

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT)
 OPPORTUNITY COMMISSION,)
)
 Plaintiff,)
)
 and)
)
 KARLA SPAFFORD,)
)
 Plaintiff/Intervenor,)
)
 vs.)
)
 SHAW ENVIRONMENTAL, INC.,)
 SHAW GROUP, INC.,)
 SHAW ENVIRONMENTAL &)
 INFRASTRUCTURE, INC.,)
 STONE & WEBSTER, INC., and)
 ENVIRONMENTAL DIMENSIONS, INC.)
)
 Defendants.)

Case No. 4:06CV01063 RWS

JURY TRIAL DEMANDED

PLAINTIFF/INTERVENOR’S FIRST AMENDED COMPLAINT

COMES NOW Plaintiff-Intervenor Karla Spafford (hereinafter “Spafford”), by and through her attorneys, and for her first amended complaint against Shaw Environmental, Inc. (“Shaw Environmental”), Shaw Group, Inc. (“Shaw Group”), Stone & Webster, Inc. (“Stone & Webster”), Shaw Environmental & Infrastructure, Inc. (“Shaw E&I”) (collectively “Shaw”) and Environmental Dimensions, Inc., (“EDi”), (collectively “defendants”) states as follows:

1. Spafford brings this action for legal and equitable relief to redress the injuries done to her by defendants.

2. Spafford 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. 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 Group, a foreign corporation, is the parent company of defendant Shaw E&I, a foreign corporation, which is the parent company of Shaw Environmental, a foreign corporation, all of which have continuously been doing business in the State of Missouri in the City of Bridgeton and the City of St. Louis and have continuously had at least fifteen (15) employees.

6. At all relevant times, defendant Shaw Group was the parent company of defendant Stone & Webster, Inc., a foreign corporation, which was the predecessor to Shaw Environmental for work performed and business conducted in the State of Missouri in the City of Bridgeton and the City of St. Louis and has continuously had at least fifteen (15) employees.

7. At all relevant times, defendant EDi, a New Mexico Corporation, has continuously been doing business in the State of Missouri in the City of Bridgeton, and has continuously had at least fifteen (15) employees.

8. At all relevant times, defendants have 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. In or about February 2000, Spafford was hired by defendant EDi, subject to approval of defendants Shaw, and continued to work under the control of defendants until she was terminated in April 2003.

10. Since at least August 2000, defendants engaged in unlawful employment practices in Missouri, in violation of §§706(f)(1) and (3) of Title VII, 42 U.S.C., §§2000e-2(a)(1) and (2) in subjecting Spafford to disparate treatment, as compared to male employees and a hostile work environment because of her sex, female, by including but not limited to, not permitting Spafford to work on weekends, scrutinizing and criticizing her work activities, attempting to develop information against her to support her termination, subjecting her to assaults, threats, abusive language and property damage, failing to investigate her complaints of harassment and discrimination, directing fellow employees not to talk to her or assist her with the performance of her job duties, assigning her to isolated work areas, not providing her with adequate bathroom facilities, refusing to provide her a private dressing room and/or locker room, setting her up to fail on a written radiological technical test and permitting a male employee to take the test home, transferring a male employee who failed the test to another subcontractor and selecting Spafford for layoff in April 2003 over less qualified and experienced male senior technicians.

11. Since at least August 2000, defendants have engaged in unlawful employment practices in Missouri, in violation of §§706(f)(1) and (3) of Title VII, 42 U.S.C., §§2000e-2(a)(1) and (2), in retaliation for her filing a Title VII lawsuit against her previous employer, Corvera Abatement Technologies, Inc., who is also one of the subcontractors

at Shaw's job location and for making complaints of discrimination against defendants, by including but not limited to, not permitting Spafford to work when Corvera Abatement Technologies, Inc. was onsite, by scrutinizing and criticizing her work activities, developing information against her to support her termination, directing fellow employees not to talk to her or assist her with the performance of her job duties, subjecting her to assaults, threats, abusive language and property damage, failing to investigate her complains of discrimination and harassment, assigning her to isolated work areas, not providing her adequate bathroom facilities, refusing to provide her a private dressing room and/or locker room, setting her up to fail a written radiological technical test and by selecting Spafford for layoff in April 2003 over less qualified and experienced male senior technicians.

12. Since April 2003, defendants have engaged in unlawful employment practices in Missouri, in violation of §§706(f)(1) and (3) of Title VII, 42 U.S.C., §§2000e-2(a)(1) and (2) by refusing to rehire and/or recall Spafford from layoff because of her sex, female.

13. Since April 2003, defendants have engaged in unlawful employment practices in violation of §§706(f)(1) and (3) of Title VII, 42 U.S.C., §§2000e-2(a)(1) and (2) by refusing to rehire and/or recall Spafford from layoff, in retaliation for her filing a Title VII lawsuit against Corvera Abatement Technologies, Inc. and making complaints of discrimination against defendants.

14. The effect of the practices complained of above have deprived Spafford of equal employment opportunities and otherwise adversely affected her status as an employee because of her sex and in retaliation of her filing a complaint of discrimination.

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

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

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

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

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

WHEREFORE, Plaintiff/Intervenor Karla Spafford 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

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