

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
SOUTHERN DIVISION

UNITED STATES)
EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
10 S. Howard Street)
Third Floor)
Baltimore, Maryland 21201)
)
Plaintiff,) Civil Action No.
)
v.) COMPLAINT
)
)
YUM! Brands, Inc.)
1441 Gardiner Lane) JURY TRIAL DEMAND
Louisville, Kentucky 40213)
)
d/b/a KFC)
10501 Greenbelt Road)
Lanham, Maryland 20706-2213)
)
Defendant.)
)

NATURE OF ACTION

_____This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, 42 U.S.C. Section 2000e, et seq., 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 engaging in protected activity and to make whole Patricia Cooper, who was subjected to a sexually hostile work environment while she was employed by Defendant YUM! Brands, Inc., and who suffered a reduction in her hours and was discharged by Defendant because she opposed employment practices made unlawful by Title VII.

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), (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, Southern Division.

PARTIES

3. Plaintiff, the United States 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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant YUM! Brands, Inc., has continuously been and is now a North Carolina corporation doing business in Lanham, Maryland.

5. At all relevant times, Defendant YUM! Brands, Inc., has had at least fifteen employees.

6. At all relevant times, Defendant YUM! Brands, Inc., 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

7. More than thirty days prior to the institution of this lawsuit, Patricia Cooper 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.

8. Since at least February, 2002, Defendant YUM! Brands, Inc. has engaged in unlawful employment practices at its KFC restaurant in Lanham, Maryland, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Sections 2000e-2(a) and 2000e-3(a). The practices include the following:

a. Subjecting Patricia Cooper to a hostile and offensive work environment by condoning the sexually harassing and discriminating behavior of Akhtar Wasti. Incidents of harassment committed by Wasti and condoned by Defendant include, but are not limited to, unwelcome touching of Ms. Cooper's body; offensive conduct such as grabbing Ms. Cooper and telling her, "You need to dance with me," grabbing Ms. Cooper and attempting to drag her into an empty part of the restaurant so that he could be alone with her, and physically blocking a doorway and telling Ms. Cooper she would have to kiss him to enter; propositioning Ms. Cooper; and making offensive comments, such as telling Ms. Cooper that his wife shaved her pubic area and asking Ms. Cooper whether she had "given it" to anyone other than her fiance.

b. Reducing Ms. Cooper's hours because she opposed employment practices made unlawful by Title VII.

c. Terminating Ms. Cooper's employment because she opposed employment practices made unlawful by Title VII.

9. The unlawful employment practices complained of above were intentional.

10. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Patricia Cooper.

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 sexual harassment, and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

B. Order Defendant 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;

C. Order Defendant to reinstate Patricia Cooper to her rightful place position;

D. Grant such further injunctive relief as the Court deems proper;

E. Order Defendant to make whole Patricia Cooper 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;

F. Order Defendant to make whole Patricia Cooper by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

G. Order Defendant to pay to Patricia Cooper punitive damages for its callous indifference to her federally protected right to be free from gender discrimination and retaliation;

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

I. 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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