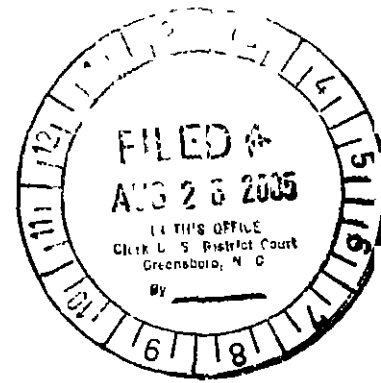


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
GREAT STEAKS, INC. and CLIPPER)
SEAFOOD RESTAURANT, INC. d/b/a)
AUSTIN'S RESTAURANT)
)
Defendant.)
_____)

CIVIL ACTION NO.

COMPLAINT
JURY TRIAL DEMAND

1:05CV00744

NATURE OF THE 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 to provide appropriate relief to Dorothy Carter and other similarly situated female employees who were adversely affected by the practices. As alleged with greater particularity below, the Commission alleges that Defendants Great Steaks, Inc. and Clipper Seafood Restaurant, Inc. d/b/a Austin's Restaurant ("Defendants"), discriminated against Dorothy Carter and other similarly situated female employees by subjecting them to a sexually hostile work environment. The Commission further alleges that as a result of the sexual harassment, the conditions of employment for some of the aggrieved individuals were made so intolerable that they were forced to resign.

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) and
707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U S C §2000e-5(f)(1) and (3)
and -6 ("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 the Middle District of North Carolina

PARTIES

3 Plaintiff, the Equal Employment Opportunity Commission (the "Commission"),
is the agency of the United States of America charged with the administration, interpretation and
enforcement of Title VII of the Civil Rights Act and is expressly authorized to bring this action by
Sections 706(f)(1) and (3) and 707 of Title VII, 42 U S C §2000e-5(f)(1) and (3) and -6

4 At all relevant times, Defendant Great Steaks, Inc has continuously been a North
Carolina corporation doing business in the State of North Carolina and the City of Greensboro and
has continuously had at least fifteen employees

5 At all relevant times, Defendant Great Steaks, Inc has continuously been an
employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title
VII, 42 U S C §§ 2000e(b), (g) and (h)

6 At all relevant times, Defendant Clipper Seafood Restaurant, Inc has continuously
been a North Carolina corporation doing business in the State of North Carolina and the City of
High Point and has continuously had at least fifteen employees

7 At all relevant times, Defendant Clipper Seafood Restaurant, Inc has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U S C §§ 2000e(b), (g) and (h)

8 On information and belief, Defendants Great Steaks, Inc and Clipper Seafood Restaurant, Inc , jointly operate Austin's Restaurant facilities in Greensboro, North Carolina and High Point, North Carolina as joint employers and/or as an integrated business enterprise

STATEMENT OF CLAIMS

9 More than thirty days prior to the institution of this lawsuit, Dorathy Carter filed a charge with the Commission alleging violations of Title VII by Defendants All conditions precedent to the institution of this lawsuit have been fulfilled

10 Since at least August 2004, Defendants have engaged in unlawful employment practices at their facilities located in Greensboro, North Carolina, and High Point, North Carolina, in violation of Section 703(a)(1) and 707 of Title VII, 42 U S C § 2000e-2(a)(1) and -6 Specifically, Defendants subjected Dorathy Carter and other similarly situated female employees to a sexually hostile work environment based on their sex, female The sexual harassment included unwelcome sexual touching and sexual comments by Defendants' male owner As a result of the sexual harassment, the conditions of employment for some of the aggrieved women were made so intolerable that they were forced to resign

11 The effect of the practices complained of in paragraph 10 above has been to deprive Dorathy Carter and other similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female

12 The unlawful employment practices complained of in paragraph 10 above were intentional

13 The unlawful employment practices complained of in paragraph 10 above were done with malice or with reckless indifference to the federally protected rights of Dorothy Carter and other similarly situated female employees

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court

A Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from sexual harassment or any other employment practice that discriminates on the basis of sex

B Order Defendants to institute and carry out policies, practices, and programs that provide equal employment opportunities for women and which eradicate the effects of their past and present unlawful employment practices

C Order Defendants to make whole female employees who were forced to resign as alleged in paragraph 10 above, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement

D Order Defendants to make whole Dorothy Carter and other similarly situated female employees by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraph 10 above, including but not limited to medical expenses, in amounts to be determined at trial

E Order Defendants to make whole Dorothy Carter and other similarly situated female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 10 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, and loss of civil rights in amounts to be determined at trial

F Order Defendants to pay Dorothy Carter and other similarly situated female employees punitive damages for their malicious and reckless conduct, as described in paragraph 10 above, in amounts to be determined at trial

G Grant such further relief as the Court deems necessary and proper in the public interest

H Award the Commission its costs of this action

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint

DATED this 26th day of August, 2005

Respectfully submitted,

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