

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 03-5103-cv-JCE
)	
EAGLEPICHER, INC. (f/k/a EAGLE-PICHER)	<u>COMPLAINT</u>
INDUSTRIES, INC.))	
)	JURY TRIAL DEMAND
Defendant.)	

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 Brenda Lawrence McCollum, Shonna Peppers Hyde and other female employees who were adversely affected by such practices. The Commission alleges that Defendant’s supervisor Robert Garrison harassed McCollum, Hyde and other women, subjected them to a hostile work environment, and that he and other managers discriminated against these women in the terms and conditions of their employment, including termination, because of their sex. The Commission also alleges that Garrison and other managers retaliated against McCollum and other women who complained about the harassment.

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) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("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 Western District of Missouri.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "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 an Ohio corporation doing business in the State of Missouri and the City of Joplin, 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 prior to the institution of this lawsuit, Brenda Lawrence McCollum and Shonna Peppers Hyde filed charges 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 1998, Defendant has engaged in the following unlawful employment practices at their Joplin, Missouri facility in violation of Sections 703 and 704 of Title VII, 42 U.S.C. §§ 2000e-2 and 3:

- (a) Defendant discriminated against Brenda Lawrence McCollum, Shonna Peppers Hyde and other female employees in the terms and conditions of their employment and subjected them to sexual harassment and a sex-based hostile work environment. One of the Defendant's supervisors routinely threatened the women, refused to train new female employees, questioned female employees about their sex lives, followed female employees during their off hours, and held female employees to higher performance standards than male employees.
- (b) Defendant retaliated against McCollum, Hyde and other female employees for complaining about the supervisor's treatment.
- (c) Defendant discriminated against Hyde and other female employees by terminating their employment for false reasons, for reasons for which similarly situated male employees were not terminated, and / or in retaliation for their complaints about discriminatory treatment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Brenda Lawrence McCollum, Shonna Peppers Hyde and other female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and because of retaliation.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Brenda Lawrence McCollum, Shonna Peppers Hyde and other female employees.

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 them, from engaging in sexual harassment, creating a sex-based hostile work environment, discriminating in the terms and conditions of women's employment, and any other employment practice which discriminates on the basis of sex or which constitutes retaliation.

B. 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.

C. Order Defendant to make whole Brenda Lawrence McCollum, Shonna Peppers Hyde and other female employees, by providing appropriate backpay 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 rightful place reinstatement of Shonna Peppers Hyde and other terminated women.

D. Order Defendant to make whole Brenda Lawrence McCollum, Shonna Peppers Hyde and other female employees, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

E. Order Defendant to make whole Brenda Lawrence McCollum, Shonna Peppers Hyde and other female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including pain and suffering, loss of enjoyment of life, damage to reputation, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined 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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