

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY]
COMMISSION,]

Plaintiff,]

LAURA QUINN, CHRISTINA KING,]
KATHLEEN McCANN, ANDREA POWELL]
AND STEPHANIE USRY]

CIVIL ACTION #2:05CV2182KS-JMR

Plaintiffs-Intervenors]

vs.]

JA & P RESTAURANTS, INC.]
dba CRECHALES' RESTAURANT]

JURY TRIAL DEMAND

Defendant.]

COMPLAINT IN INTERVENTION

This is a Civil Action pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000 et seq., alleging that the Defendant-Employer discriminated against Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women on the basis of their sex by subjecting them to sexual harassment; in the case of Stephanie Usry resulting in the termination of her employment by Defendant; and in the case of Laura Quinn, Christina King, Kathleen McCann and Andrea Powell resulting in their constructive discharge.

EXHIBIT "A"

JURISDICTION AND VENUE

1. Jurisdiction is conferred upon this Court by 42 U.S.C. Section 2000e-5, 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. Jurisdiction is also conferred by Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

PARTIES

2. Plaintiffs-Intevenors, Laura Quinn, Christina King, Kathleen McCann, Andrea Powell are adult resident citizens of the Southern District of Mississippi, Hattiesburg Division, which is also where said unlawful employment actions took place. Stephanie Usry, while an adult resident citizen of the Southern District of Mississippi, Hattiesburg Division, at the time the unlawful employment actions complained of took place, is now a non-resident of the State of Mississippi. Defendant, JA & P Restaurants, Inc. dba Crechales' Restaurant (the "Employer"), is a Mississippi corporation doing business in the State of Mississippi and the City of Hattiesburg, and has continuously had at least fifteen (15) employees.

3. At all relevant times, Defendant-Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

FACTS

4. Plaintiffs-Intevenors were hired by Defendant-Employer in April and May, 2004.

5. Beginning with the hire of each Plaintiff-Intervenor, either in April, 2004 or May, 2004, and continuing thereafter Defendant-Employer engaged in unlawful employment practices at its Hattiesburg, Mississippi facility, in violation of Section 703(a)(1) and Section 704(a) of

Title VII, 42 U.S.C. Section 2000e-2(a)(1) and Section 2000e-3(a). In particular, the Defendant-Employer engaged in unlawful employment practices at and around its facility in Hattiesburg, Mississippi through the actions of one of its supervisors, restaurant manager, Nick Crechale. Since at least the beginning of April, 2004 and continuing thereafter, Crechale sexually harassed Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry by subjecting them to unwelcome and offensive sexual actions, comments, and in some instances, unwelcome and inappropriate touching of their private body parts.

6. The effect of the practices complained of in the above and foregoing paragraph has been to deprive Laura Quinn, Christina King, Kathleen McCann, Andrea Powell, Stephanie Usry of equal employment opportunities and otherwise adversely affecting their status as employees, in some instances up to and including discharge, because of their sex.

7. The unlawful employment practice complained of in the above and foregoing paragraphs were intentional.

8. The unlawful employment practices complained of in the above and foregoing paragraphs were done with malice or reckless indifference to the federally protected rights of Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry.

9. Each Plaintiff-Intervener herein filed a timely Charge of Discrimination with the Equal Employment Opportunity Commission alleging sexual harassment and discrimination based on her sex. After investigation, the Equal Employment Opportunity Commission issued its determinations regarding each Plaintiff-Intervener and found that each Plaintiff-Intervener was discriminated against in violation of Title VII of the Civil Rights Act of 1964 as amended, and

further finding that each Plaintiff-Intervener was subject to sexual harassment and other forms of employment discrimination based on her gender.

CAUSES OF ACTION

10. The actions of Defendant-Employer, as aforesaid, constitute a violation of Title VII of the Civil Rights Act of 1964 and in particular constitute discrimination based on sex and sexual harassment against Plaintiffs-Interveners, including the discharge of one or more of Plaintiffs-Interveners.

PRAYER FOR RELIEF

11. Plaintiffs-Interveners seek that the Court issue the following relief:
- a. Enter declaratory relief declaring that Defendant-Employer has engaged in a pattern and practice of sexual harassment and discrimination on the basis of sex, and enjoin the Defendant-Employer from in the future engaging in such sexual harassment and discrimination on the basis of sex;
 - b. Enter temporary and permanent injunctions restraining Defendant-Employer from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex;
 - c. Award Plaintiffs-Interveners equitable back pay with Pre-Judgment interest, in amounts to be determined at trial;
 - d. Award Plaintiffs-Interveners past and future pecuniary losses resulting from the unlawful employment practices described hereinabove, in amounts to be determined at trial;

- e. Award Plaintiffs-Interveners for past and future non-pecuniary losses resulting from the unlawful practices described hereinabove, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;
- f. Award Plaintiffs-Interveners punitive damages for Defendant-Employer's malicious and reckless conduct as described hereinabove, in amounts to be determined at trial;
- g. Award Plaintiffs-Interveners their attorney fees, costs and expenses of litigation; and
- h. Award such other relief to which Plaintiffs-Interveners may be entitled under law.

Respectfully submitted, this the 3rd day of May, A.D., 2006.

LAURA QUINN, CHRISTINA KING,
KATHLEEN McCANN, ANDREA POWELL and
STEPHANIE USRY

s/MICHAEL ADELMAN

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COUNSEL FOR PLAINTIFFS-INTERVENERS

CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2006 that I electronically filed the foregoing Complaint in Intervention with the Clerk of the Court using the ECF system which sent notification of each filing to the following:

F. Douglas Montague, III, Esq.
Post Office Box 1975
Hattiesburg, MS 39403-1975

J. Mark Graham, Esq.
Equal Employment Opportunity Commission
Ridge Park Place, Suite 2000
1130 22nd Street, South
Birmingham, AL 35205

This the 3rd day of May, A.D., 2006.

s/MICHAEL ADELMAN