

2002 WL 3264447 (W.D.Mich.) (Trial Pleading)  
United States District Court, W.D. Michigan.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Plaintiff,  
v.  
THE REED GROUP, INC., Defendant.

No. 1:02CV0396.  
June 3, 2002.

**Complaint and Jury Demand**

Nicholas M. Inzeo, Acting Deputy General Counsel, Equal Employment Opportunity Commission, Washington, D.C., Adele Rapport (P44833), Regional Attorney, Robert K. Dawkins (P38289), Supervisory Trial Attorney, Tammy C. Klein (P60256), Trial Attorney, Detroit District Office, Patrick V. McNamara Bldg., Detroit, Michigan

Robert Holmes Bell Chief, U.S. District Judge.

***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 Charging Party, Mary Vanderweele, who was adversely affected by such practices. Plaintiff, the United States Equal Employment Opportunity Commission, ("Commission" or "EEOC") alleges that Vanderweele, a female, was sexually harassed by a co-owner of The Reed Group, Inc., Dave Meulenbelt.

***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) 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. § 1981 (a).
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Michigan.
3. Plaintiff, Equal Employment Opportunity 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) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).
4. At all relevant times, Defendant has continuously been a corporation doing business in the State of Michigan and the City of Spring Lake, and has continuously had at least fifteen (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 prior to the institution of this lawsuit, Vanderweele, filed a Charge of Discrimination with the

Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June, 2000, Defendant has engaged in unlawful employment practices at its Spring Lake, Michigan facility, in violation of Section 703(a), 42 U.S.C. §2000e-2(a). The unlawful employment practices include the following:

a. Plaintiff's Supervisor, Dave Meulenbelt, created a sexually hostile work environment for Vanderweele beginning in June of 2000, by frequently making offensive remarks having sexual overtones.

b. Meulenbelt frequently commented on her appearance, specifically referring to how well she fit in her jeans and how she "had a nice butt".

c. Meulenbelt commented once to Vanderweele and a co-worker that they should have a wet t-shirt contest.

d. Meulenbelt inappropriately touched Vanderweele on a frequent basis in a sexual manner.

e. Meulenbelt frequently made inappropriate and sexually explicit phone calls to Vanderweele on her cell phone.

f. Meulenbelt frequently made calls to Vanderweele's home after business hours. The first time he called Vanderweele's home, her fiancé answered because she was in the bathtub and could not come to the phone. Her fiance told Meulenbelt this and Meulenbelt replied, "I would love to see that". Each time Meulenbelt called her home after that he would always ask, "Are you in the tub?"

h. In November of 2000, when Vanderweele was getting a saw out of the work trailer Muelenbelt grabbed her buttocks and said to her, "you really smell good and I'd love to know what you taste like."

i. Meulenbelt engaged in similar conduct in the presence of co-workers,

j. Muelenbelt grabbed Vanderweele by the back of her coveralls and swung her around,

k. As a result of the sexually hostile work environment complained of above, Vanderweele was constructively discharged on February 14, 2002.

l. Defendant, having knowledge of the sexual harassment, failed to take effective corrective action to end the harassment and prevent it from recurring.

8. Defendant was aware of Vanderweele's opposition to Meulenbelt's unwelcome sexual conduct complained of in paragraph 7 above, because the conduct was severe and pervasive and she instructed Muelenbelt to stop.

9. As a result of the unlawful employment practices complained of, Vanderweele suffered pecuniary compensatory damages and non-pecuniary compensatory damages in the nature of emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and lost wages.

10. The unlawful employment practices complained of in paragraphs 7, 8 and 9 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7, 8 and 9 above were done with malice or with reckless indifference to Vanderweele's federally protected rights.

***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 Defendant, from engaging in sexual harassment and any other unlawful employment practices which discriminate on the basis of sex.

- B. Order Defendant to provide mandatory training regarding Title VII and its prohibition against sexual harassment to all management and non-management employees at its Spring Lake facility.
- C. Order Defendant 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.
- D. Order Defendant to make whole Charging Party, Mary Vanderweele, by providing the appropriate amount of back pay with prejudgment interest, in an amount to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, rightful-place reinstatement.
- E. Order Defendant to make whole Mary Vanderweele by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7, 8 and 9 above in amounts to be proven at trial.
- F. Order Defendant to make whole Mary Vanderweele by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7, 8 and 9 above in amounts to be proven at trial.
- G. Order Defendant to pay Mary Vanderweele punitive damages for their malicious and/or reckless conduct described in paragraphs 7, 8 and 9 above in amounts to be proven at trial.
- 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.

Dated: May 31, 2002

NICHOLAS M. INZEO  
Acting Deputy General Counsel  
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
1801 "L" Street, N.W.  
Washington, D.C. 20507  
ADELERAPPORT (P44833)  
Regional Attorney  
ROBERT K. DAWKINS (P38289)  
Supervisory Trial Attorney  
TAMMY C. KLEIN (P60256)  
Trial Attorney  
DETROIT DISTRICT OFFICE

Patrick V. McNamara Bldg.  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226  
Telephone: (313) 226-5673