

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

APR 31 1999

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
CAROLINA FLOOR SYSTEMS, INC.,)
)
Defendant.)
_____)

CIVIL ACTION NO. 3:99cv122-H

COMPLAINT

JURY TRIAL DEMANDED

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 race, and to provide appropriate relief to Kyp Gore, an African-American. Plaintiff, the Equal Employment Opportunity Commission, alleges that Carolina Floor Systems, Inc., subjected Mr. Gore to harassment based on his race.

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, Charlotte,

Division.

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 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, Carolina Floor Systems, 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 (15) 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, Kyp Gore 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. Beginning around November 1997 and continuing until around January 1998, Defendant engaged in unlawful employment practices at its Charlotte, North Carolina facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1).

Specifically, Defendant subjected Kyp Gore to harassment based on his race by maintaining a racially hostile work environment. The racial harassment included racially derogatory comments, name-calling and jokes. Although Mr. Gore complained about the racial harassment, and Defendant otherwise knew or reasonably should have known about the racial harassment, Defendant failed to take appropriate action to stop it.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Kyp Gore of equal employment opportunities and otherwise adversely affect his status as an employee because of his race, African-American.

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 Kyp Gore.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Carolina Floor Systems, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in racial harassment of African-American employees, and any employment practice which discriminates on the basis of race.

B. Order Defendant Carolina Floor Systems, Inc., to institute and carry out policies, practices, and programs which

provide equal employment opportunities for African-American employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Carolina Floor Systems, Inc., to make whole Kyp Gore, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

D. Order Defendant Carolina Floor Systems, Inc., to make whole Kyp Gore, 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.

E. Order Defendant Carolina Floor Systems, Inc., to pay Kyp Gore, punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

G. Award the Commission its costs of this action.


JURY TRIAL DEMAND

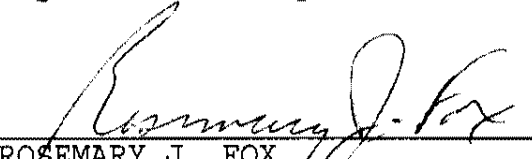
The Commission requests a jury trial on all questions of fact raised by its complaint.


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