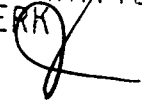


FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

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LORETTA G. WHITE
CLERK



IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

BELLE CHASSE MARINE TRANS., INC.

Defendant.

CIVIL ACTION NO.

01-2981

COMPLAINT

SECT. B MAG. 4

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Michael Sampson, Jr., and other similarly situated Black employees who were adversely affected by such practices.

The U.S. Equal Employment Opportunity Commission alleges that Michael Sampson and other similarly situated Black employees were subjected to a racially offensive work environment and racial harassment by Belle Chasse Marine Trans., Inc. ("Belle Chasse" or "Defendant").

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JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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), 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 Louisiana.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Belle Chasse Marine Trans., Inc., has continuously been a domestic corporation doing business in the State of Louisiana and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, Belle Chasse Marine Trans., Inc., has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Michael Sampson, Jr., filed a charge with the Commission alleging violations of Title VII of the Civil Rights Act of 1964, as amended. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least on or about March 1998, Defendant has engaged in unlawful employment practices in violation of Section 703(a) (1)and(2) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e-2(a)(1)and(2). The unlawful practices consist of subjecting Michael Sampson, Jr., to a racially hostile environment by allowing the captains to make derogatory comments to and about Mr. Sampson because he is married to a white woman. Also, Defendant subjected Michael Sampson, Jr., and a class of similarly situated Black employees to a racially hostile environment by allowing captains and managers to refer to the Black employees as “nigger”, and making other inappropriate comments. Further, Defendant permitting the display of a hangman's noose in the office in which a paper doll painted black as a “replica” of one of the Black employees was placed where all Black employees could see the noose and allowed its managers to walk around with the hangman’s nooses without taking any action to correct this behavior. Finally, Defendant would assign menial and demeaning tasks to the Black employees which were outside of their duties, such as cutting the grass, and other work outside in bad weather while the white employees were allowed to sit in the office and watch television. These acts of harassment and disparate treatment, particularly the display of the hangman's noose deprived Michael Sampson, Jr., and all other Black employees of equal employment opportunities and otherwise adversely affected their status as an employee because of their race. The Defendant failed to take appropriate action to correct the harassment, and, did in fact fail to discourage the racially charged work place. Defendants' unlawful practices also include the disparate treatment of Black employees as a class who were not treated in the same manner as their White counterparts.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Michael Sampson, Jr., and other similarly situated Black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or reckless indifference to the federally protected rights of Michael Sampson, Jr., and other similarly situated Black employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of race.

B. Order Defendant, its officers, successors, assigns, to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant, its officers, successors, assigns, to make whole Michael Sampson, Jr., and other similarly situated Black employees, by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, lowered self esteem and humiliation, in amounts to be determined at trial.

D. Order Defendant, its officers, successors, assigns to pay Michael Sampson Jr., and other similarly situated Black employees punitive damages for its malicious and reckless conduct, as described in paragraph 7 above, in amounts to be determined at trial.

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

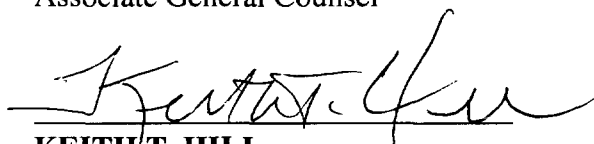
F. Award the Commission its cost of this action.

JURY TRIAL DEMAND

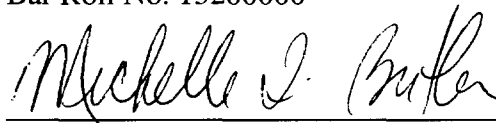
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

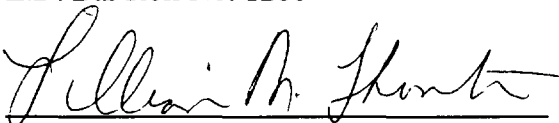
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