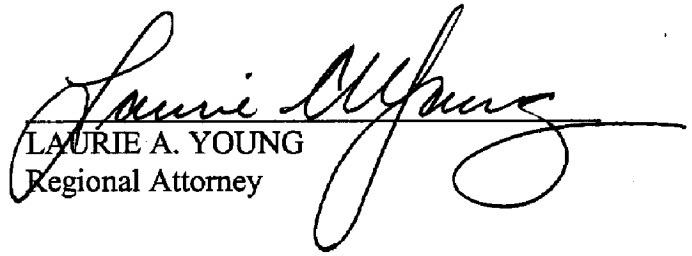
Respectfully submitted,


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