

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
&)
)
KARLA SPAFFORD,)
)
Plaintiffs,)
)
vs.)
)
SHAW ENVIRONMENTAL, INC.)
)
&)
)
ENVIRONMENTAL DIMENSIONS, INC.)
)
Defendants.)

Case No. 4:06CV01063 RWS

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff-Intervenor Karla Spafford (“plaintiff intervenor”), by and through her attorneys, and for her Complaint against Shaw Environmental, Inc. (“Shaw”) (collectively “defendants”), states as follows:

1. Plaintiff-Intervenor Karla Spafford brings this action for legal and equitable relief to redress the injuries done to her by defendants.
2. Plaintiff-Intervenor brings her complaint under §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., §1988a. Jurisdiction of this Court is invoked pursuant to 28 U.S.C., §5, 451, 1331, 1337, 1343 and 1345.

3. The unlawful employment practices complained of herein were committed within the Eastern District of Missouri.

4. Plaintiff-Intervenor Karla Spafford is a female citizen of the United States, who, at all times relevant herein, resided in Missouri.

5. 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 fifteen (15) employees.

6. At all relevant times, defendant Shaw has continuously been an employer engaged in an industry effecting commerce within the meaning of §§701(b)(g) and (h) of Title VII, 42 U.S.C., §§2000e(b), (g) and (h).

7. 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 fifteen (15) employees.

8. At all relevant times, defendant EDI has continuously been an employer engaged in an industry effecting commerce within the meaning of §§701(b)(g) and (h) of Title VII, 42 U.S.C., §§2000e(b), (g) and (h).

9. Since at least January 2001, defendants Shaw and EDI have engaged in unlawful employment practices at Shaw's Bridgeton cleanup site, in violation of §§706(f)(1) and (3) of Title VII, 42 U.S.C., §§2000e-2(a)(1) and (2) by selecting plaintiff Karla Spafford for layoff 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 cleanup sites, in violation of §§706(f)(1) and

(3) of Title VII, 42 U.S.C., §§2000e-2(a)(1) and (2) by selecting Karla Spafford for layoff over less qualified and experienced male senior technicians in retaliation for her filing a Title VII lawsuit against her previous employer, who is also one of the sub-contractors at the cleanup site.

11. The effect of the practices complained of above have deprived plaintiff Karla Spafford of equal employment opportunities and otherwise adversely affected her status as an employee because of her sex.

12. The unlawful employment practices complained of above were intentional.

13. The unlawful employment practices complained of above were done with malice and reckless indifference to the federally protected rights of plaintiff Karla Spafford.

14. As a result of defendants' aforementioned conduct, plaintiff has lost compensation and benefits of employment, has suffered emotional pain, suffering, humiliation, embarrassment, mental anguish and loss of enjoyment of life.

15. Defendants' conduct was undertaken with malice and reckless indifference to plaintiff's federally protected rights.

16. Plaintiff has incurred, and will continue to incur, attorney's fees and costs in connection with this matter.

WHEREFORE, plaintiff prays for judgment in her favor and against defendants for lost wages and other benefits of employment, front pay, compensatory damages, punitive damages, appropriate injunctive relief; prejudgment interest, attorney's fees and costs, and for such additional relief as this Court deems appropriate.

Respectfully Submitted,

UTHOFF, GRAEBER, BOBINETTE & BLANKE

By: /s/ Charles W. Bobinette
Charles W. Bobinette, #9806
Attorneys for Plaintiff Karla Spafford
906 Olive Street, Suite 300
St. Louis, Missouri 63101
Telephone: (314) 621-9550
Facsimile: (314) 621-2697
Email: cbobinette@ugbblaw.com