

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

FUTON FACTORY, INC.,

Defendant.

Civil Action No. **1:05CV0628**
Richard Alan Enslen
U.S. District Judge

COMPLAINT AND JURY
DEMAND

_____ /

NATURE OF THE ACTION

This is an action 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 on the basis of sex, and to provide appropriate relief to employee Teri A. Taylor who was adversely affected by such practices. The EEOC alleges that Defendant, Futon Factory, Inc., (“Defendant”) subjected Taylor to a sexually hostile work environment and that the Defendant, despite knowledge of the harassment, failed to take prompt and effective action to correct and prevent the harassment. The Defendant also allowed Taylor’s work environment to become so intolerable that she was constructively discharged.

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 Sections 706(f)(1) and (3) and 707(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1) and (3) and 42 U.S.C. 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 and are now being committed

within the jurisdiction of the United States District Court for the Western District of Michigan.

3. Plaintiff, the Equal Employment Opportunity Commission (“EEOC” or “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) and 707(e) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and 2000e-6(e).

4. At all relevant times, Defendant, Futon Factory, has continuously been a corporation doing business in the State of Michigan and the City of Grand Rapids, 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 Teri A. Taylor filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since April 2004, Defendant Employer has engaged in unlawful employment practices at its Grand Rapids, Michigan facility, in violation of Section 703(a), 42 U.S.C. § 2000e-2(a). The Defendant’s unlawful employment practices include the following:

- a. A male manager at Defendant Employer’s Grand Rapids, Michigan facility engaged in behavior that created a hostile work environment for Taylor.
- b. Throughout the Taylor’s employment, she was subjected to unwelcome sexual talk and innuendo by male manager David Flanders.

- c. Flanders also secretly subjected Taylor to video surveillance while she used the restroom facility throughout her employment, and regularly made comments to Taylor to reveal that he was aware of her specific conduct in the restroom.
- d. Flanders also pressured Taylor to pose for pictures for him during her employment.
- e. Flanders wore a hat to the employment facility with sexually suggestive words written on it and refused to remove it despite Taylor's protestations.
- f. During her employment, Taylor became aware that her mother was also subjected sex-related talk and innuendo by Flanders.
- f. Defendant knew or should have known that Flanders was harassing Taylor and otherwise subjecting her to a sexually hostile work environment.
- g. Defendant failed to take prompt and effective remedial action reasonably calculated to stop the harassment and prevent it from recurring.
- h. Due to the hostile work environment and the reasonable belief that such harassment would continue in the future, Taylor was constructively discharged on or about January 28, 2005.

8. The effect of the pattern and practice of conduct complained of in paragraph 7 above has been to deprive Taylor of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

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

10. As the result of the unlawful employment practices, Taylor has suffered emotional

pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

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

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 sexual harassment and any other employment practices which discriminate on the basis of sex.
- b. ORDER Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices, including the institution of a sexual harassment training program for each of its facilities.
- c. ORDER Defendant to provide individualized training to its employees concerning Title VII and its prohibitions against sexual harassment.
- d. ORDER Defendant Employer to make whole Taylor 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.
- e. ORDER Defendant Employer to make whole Taylor by providing nominal damages and compensatory damages for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, in amounts to be proven at trial.
- f. ORDER Defendant Employer to pay Taylor punitive damages for its malicious or

reckless conduct described in paragraph 7 above, 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 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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Filed: September 14, 2005

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