

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

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	CASE NO.: 06-0814-CV-W-SWH
v.)	
)	<u>COMPLAINT</u>
JOLET II, d/b/a THOMPSON CARE)	
CENTER,)	
)	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 involving sexual harassment, sex discrimination, and retaliation, and to provide appropriate relief to Demetrea Ford, Essence Harrell and other women who were adversely affected by such practices. The Commission alleges that Defendant Jolet II, d/b/a Thompson Care Center, engaged in sexual harassment of female employees, constructively discharged female employees, and retaliated against female employees who opposed such practices.

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, Western Division.

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, Defendants have continuously been doing business in the State of Missouri and the City of Kansas City, continuously employing at least 15 employees.

5. At all relevant times, Defendants have 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, Demetrea Ford and Essence Harrell filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From approximately April 2004 through present, Defendant Employer has engaged in the following unlawful employment practices at their Kansas City, Missouri facilities in violation of Section 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 3(a):

- (a) Defendants sexually harassed Demetrea Ford, Essence Harrell and other female employees, including requesting sexual favors and offering employment benefits in exchange for sexual favors; and

- (b) Defendants retaliated against Demetrea Ford, Essence Harrell, and other female employees, when they opposed the sexual harassment or refused to participate in sexual activity; and
- (c) Defendants constructively discharged Demetrea Ford, Essence Harrell, and other female employees by creating a sexually hostile working environment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Demetrea Ford, Essence Harrell, and other female employees of equal employment opportunities and otherwise adversely affect her status as an employee because of her opposition to unlawful employment practices and because of her pregnancy.

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 Demetrea Ford, Essence Harrell, and other female employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment, retaliation, or any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs that provide equal employment opportunities for all employees, and that eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employers to make whole Demetrea Ford, Essence Harrell, 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.

D. Order Defendant Employer to make whole Demetrea Ford, Essence Harrell, and other female employees, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Demetrea Ford, Essence Harrell, 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 emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Demetrea Ford, Essence Harrell, and other female employees punitive damages for their 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 this complaint.

Respectfully submitted,

RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

/s/ Robert G. Johnson
ROBERT G. JOHNSON
Regional Attorney

/s/ Barbara A. Seely
BARBARA A. SEELY
Supervisory Trial Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
St. Louis District Office
1222 Spruce St., Room 8.100
St. Louis, MO 63103
(314) 539-7914
FAX: (314) 539-7895
e-mail: robert.johnson@eeoc.gov
barbara.seely@eeoc.gov

/s/ Andrea G. Baran
ANDREA G. BARAN MO #46520
Senior Trial Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Kansas City Area Office
400 State Avenue, Suite 905
Kansas City, KS 66101
(913) 551-5848
FAX: (913) 551-6957
e-mail: andrea.baran@eeoc.gov