

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
NORTHERN DIVISION

U.S. EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
Baltimore District Office )  
10 S. Howard Street, 3rd Floor )  
Baltimore, Maryland 21201 )

Plaintiff, )

v. )

Civil Action No. )

COCA-COLA ENTERPRISES, INC. )  
2500 Windy Ridge Parkway )  
Atlanta, Georgia 30339 )

C O M P L A I N T

JURY TRIAL DEMAND

d/b/a Mid-Atlantic Coca-Cola )  
Bottling Company )  
9770 Patuxent Woods Drive )  
Columbia, MD 21046 )

Defendant. )

---

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") 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 Mark Mason, who was adversely affected by such practices. The United States Equal Employment Opportunity Commission alleges that Defendant Coca-Cola Enterprises, Inc., has rejected Mark Mason for promotion to the position of Field Service Manager in the Cooler Service Department of the Baltimore/Washington Service and Equipment

Operations Center in Hanover, Maryland, because of his race, African-American.

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, 42 U.S.C. Section 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 and are now being committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

PARTIES

\_\_\_\_3. Plaintiff, the United States Equal Employment Opportunity Commission (the "EEOC" or 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 has continuously been a Delaware corporation doing business in the State of Maryland, in the cities of Hanover and Columbia, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant 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. Sections 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

\_\_\_\_6. More than thirty days prior to the institution of this lawsuit, Mark Mason filed a charge with the Commission alleging that Defendant violated Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January, 2001, Defendant Employer has engaged in unlawful employment practices in violation of Section 703(a) Title VII, 42 U.S.C. Section 2000e-2(a). These practices include refusing to promote Mark Mason to the position of Field Service Manager because of his race, African-American.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Mark Mason of equal employment opportunities and otherwise adversely affect his status as a candidate for promotion because of his 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 with reckless indifference to the federally protected rights of Mark Mason.

PRAYER FOR RELIEF

\_\_\_\_\_Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, 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, in violation of Section 703(a) of Title VII, 42 U.S.C. Section 2000e-2(a).

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for African-American candidates for promotion to managerial positions and which eradicate the effects of Defendant's past and present unlawful employment practices.

C. Order Defendant Employer to make whole Mark Mason by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, by promoting him to the grade 15 level, and by providing him any other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices.

D. Order Defendant Employer to pay Mark Mason punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Mark Mason by providing compensation for pecuniary losses.

F. Order Defendant Employer to make whole Mark Mason by providing compensation for non-pecuniary losses, including emotional pain, suffering, mental anguish, embarrassment, and isolation, in amounts to be proven at trial.

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

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

\_\_\_\_\_The Commission requests a jury trial on all questions of fact raised in the Complaint.

Respectfully submitted,

ERIC S. DREIBAND  
General Counsel

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

\_\_\_\_\_/s/\_\_\_\_\_  
GERALD S. KIEL  
Regional Attorney  
(signed by Maria Morocco with  
permission of Gerald Kiel)

/s/

---

DEBRA M. LAWRENCE  
Supervisory Trial Attorney  
(signed by Maria Morocco with  
permission of Debra Lawrence)

/s/

MARIA LUISA MOROCCO  
Trial Attorney  
Federal Bar No. 24357

/s/

MARIA SALACUSE  
Trial Attorney  
Federal Bar. No. 15562  
(signed by Maria Morocco with  
permission of Maria Salacuse)

UNITED STATES  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
10 S. Howard Street  
3rd Floor  
Baltimore, Maryland 21201  
Phone: (410) 962-4260  
Fax: (410) 962-4270