

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
) CIVIL ACTION NO.
v.)
)
PRAXAIR SURFACE TECHNOLOGIES, INC.,) COMPLAINT
)
Defendant.) JURY TRIAL 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 Judy Kebler who was adversely affected by such practices. As stated with greater particularity in the Statement of Claims below, the Commission alleges that Judy Kebler was denied promotions by Praxair Surface Technologies, Inc. because of her sex.

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 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, Praxair Surface Technologies, Inc. ("Praxair"), has continuously been a Delaware corporation doing business in the State of Missouri and the City of Kansas City and has continuously had at least 15 employees.

5. At all relevant times, Praxair 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, Judy Kebler filed a charge with the Commission alleging violations of Title VII by Defendant Praxair. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least September 30, 1996, Defendant Praxair has

engaged in the following unlawful employment practices at its Kansas City, Missouri facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

(a) On or about September 30, 1996, Praxair unlawfully failed to promote Kebler into a Quality Technician position, for which she was qualified and had applied, because of her sex (female).

(b) On or about January 17, 1997, Praxair unlawfully failed to promote Kebler into a Team Leader Trainee position, for which she was qualified and had applied, because of her sex.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Kebler 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 intentional.

10. The unlawful employment practices complained of in paragraphs 7 above were done with malice or with reckless indifference to the federally protected rights of Kebler.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Praxair, its

officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination and any other employment practice which discriminates on the basis of sex.

B. Order Praxair 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 Praxair to make whole Kebler 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 promotion of Kebler.

D. Order Praxair to make whole Kebler 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 Praxair to make whole Kebler by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including emotional pain, suffering and humiliation, in amounts to be determined at trial.

F. Order Praxair to pay Kebler 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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