

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

EQUAL EMPLOYMENT
OPPORUTNITY COMMISSION,
Plaintiff,

and

File No.: 1: 05CV0677

RANDY ELDER,
Intervening Plaintiff,

Hon. Gordon J. Quist

vs

SEELYE WRIGHT OF SOUTH HAVEN,
INC.,
Defendant.

Adele Rapport (P44833)
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Attorney for Plaintiff EEOC
477 Michigan Avenue, Room 865
Detroit, MI 48226
313-226-6701

Michael Wade (P248333)
GARAN LUCOW MILLER, PC
Attorney for Defendant Seelye-Wright of South
Haven, Inc.
300 Ottawa Avenue, NW, 8th Floor
Grand Rapids, MI 49503
616-742-5484

Frederick E. Mackraz (P52623)
RUTGERS & MACKRAZ, PLC
Attorney for Randy Elder, Intervenor
15 Ionia Avenue, SW, Ste. 650
Grand Rapids, MI 49503
616-235-4000

INTERVENING PLAINTIFF'S COMPLAINT

Randy Elder, intervening Plaintiff, by his attorneys Rutgers & Mackraz, PLC, states for his Complaint against Defendant as follows:

1. Randy Elder filed a charge of discrimination with the Michigan Department of Civil Rights (“MDCR”) against his employer, Seelye-Wright of South Haven, Inc. (“Seelye-Wright”) on April 5, 2004.

2. Based upon information and belief, the MDCR charge resulted in a contemporaneous filing with the Equal Employment Opportunity Commission (“EEOC”).

3. On July 15, 2004, Defendant filed a Complaint against Randy Elder in the Circuit Court for the County of Van Buren for slander/libel, civil extortion, and malicious abuse of process because of Elder’s MDCR and EEOC charge.

4. In the Complaint against Elder, Seelye-Wright sought judgment for a sum in excess of \$25,000.00, together with attorney fees, actual and statutory costs, interest, and “punitive damages”.

5. The EEOC filed the above-captioned lawsuit as a result of Seelye-Wright’s Complaint against Elder.

6. The EEOC alleged in its lawsuit that Seeley-Wright retaliated against Elder for filing his administrative charge with the MDCR.

7. Elder was given leave on December 1, 2005 to intervene in the Complaint filed by the EEOC against Seelye-Wright.

8. Jurisdiction and venue are proper in the United States District Court for the Western District of Michigan.

Count I
Retaliation – Title VII

9. Intervening Plaintiff incorporates the above paragraphs.

10. Section 704(a) of Title VII, 42 USC §2000e makes it an unlawful employment practice for an employer to discriminate or retaliate against any individual because he has made a

charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

11. Elder filed a charge and assisted in an investigation into violations of Title VII when he filed his administrative charge against Seelye-Wright.

12. As a result of Elder filing his charge, Seelye-Wright filed a circuit court action against Elder seeking damages.

13. Elder suffered economic and non-economic damages as a proximate result of the unlawful conduct of Seelye-Wright.

14. The unlawful employment practices of Seelye-Wright were intentional.

15. The unlawful employment practices of Seelye-Wright were done with malice or with reckless indifference to the federally protected rights of Elder.

WHEREFORE, Randy Elder respectfully requests that this honorable Court enter Judgment in his favor and against Seelye-Wright for economic, non-economic, and punitive damages, together with an award for attorney fees pursuant to 28 USC §1988, interest, and costs.

Count II
Retaliation – Elliott-Larsens Civil Rights Act

16. Randy Elder incorporates the above paragraphs.

17. The Elliott-Larsens Civil Rights Act (“ELCRA”) prohibits retaliation against any person because that person has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under ELCRA.

18. Elder filed a charge and assisted in an investigation into violations of ELCRA when he filed his administrative charge against Seelye-Wright.

19. As a result of Elder filing his charge, Seelye-Wright filed a circuit court action against Elder seeking damages.

20. Elder suffered economic and non-economic damages as a proximate result of the unlawful conduct of Seelye-Wright.

21. The unlawful employment practices of Seelye-Wright were intentional.

22. The unlawful employment practices of Seelye-Wright were done with malice or with reckless indifference to statutorily protected rights of Elder.

WHEREFORE, Randy Elder respectfully requests that this honorable Court enter Judgment in his favor and against Seelye-Wright for economic, non-economic, and exemplary damages, together with an award for attorney fees, interest, and costs.

Respectfully submitted,

Dated: 12/07/05

/s/ Frederick E. Mackraz
Frederick E. Mackraz (P52623)
Rutgers & Mackraz, PLC
Attorney for Randy Elder
15 Ionia Avenue, SW, Ste 650
Grand Rapids, MI 49503
616-235-4000