

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

FILED  
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U.S. DISTRICT COURT  
W. DIST. OF N.C.

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

v.

BLUE MAX TRUCKING, INC.,

Defendant.

CIVIL ACTION NO. 3:02CV 273-MU

COMPLAINT

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 Debra A. Benson who was adversely affected by the practices, as discussed more fully below. Plaintiff, the United States Equal Employment Opportunity Commission, alleges that Defendant Blue Max Trucking, Inc. discriminated against Debra A. Benson because of her sex, female.

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 the Western District of North Carolina.

## PARTIES

3. Plaintiff, the United States Equal Employment Opportunity Commission (“EEOC” or “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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Blue Max Trucking, Inc. (“Defendant”) has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Charlotte 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 under 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, Debra A. Benson 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. From approximately October 1999 to July 2001, Defendant engaged in unlawful employment practices at its facility located in Charlotte, North Carolina, in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2 (a) (1). Specifically, Defendant subjected Debra A. Benson, who was employed as a dump truck driver, to discrimination by subjecting her to a sexually hostile work environment based on her sex. The sexual harassment included unwelcome sexual comments and requests for sexual favors. The harassment occurred in person, over the telephone, and over company and citizen band radios.

8. The effect of the practices complained of in paragraph 7 above have been to deprive Debra A. Benson of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex, female.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Debra A. Benson.

#### PRAYER 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 subjecting employees to sexual harassment or any other employment practice that discriminates on the basis of sex.

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 Debra A. Benson by providing appropriate lost wages with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described in paragraph 7 above.

D. Order Defendant to make whole Debra A. Benson by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above in amounts to be determined at trial.

E. Order Defendant to make whole Debra A. Benson by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 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 Defendant to pay Debra A. Benson punitive damages for its malicious and reckless conduct, as described 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.

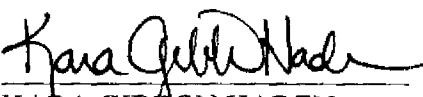
DATED this 28<sup>th</sup> day of June 2002.

Respectfully submitted,

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