

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**  
JUL 17 2006

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff,

v.

SHAW ENVIRONMENTAL, INC.

&

ENVIRONMENTAL DIMENSIONS, INC.,

Defendants.

**06CV01063FRB**

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

**NATURE OF 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 retaliation, and to provide appropriate relief to Karla Spafford who was adversely affected by such practices. As alleged with greater particularity in the Statement of Claims below, the Equal Employment Opportunity Commission ("the Commission") alleges that Defendants Shaw Group, Inc. ("Shaw") and Environmental Dimensions, Inc. ("EDi") discriminated against Ms. Spafford, a female senior technician, on the basis of her sex. Furthermore, the Commission alleges that Defendants discriminated against Ms. Spafford in retaliation for filing a charge and employment discrimination lawsuit against her previous employer.

**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 Eastern District of Missouri, Eastern Division.

**PARTIES**

3. Plaintiff, 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 Shaw, a Louisiana corporation, has continuously been doing business in the state of Missouri and the City of Bridgeton, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Shaw 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).

6. At all relevant times, Defendant EDi, a New Mexico corporation, has continuously been doing business in the state of Missouri and the City of Bridgeton, and has continuously had at least 15 employees.

7. At all relevant times, Defendant EDi 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**

8. More than thirty days prior to the institution of this lawsuit, Karla Spafford filed a charge with the Commission alleging violations of Title VII by Defendants Shaw and EDi. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least January 2001, Defendants Shaw and EDi have engaged in unlawful employment practices at Shaw's Bridgeton clean up site, in violation of Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and (2), by selecting Ms. Spafford for lay off over less qualified and experienced male senior technicians because of her sex, female.

10. Since at least January 2001, Defendants Shaw and EDi have engaged in unlawful employment practices at the St. Louis clean up sites, in violation of Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and (2), by selecting Ms. Spafford for lay off over less qualified and experienced male senior technicians in retaliation for her filing a Title VII lawsuit against her previous employer who was also one of the subcontractors at the clean up site.

11. The effect of the practices complained of in paragraphs 9 and 10 above has been to deprive Ms. Spafford of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

12. The unlawful employment practices complained of in paragraphs 9 and 10 above were intentional.

13. The unlawful employment practices complained of in paragraphs 9 and 10 above were done with malice or with reckless indifference to the federally protected rights of Karla Spafford.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Shaw, its officers, successors, assigns, and all persons in active concert or participation with it from engaging in sex discrimination and retaliation and any other employment practice which discriminates on the basis of sex.

B. Grant a permanent injunction enjoining Defendant EDi, its officers, successors, assigns, and all person in active concert or participation with it from engaging in sex discrimination and retaliation and any other employment practice which discriminates on the basis of sex.

C. Order Defendant Shaw to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of this past and present unlawful employment practice.

D. Order Defendant EDi to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of this past and present unlawful employment practice.

E. Order Defendant Shaw to make whole Karla Spafford, 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.

F. Order Defendant EDi to make whole Karla Spafford, 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.

G. Order Defendant Shaw to make whole Karla Spafford, by providing compensation for past pecuniary losses resulting from the unlawful employment practices described in paragraphs 9 and 10 above, in amounts to be determined at trial

H. Order Defendant EDi to make whole Karla Spafford, by providing compensation for past pecuniary losses resulting from unlawful employment practices described in paragraphs 9 and 10 above, in amounts to be determined at trial.

I. Order Defendant Shaw to make whole Karla Spafford, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 9 and 10 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

J. Order Defendant EDi to make whole Karla Spafford, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 9 and 10 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

K. Order Defendant Shaw to pay Karla Spafford punitive damages for its malicious and reckless conduct described in paragraphs 9 and 10 above, in amounts to be determined at trial.

L. Order Defendant EDi to pay Karla Spafford punitive damages for its malicious and reckless conduct described in paragraphs 9 and 10 above, in amounts to be determined at

trial.

M. Grant such further relief as the Court deems necessary and proper in the public interest.

N. Award the Commission the costs of this action.

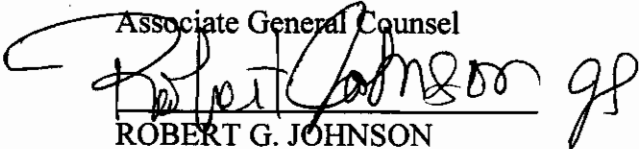
**JURY TRIAL DEMAND**

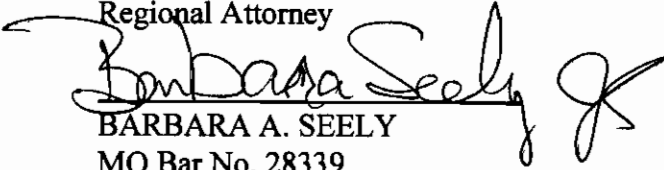
The Commission requests a jury trial on all questions of fact raised by its complaint.

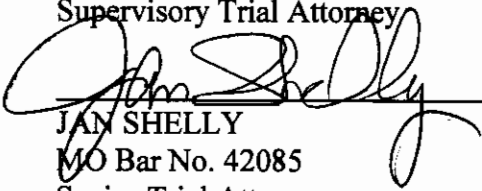
Respectfully submitted,

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