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WESTERN DISTRICT OF KY

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

WEHR CONSTRUCTORS, INC.,

Defendant.

CIVIL ACTION NO.

3:05-CV-
342-H

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

The United States Equal Employment Opportunity Commission (the "EEOC" or "Commission") brings this action against Wehr Constructors, Inc. ("Wehr") 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 by Wehr and provide appropriate relief to Ricardo Hayden ("Hayden") and a class of similarly situated African-American employees, who was adversely affected by such unlawful employment practices. The Commission alleges that Wehr subjected Hayden and a class of similarly situated African-American employees to harassment based upon their race and subjected Hayden and a class of African-American employees to different terms and conditions of employment because of their race.

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 Western District of Kentucky, Louisville 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, Wehr, at all relevant times, has continuously been a Kentucky corporation doing business in the Commonwealth of Kentucky and the City of Louisville, and has continuously had at least 15 employees.

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

7. Since at least September 2002, Wehr has engaged in unlawful employment practices at its worksites in Louisville, Kentucky, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1) by subjecting Hayden and a class of similarly situated African-American employees to racial harassment because of their race.

8. Since at least September 2002, Wehr has engaged in unlawful employment practices at its worksites in Louisville, Kentucky, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1) by subjecting Hayden and a class of similarly situated African-American employees to different terms and conditions of employment because of their race.

9. The effect of the practices complained of in paragraphs 7 and 8 above has been to deprive Hayden and a class of similarly situated African-American employees of equal employment opportunities and to otherwise adversely affect their status as employees because of their race.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Hayden and the class of similarly situated African-American employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Wehr, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in race discrimination or any other employment practice which discriminates on the basis of race.

B. Order Wehr to institute and carry out policies, practices, and programs which provide equal employment opportunities for African-American employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Wehr to make Hayden and the class of similarly situated African-American employees whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, in amounts to be determined at trial.

D. Order Wehr to make Hayden and the class of similarly situated African-American Wehr employees whole by providing them compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, embarrassment and humiliation, in amounts to be determined at trial.

E. Order Wehr to pay Hayden and the class of similarly situated African-American Wehr employees punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8 above, in amounts to be determined at trial.

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

G. Award the Commission its costs of this action.

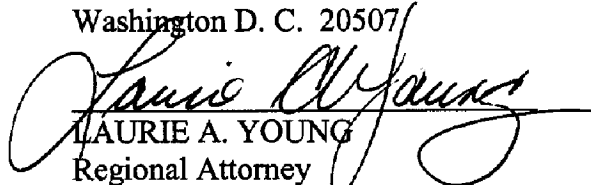
JURY TRIAL DEMAND


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

Respectfully submitted,

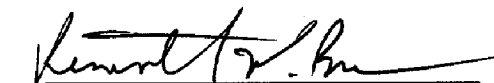
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