

2005 WL 1073145 (E.D.Mich.) (Trial Pleading)

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United States District Court, E.D. Michigan, Southern Division.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,
v.
BAKER'S KEYBOARD LOUNGE, Defendant.

Case No. 2:05CV71270
March 31, 2005.

Complaint and Jury Demand

Eric S. Dreiband, General Counsel, James L. Lee, Deputy General Counsel, Gwendolyn Young Reams, Associate General Counsel, Office of General Counsel, Trial Services Division, Washington, D.C., Adele Rapport (P44833), Regional Attorney, Stanley H. Pitts (P33519), Supervisory Trial Attorney, Dale Price (P55578), Trial Attorney, Equal Employment Opportunity Commission, Detroit District Office, Detroit, Michigan

Judge: Steeh, George Caram.
Magistrate Judge Paul J. Komives.

NATURE OF THE ACTION

This is an action brought under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief to La-Aiaria Woodget ("Woodget") who was adversely affected by such practices. The Equal Employment Opportunity Commission ("Commission") alleges that Baker's Keyboard Lounge, ("Defendant") discriminated against Woodget when Defendant fired Woodget in retaliation for complaining to management about harassment by a customer.

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) and 707(c) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(e) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division.

PARTIES

3. Plaintiff, EEOC 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) and 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(c).
4. At all relevant times, Defendant has continuously been a corporation doing business in the State of Michigan, and has continuously had at least 15 employees.

5. At all relevant times, Defendant 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 before the institution of this lawsuit, Johnson filed a Charge of Discrimination with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March 27, 2003, Defendant Employer has engaged in unlawful employment practices at its Detroit, Michigan facility, in violation of Section 703(a), 42 U.S.C. § 2000e-2(a), and Section 704(a), 42 U.S.C. § 2000e-3(a). The Defendant's unlawful employment practice involves terminating Woodget in retaliation for her complaint that a customer harassed her. The Defendant employer retaliated against Woodget by terminating her shortly after she made the complaint.

8. The effect of the practices complained of in paragraph 7 above have been to deprive Woodget of equal employment opportunities and otherwise adversely to affect her status as an employee in retaliation for engaging in activity protected by Title VII.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. As the result of the unlawful employment practices, Woodget has suffered emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life.

11. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Woodget.

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 retaliation against those who take actions protected by Title VII.

B. Order Defendant to develop and implement a sexual harassment policy, and provide mandatory training regarding Title VII and its prohibition against sexual harassment to all management and non-management employees concerning Title VII's prohibition against retaliation.

C. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for persons who engage in protected activity under Title VII, and which eradicate the effects of its past and present unlawful employment practices.

D. Order the Defendant Employer to make Woodget whole 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 but not limited to expungement of discharge from Woodget personnel record.

E. Order Defendant Employer to make Woodget whole by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above in amounts to be proven at trial.

F. Order Defendant Employer to pay Woodget punitive damages for its malicious or reckless conduct described in paragraph 7 above, in amounts to be proven at trial.

G. Order Defendant Employer to pay nominal damages.

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

I. 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,

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JAMES L. LEE, Deputy General Counsel

GWENDOLYN YOUNG REAMS, Associate General Counsel, OFFICE OF GENERAL COUNSEL, Trial Services
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DATE *3/31/05*

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Appendix not available