

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

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SIGN
RICHARD T. MARTIN
CLERK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

SPECIALIZED INDUSTRIAL MAINTENANCE,

Defendant.

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CIVIL ACTION NO. 99-365-C-11

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Mary Smith who was adversely affected by such practices. The Commission alleges that Defendant failed to hire Mary Smith into an available welder position because of her sex. Mary Smith was denied an opportunity for employment because of her sex. As a result of the sex discrimination, Mary Smith was not interviewed or hired for available welder positions and thereby denied equal employment opportunities.

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, ("Title VII") 42 U.S.C.2000e-5(f)(1) and (3). and 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A.

C: SE, waiver



3: 99-cv-00365 1 - 1

DATE: 05/03/99

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2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Middle District of Louisiana

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (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, ("Employer"), a Louisiana Corporation, has continuously been doing business in the State of Louisiana, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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, Mary Smith 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. Since at least February 28, 1994, Defendant has engaged in unlawful employment practices at, 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. § 2000e(2)(a)(1) and (2). Said unlawful practices consist of Defendant

denying Mary Smith a job as a welder because of her sex. Said unlawful employment practices were committed against Mary Smith as a result of Defendant's policy against hiring women as welders. The unlawful practices consisted of Defendant's failure and refusal to interview and hire Mary Smith for available welder positions while Defendant continued to seek and accept applications from male welders to fill the available positions.

8. The effect of the practices complained of in paragraph seven above has been to deprive Mary Smith of equal employment opportunities and otherwise adversely affected her status as an employee, because of her sex.

9. The unlawful employment practices complained of in paragraph seven above were and are intentional.

10. The unlawful employment practices complained of in paragraphs seven were and are being done with malice or with reckless indifference to the federally protected rights of Mary Smith.

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 discrimination in hiring against women and any other employment practice which discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, especially for those women trained and experienced in traditionally male-dominated positions and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Mary Smith, 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, including front-pay.

D. Order Defendant to make whole Mary Smith, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs seven above, including expenses for insurance, in amounts to be determined at trial.

E. Order Defendant to make whole Mary Smith by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs seven above, including emotional pain and suffering, in amounts to be determined at trial.

F. Order Defendant to pay Mary Smith punitive damages for its malicious and reckless conduct described in paragraph seven above, in amounts to be determined at trial.

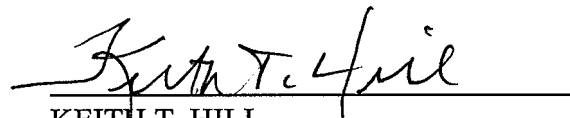
G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

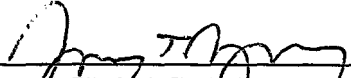
JURY TRIAL DEMAND

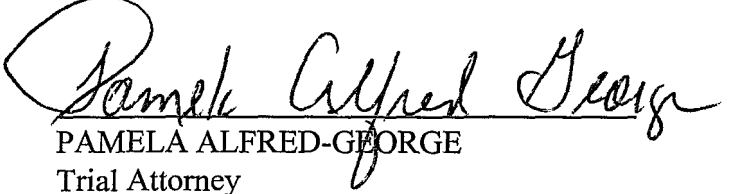
The Commission requests a jury trial on all questions of fact raised by its complaint.

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