

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

FILED
CHARLOTTE, N.C.

SEP 5 2002

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

BLUE MAX TRUCKING,)

Defendant.)

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

Civil Action No. 3:02CV273

CLAIM OF INTERVENOR DEBRA BENSON

Pursuant to Rule 24 of the Federal Rules of Civil Procedure and 42 USC § 2000e-5 (f)

(1), intervenor Debra Benson hereby states and alleges the following:

ACTION

1. This is an action which was instituted pursuant to Title VII of the Civil Rights Act of 1964, as amended, by the plaintiff, Equal Employment Opportunity Commission (EEOC) to correct unlawful employment practices on the basis of race and sex committed by Defendant and to provide appropriate relief to the aggrieved person who was damaged by such practices by Defendant in the operation of Blue Max Trucking in Charlotte, North Carolina. The intervenor who is an "aggrieved person" within the meaning of 42 USC § 2000e-5 (f) (1) is intervening in this action as a matter of right.
2. Pursuant to Rule 10 of the Federal Rules of Civil Procedure, intervenor hereby adopts by reference all statements, allegations, and pleadings included in EEOC's complaint, which was filed in this action.

JURISDICTION AND VENUE

3. Jurisdiction of this Court is invoked pursuant to 28 USC § § 451, 1331, 1337, 1343, and 1345, and the doctrine of supplemental jurisdiction. This action is instituted pursuant to Title VII of the Civil Rights Act of 1964 as amended, 42 USC § 2000e-5 (f) (1) and (3) and the Civil Rights act of 1991, 42 USC § 1981a.
4. The employment practices alleged herein were committed in this district and venue is therefore proper in this Court.

PARTIES

5. Plaintiff, Equal Employment Opportunity Commission (the “Commission”) is an agency of the United States of America charged with the administration, interpretation, and enforcement of the Title VII of the Civil Rights Act of 1964 as amended and is expressly authorized to bring this action by § § 706 (f) (1) and (3) of Title VII of 42 USC § 2000 e-5 (f) (1) and (3).
6. At all relevant times, Defendant Blue Max Trucking was and is a corporation duly organized and existing under the laws of the state of North Carolina and does business in Charlotte, North Carolina and has continuously had at least fifteen (15) employees. At all relevant times, Defendant has continuously been engaged in an industry affecting commerce within the meaning of § § 701 (b) (g) and (h) of Title VII, 42 USC § 2000e (b), (g) and (h).
7. Intervenor is a female citizen of the United States who resides in the Western District of North Carolina.

ADMINISTRATIVE PROCEDURES

8. More than 30 days prior to the institution of this action, intervenor filed a charge with the EEOC alleging violations of Title VII by Defendant. Intervenor has complied with all procedural prerequisites to the filing of this action.

FACTS

9. Since at least January 2000, Defendant has engaged in unlawful employment practices at its Charlotte, North Carolina and Monroe, North Carolina facilities, including:
 - a. Male supervisory and non-supervisory employees of Defendant continuously subjected Debra Benson to sexual harassment because of her sex, female, which consisted in part of the male supervisors' and coworkers' touching her body in a sexually offensive and unwelcome way, soliciting sexual relationships with her, telling sexual jokes to her, and engaging in sexual commentary directed at her. The harassment was so severe and pervasive that it created a sexually hostile work environment;
 - b. Male supervisory and non-supervisory employees of Defendant continuously subjected Debra Benson to racial discrimination. The harassment was so severe and pervasive that it created a racially hostile work environment; and
 - c. Defendant discharged Debra Benson on or about July 19, 2001.

10. The Defendant's actions, including retaliation, were humiliating, embarrassing and extremely stressful to Debra Benson and caused her severe anxiety, humiliation, and loss of self-esteem.
11. The effect of the practices complained of herein has also been to deprive Debra Benson of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex and race.
12. The unlawful employment practices complained of herein were intentional.
13. That as a result of the actions of the Defendant, Debra Benson has suffered compensatory damages including, but not limited to, lost wages, lost fringe benefits and other benefits, pain and suffering, and emotional distress in an amount in excess of \$100,000.00.
14. Defendant at all times has been acting with malice or reckless indifference to the federally protected rights of Debra Benson, and as such she is entitled to Punitive Damages.

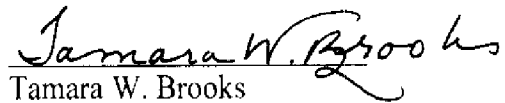
WHEREFORE, the Plaintiff prays the court as follows:

1. That on intervenor's claim for violations of Title VII of the Civil Rights Act of 1964 as amended, intervenor have and recover damages in an amount in excess of \$100,000.00;
2. That on intervenor's claim for punitive damages she have and recover an amount in excess of \$100,000.00;
3. That costs and reasonable attorney's fees be taxed against the Defendant as provided by 42 USC § 2000e-5 (k) and 42 USC § 1998;
4. That all issues of fact be tried by a jury;

5. For such further and other relief as this court deems just and proper.

This the 5 day of Sept, 2002

WIDIS & BROOKS, PLLC



Tamara W. Brooks

Attorney for Debra Benson

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(704) 365-0277

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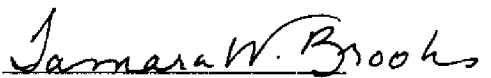
CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has this day served upon the parties named below a copy of the foregoing document by depositing a copy thereof in the United States Mail, postage prepaid, addressed as follows:

Kara Haden
Equal Employment Opportunity Commission
129 W. Trade Street
Suite 400
Charlotte, NC 28202

Michelle P. Massingale
SELLERS HINSHAW AYERS
DORTCH & LYONS
301 South McDowell Street
Suite 410 Cameron Brown Bldg.
Charlotte, NC 28204-2686

This the 5 day of Sept, 2002.


Tamara W. Brooks