

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Baltimore District Office)	
10 S. Howard Street, 3 rd Fl.)	
Baltimore, Maryland 21201)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
BRINKER INTERNATIONAL, INC.,)	
6820 LBJ Freeway, Suite 200)	<u>COMPLAINT</u>
Dallas, Texas 75240)	
)	<u>JURY TRIAL DEMAND</u>
and)	
)	
CHILI'S OF MARYLAND, INC.,)	
1123 N. Eutaw Street)	
Baltimore, MD 21201)	
)	
and)	
)	
CHILI'S OF BEL AIR, INC.,)	
1123 N. Eutaw Street)	
Baltimore, MD 21201)	
)	
Defendants.)	

NATURE OF ACTION

_____ This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII") and Title I of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A, to correct unlawful employment practices based on sex and retaliation and to make whole Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle and other female employees of

Defendants. As discussed in more detail below, the aforementioned female employees were subjected to a sexually hostile work environment by Defendants' Assistant Manager Jim Smith ("Smith"). In addition, Dorris was discharged by Defendants for opposing employment practices made unlawful by Title VII.

JURISDICTION AND VENUE

_____1. Jurisdiction of this Court is invoked pursuant to Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Section 2000e-5(f)(1), (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

3. Plaintiff, the 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 Brinker International Inc. ("Defendant Brinker") has continuously been and is now a Delaware corporation doing business in the State of Maryland and the City of Bel Air, and has at least fifteen employees.

5. At all relevant times, Defendant Brinker has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h).

6. At all relevant times, Defendant Chili's of Maryland, Inc. ("Defendant Chili's of Maryland") has continuously been and is now a Maryland corporation doing business in the State of Maryland and the City of Bel Air, and has at least fifteen employees.

7. At all relevant times, Defendant Chili's of Maryland has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h).

8. At all relevant times, Defendant Chili's of Bel Air, Inc. ("Defendant Chili's of Bel Air") has continuously been and is now a Maryland corporation doing business in the State of Maryland and the City of Bel Air, and has at least fifteen employees.

9. At all relevant times, Defendant Chili's of Bel Air has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

10. More than thirty days prior to the institution of this lawsuit, Barbara Dorris, Ashley Barranco, and Meredith Boyle filed charges with the Commission alleging violations of Title VII by Defendant Brinker. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. More than thirty days prior to the institution of this lawsuit, Barbara Dorris, Ashley Barranco, and Meredith Boyle filed charges with the Commission alleging violations of Title VII by Defendant Chili's of Maryland. All conditions precedent to the institution of this lawsuit have been fulfilled.

12. More than thirty days prior to the institution of this lawsuit, Barbara Dorris, Dana

Heusler, Ashley Barranco, and Meredith Boyle filed charges with the Commission alleging violations of Title VII by Defendant Chili's of Bel Air. All conditions precedent to the institution of this lawsuit have been fulfilled.

13. Since at least late 2000, Defendant Brinker has engaged in unlawful employment practices at its Bel Air, Maryland restaurant, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Section 2000e-2(1) and 2000e-3(a). The practices include the following:

a. Subjecting Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle and other female employees to a hostile and offensive work environment by condoning the sexually harassing and discriminating behavior of Assistant Manager Jim Smith ("Smith"). Incidents of harassment committed by Smith against female employees and condoned by Defendant include, but are not limited to, rubbing his erect penis against their buttocks and lower backs, grabbing their breasts, rubbing their shoulders and necks, placing his hands on their hips and lower backs, and making inappropriate comments of a sexual nature, such as talking about the size of the breasts of female employees and customers, telling an employee she was the "right height for sex," and describing in detail what he "liked to do to women."

b. Retaliating against Barbara Dorris for her complaints of sexual harassment by terminating her employment.

14. Since at least late 2000, Defendant Chili's of Maryland has engaged in unlawful employment practices at its Bel Air, Maryland restaurant, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Section 2000e-2(1) and 2000e-3(a). The practices include the following:

a. Subjecting Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle and other female employees to a hostile and offensive work environment by condoning the sexually harassing and discriminating behavior of Assistant Manager Jim Smith (“Smith”). Incidents of harassment committed by Smith against female employees and condoned by Defendant include, but are not limited to, rubbing his erect penis against their buttocks and lower backs, grabbing their breasts, rubbing their shoulders and necks, placing his hands on their hips and lower backs, and making inappropriate comments of a sexual nature, such as talking about the size of the breasts of female employees and customers, telling an employee she was the “right height for sex,” and describing in detail what he “liked to do to women.”

b. Retaliating against Barbara Dorris for her complaints of sexual harassment by terminating her employment.

