

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

FILED  
JUN 29 2001

DAVID W. DANIEL, CLERK  
US DISTRICT COURT, EDNC  
BY SAJ DEP. CLERK

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BARTON COLLEGE, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CIVIL ACTION NO.

5:01-CV-493-BO(2)

COMPLAINT  
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Right 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 Nicole Duran, who was adversely affected by such practices. The Commission alleges that Barton College discriminated against Ms. Duran when it refused to hire her as an Assistant Professor because of her pregnancy.

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 United States District Court for the Eastern District of North Carolina.

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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 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, Barton College, ("Defendant") has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Wilson, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant 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

6. More than thirty days prior to the institution of this lawsuit, Nicole Duran filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. In or about May 2000, Defendant engaged in unlawful employment practices at its Wilson, North Carolina campus in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Defendant failed to hire Nicole Duran as an Assistant Professor at its Wilson, North Carolina campus because she was pregnant.

8. The effect of the practice complained of in paragraph 7 above has been to deprive Nicole Duran of equal employment opportunities and otherwise adversely affect her status as an applicant for employment because of her sex, female.

9. The unlawful employment practice complained of in paragraph 7 above was intentional.

10. The unlawful employment practice complained of in paragraph 7 above was done with malice or with reckless indifference to the federally protected rights of Nicole Duran.

PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from refusing to hire women based on their sex, including pregnancy, and from any other employment practice which discriminates on the basis of sex, including pregnancy.

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

C. Order Defendant to make whole Nicole Duran, by providing appropriate back pay and benefits with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to hiring or front pay as appropriate.

D. Order Defendant to make whole Nicole Duran by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search expenses and medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Nicole Duran by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, and loss of self-esteem, in amounts to be determined at trial.

F. Order Defendant to pay Nicole Duran punitive damages for its malicious and reckless conduct described in paragraph 7 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.

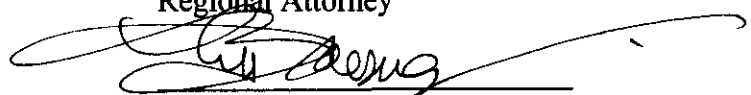
DATED this 29<sup>th</sup> day of June, 2001.

Respectfully submitted,

GWENDOLYN Y. REAMS  
Acting Deputy General Counsel

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A handwritten signature in black ink, appearing to read 'Zoë G. Mahood', written over a horizontal line.

ZOË G. MAHOOD  
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