

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

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
and	)	
	)	
KARLA SPAFFORD,	)	
	)	
Plaintiff/Intervenor	)	
	)	CIVIL ACTION NO. 4:06CV1063 FRB
v.	)	
	)	
SHAW ENVIRONMENTAL, INC.,	)	FIRST AMENDED COMPLAINT
	)	
and	)	
	)	
ENVIRONMENTAL DIMENSIONS, INC.,	)	JURY TRIAL DEMAND
	)	
Defendants.	)	

**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 Environmental, 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 her in retaliation for a previous discrimination suit brought by Ms. Spafford against a similar, nuclear cleanup company.

**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 St. Louis, 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 St. Louis, 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 February 2000, Defendants Shaw and EDi have engaged in unlawful employment practices at the St. Louis Airport cleanup site, in violation of Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and (2), by assigning Ms. Spafford to an isolated work area with no access to a bathroom or changing area, while male employees in the same position were provided both. Further, despite receiving above average performance evaluations, Ms. Spafford was selected to be laid off over other male senior technicians who were less qualified and less experienced.

10. Since at least February 2000, Defendants Shaw and EDi have engaged in unlawful employment practices at the St. Louis Airport cleanup site, in violation of Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-3(a), by directing her fellow employees not to associate with her and forbidding her from working on those days when the defendant in her pending discrimination suit was on 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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Issues:

- 1.) Correct Sections [706(f)(1) and (3)] for the claims??
- 2.) Correct relief asked for, especially when not monetary? Are we asking for any affirmative relief? (I don't think so)
- 3.) Are the correct parties being asked for the right relief? Is Shaw the only retaliation defendant? What would EDi be retaliating for?