

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA

ROBERT T. MINTER, JR., CLERK
BY *[Signature]* DEPUTY

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA, NEW ORLEANS

2004 JUN 16 PM 3:14

RENEA G. WHYTE
CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION)

CV04-2419-LC 04-1683

v.

JUDGE MINALDI

CIVIL ACTION NO.
SECT. J MAG. 2

NOBLE DRILLING (U.S.) INC.

COMPLAINT
RY TRIAL DEMAND

Defendant. **MAGISTRATE JUDGE WILSON**

NATURE OF THE ACTION

This action is brought 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 and to provide appropriate relief to Robert T. Minter, Jr. ("Minter") who was adversely affected by such practices. The Equal Employment Opportunity Commission ("Commission" or "EEOC") alleges that Mr. Minter, race black, was subjected to a racially hostile work environment by Noble Drilling (U.S.) Inc. ("Noble Drilling") and discharged because he complained to Defendant about the racially hostile environment.

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.

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2. The employment practices alleged to be unlawful are subject to the jurisdiction of the United States District Court for the Eastern District of Louisiana.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Noble Drilling, has continuously been a Delaware corporation doing business in the State of Louisiana with an office in the City of New Orleans, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, Noble Drilling, 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, Robert T. Minter, Jr., filed a charge with the Commission alleging violations of Title VII by Noble Drilling. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about June 20, 2003, Defendant, Noble Drilling engaged in unlawful employment practices on one of its oil-rig platforms located in the Gulf of Mexico, approximately 160 miles from its office in New Orleans, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2.

- a) Robert T. Minter, Jr., black, was employed as a roustabout on the Noble Drilling semi-submersible rig the *Noble Homer Ferrington* owned by Noble Drilling located off the coast of Louisiana.
- b) On June 20, 2003, Mr. Minter was below deck with three white roustabouts during a severe storm. While waiting out the storm, Mr. Minter fell asleep, during which time the three white roustabouts placed a noose around his neck and suspended the noose over a pipe, holding the loose end, behaving as if they were going to lynch Mr. Minter. Mr. Minter awoke abruptly in this position, shocked and frightened that he was about to be lynched.
- c) Mr. Minter complained to his immediate supervisor who took no action. Mr. Minter then complained to the next level supervisor, who cautioned him about the consequences of going forward with a complaint. Mr. Minter then made a third complaint to the next level supervisor, the Rig Manager, who advised that the situation would be discussed the next day.
- d) On June 21, 2003, Mr. Minter met with the Offshore Instructional Manager, at which time Mr. Minter was given a written disciplinary action for sleeping while on tour. The three white roustabouts were given written disciplinary actions for horseplay.
- e) Several hours later, Mr. Minter and the three white roustabouts were called back to meet with the Offshore Instructional Manager and all were terminated; Mr. Minter for sleeping while on tour and the three white

roustabouts for "horseplay." While other white employees, including one of the three roustabouts involved in the noose incident, also had slept while on tour, they were given repeated verbal or written warnings and were not terminated.

- f) Following the termination of Mr. Minter and his white harassers, Defendant placed all of them on a crew boat, in tight quarters, for their 8.0 hour, unsupervised return trip to shore in New Orleans. This caused Mr. Minter severe panic, stress, and anxiety over what might happen on the return trip.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Mr. Minter of equal employment opportunities and otherwise adversely affect his status as an employee because of his race and in retaliation for complaining of race discrimination.

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 with reckless indifference to the federally protected rights of Robert T. Minter, Jr..

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Order Defendant, Noble Drilling, to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Noble Drilling, Inc. to make whole Robert T. Minter, Jr., by providing him with 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, including but not limited to reinstatement and/or front pay.

D. Order Defendant Noble Drilling to make whole Mr. Minter, by providing him compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including, but not limited to, job search expenses and medical expenses, in amounts to be determined at trial.

E. Order Defendant Noble Drilling to make whole Mr. Minter by providing him compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including, but not limited to, emotional pain, suffering, inconvenience, embarrassment and humiliation, in amounts to be determined at trial.

F. Order Defendant Noble Drilling to pay Mr. Minter 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.

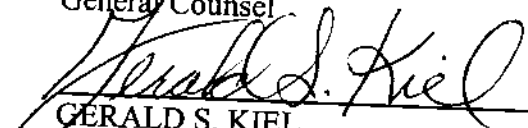
H. Award the Commission its costs of this action.

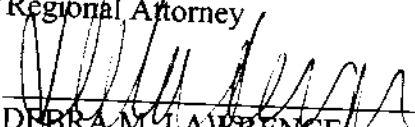
JURY TRIAL DEMAND

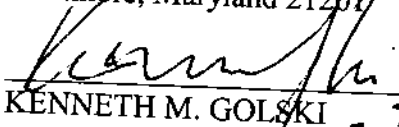
The Commission requests a jury trial on all questions of fact raised by its complaint.

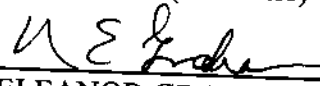
Respectfully Submitted,

ERIC S. DREIBAND
General Counsel


GERALD S. KIEL
Regional Attorney


DEBRA M. LAWRENCE
Supervisory Trial Attorney
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Baltimore District Office
10 S. Howard Street, 3rd floor
Baltimore, Maryland 21201


KENNETH M. GOLSKI, T.A.
Trial Attorney
VSB No. 36326
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Norfolk Area Office
200 Granby Street, Suite 739
Norfolk, Virginia 23510
(757) 441-3505
(757) 441-6720 (facsimile)


N. ELEANOR GRAHAM
Senior Trial Attorney / Sole Local Counsel
Bar Roll Number 16946
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
New Orleans District Office
701 Loyola Avenue, Suite 600
New Orleans, Louisiana 70113
Telephone: 504.589.6922
Facsimile: 504.589.2805