15. Since at least late 2000, Defendant Chili’s of Bel Air has engaged in unlawful employment practices at its Bel Air, Maryland restaurant, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Section 2000e-2(1) and 2000e-3(a) The practices include the following:

a. Subjecting Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle and other female employees to a hostile and offensive work environment by condoning the sexually harassing and discriminating behavior of Assistant Manager Jim Smith (“Smith”). Incidents of harassment committed by Smith against female employees and condoned by Defendant include, but are not limited to, rubbing his erect penis against their buttocks and lower backs, grabbing their breasts, rubbing their shoulders and necks, placing his hands on their hips and lower backs, and making inappropriate comments of a sexual nature, such as talking about

the size of the breasts of female employees and customers, telling an employee she was the “right height for sex,” and describing in detail what he “liked to do to women.”

b. Retaliating against Barbara Dorris for her complaints of sexual harassment by terminating her employment.

16. The unlawful employment practices complained of in paragraphs 13, 14, and 15 were intentional.

17. The unlawful employment practices complained of in paragraphs 13, 14, and 15 were done with malice or with reckless indifference to the federally protected rights of Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle and other female employees.

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Brinker, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

B. Grant a permanent injunction enjoining Defendant Chili’s of Maryland, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

C. Grant a permanent injunction enjoining Defendant Chili’s of Bel Air, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

D. Order Defendant Brinker to institute and carry out policies, practices, and programs which eradicate sexual harassment and retaliation, and prevent sexual harassment and retaliation from occurring in the future, and which eradicate the effects of past and present sexual harassment and retaliation;

E. Order Defendant Chili's of Maryland to institute and carry out policies, practices, and programs which eradicate sexual harassment and retaliation, and prevent sexual harassment and retaliation from occurring in the future, and which eradicate the effects of past and present sexual harassment and retaliation;

F. Order Defendant Chili's of Bel Air to institute and carry out policies, practices, and programs which eradicate sexual harassment and retaliation, and prevent sexual harassment and retaliation from occurring in the future, and which eradicate the effects of past and present sexual harassment and retaliation;

G. Order Defendant Brinker to reinstate Barbara Dorris to her rightful place position;

H. Order Defendant Chili's of Maryland to reinstate Barbara Dorris to her rightful place position;

I. Order Defendant Chili's of Bel Air to reinstate Barbara Dorris to her rightful place position;

J. Order Defendant Brinker to make whole Barbara Dorris by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

K. Order Defendant Chili's of Maryland to make whole Barbara Dorris by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at

trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

L. Order Defendant Chili's of Bel Air to make whole Barbara Dorris by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

M. Order Defendant Brinker to make whole Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle, and other female employees by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

N. Order Defendant Chili's of Maryland to make whole Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle, and other female employees by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

O. Order Defendant Chili's of Bel Air to make whole Barbara Dorris, Dana Heusler, Ashley Barranco, Meredith Boyle, and other female employees by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

P. Order Defendant Brinker to pay to Barbara Dorris, Dana Heusler, Ashley Barranco, and Meredith Boyle and other female employees punitive damages for its callous indifference to their federally protected right to be free from sexual harassment in the workplace;

Q. Order Defendant Chili's of Maryland to pay to Barbara Dorris, Dana Heusler, Ashley Barranco, and Meredith Boyle and other female employees punitive damages for its callous indifference to their federally protected right to be free from sexual harassment in the workplace;

R. Order Defendant Chili's of Bel Air to pay to Barbara Dorris, Dana Heusler, Ashley Barranco, and Meredith Boyle and other female employees punitive damages for its callous indifference to their federally protected right to be free from sexual harassment in the workplace;

S. Grant such further relief as the Court deems proper; and

T. Award the Commission its costs in this action.

JURY TRIAL DEMAND

_____The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

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JAMES L. LEE
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