

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

EQUAL EMPLOYMENT	)
OPPORTUNITY COMMISSION,	)
	)
Plaintiff,	)
	)
and	)
	)
AIMEE BOSS and MORGAN HAGEDON,	)
	)
Plaintiff-Intervenors,	)
	)
v.	)
	)
BODEGA BARS USA, LLC d/b/a	)
MOSAIC RESTAURANT,	)
	)
Defendant.	)

Cause No. 4:07-CV-01645 CAS

JURY TRIAL DEMANDED

**PLAINTIFF-INTERVENORS' COMPLAINT**

COME NOW Plaintiff-Intervenors Aimee Boss and Morgan Hagedon, by and through their attorneys, and for their Complaint against Bodega Bars USA, LLC d/b/a Mosaic Restaurant state as follows:

1. Plaintiff-Intervenors Aimee Boss and Morgan Hagedon bring this action for legal and equitable relief to redress the injuries done to them by Defendant Bodega Bars USA, LLC d/b/a Mosaic Restaurant.

2. Plaintiff-Intervenors bring their complaint under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e *et seq.* As the aggrieved parties, they have the right to intervene in this case under Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1). Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331.

3. The unlawful employment practices complained of herein were committed within

the Eastern District of Missouri.

4. Plaintiff-Intervenor Aimee Boss is a female citizen of the United States who, at all relevant times, resided in Belleville, Illinois.

5. Plaintiff-Intervenor Morgan Hagedon is a female citizen of the United States who, at all relevant times, resided in St. Louis, Missouri.

6. At all relevant times, Defendant Bodega Bars USA, LLC d/b/a Mosaic Restaurant has been a Missouri corporation doing business in the State of Missouri and the City of St. Louis, has continuously had at least 15 employees, and has been an employer within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (g), and (h).

7. Since at least December 3, 2004, Defendant has engaged in the following unlawful employment practices at its facilities located at 1101 Lucas Avenue, St. Louis, Missouri, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

8. Defendant subjected Plaintiff-Intervenors Boss and Hagedon, both bartenders, to unlawful sexual harassment during their employment. The unlawful conduct was directed toward them by Andrew Gladney, a customer and investor in Defendant, on a nearly daily basis beginning with the opening of Defendant's restaurant and continuing until Plaintiff-Intervenors Boss and Hagedon were constructively discharged in January 2005 and February 12005, respectively.

9. Gladney made extremely graphic and offensive comments to Plaintiff-Intervenors Boss and Hagedon, attempted to solicit sexual acts from each, and invited each to use cocaine while engaging in sexual activity with him. These remarks were made openly in the bar area of Defendant's restaurant in the presence of their supervisor, Greg Doyle, and in the presence of the majority owner of Defendant, Claus Schmitz. In addition, Gladney touched Plaintiff-Intervenor

Hagedon on numerous occasions by patting her posterior, hugging her, and attempting to fondle her breasts. Plaintiff-Intervenor Boss complained to Doyle about Gladney's actions, and Plaintiff-Intervenor Hagedon complained to both Schmitz and Doyle about Gladney's actions, but Defendant failed to take prompt and effective action to end the harassment prior to their constructive discharge.

10. The unlawful conduct was unwelcome, sexual in nature, and directed at Plaintiff-Intervenors Boss and Hagedon because of their sex. The unlawful conduct was sufficiently severe or pervasive to create a hostile working environment that altered the terms and conditions of the employment of Plaintiff-Intervenors Boss and Hagedon.

11. As a result of Gladney's sexually harassing conduct and Defendant's failure to take prompt and effective measures to end such conduct, the working conditions for both Plaintiff-Intervenors became so hostile and oppressive that each was compelled to end her employment with Defendant. Defendant had knowledge that the sexual harassment of Plaintiff-Intervenors by Gladney caused their working conditions to be so intolerable that each would be forced to resign. Nevertheless, Defendant deliberately and unreasonably failed to take prompt and effective actions to end the harassment and knew that its inaction would result in the resignations of Plaintiff-Intervenors.

12. As a result of Defendant's aforementioned conduct, Plaintiff-Intervenors have lost compensation and benefits of employment.

13. Defendant's conduct was undertaken with malice and reckless indifference to Plaintiff-Intervenors' federally protected rights.

14. Plaintiff-Intervenors have incurred and will continue to incur attorneys' fees and costs in connection with this matter.

WHEREFORE, Plaintiff-Intervenors pray for judgment in their favor and against Defendant for lost wages and other benefits of employment; front pay; compensatory damages for their emotional distress, pain, suffering, inconvenience, loss of enjoyment of life, loss of reputation, and humiliation; punitive damages; appropriate injunctive relief; prejudgment interest; attorneys' fees and costs; and for such additional relief as this Court deems appropriate.

SEDEY HARPER P.C.  
Attorneys for Plaintiff

/s/ John D. Lynn

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Mary Anne Sedey, #5124  
Donna L. Harper, #137299  
John D. Lynn, #10547  
2711 Clifton Ave.  
St. Louis, MO 63139  
314/773-3566  
314/773-3615 (fax)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing was filed electronically with the Clerk of Court to be served by the Court's electronic filing system upon Burton D. Garland, William M. Lawson and Robert W. Stewart, The Lowenbaum Partnership, 222 S. Central, Clayton, MO 63105, this 29<sup>th</sup> day of November, 2007.

/s/ John D. Lynn

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**CERTIFICATE OF SERVICE**

/s/

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