

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA **APR 24 2000**  
CHARLOTTE DIVISION

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CROWDER CONSTRUCTION COMPANY, )  
 )  
 )  
Defendant. )  
\_\_\_\_\_ )

**U. S. DISTRICT COURT**  
**W. DIST. OF N. C.**  
CIVIL ACTION NO. *3:00 cv 186-Mck*  
COMPLAINT  
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices on the basis of race and to provide appropriate relief to John A. Warren, John C. Warren, and Defendant's current and former Black employees as a class, who were adversely affected by such practices. John A. Warren, John C. Warren and similarly situated Black employees of Defendant were subjected to racial harassment and a racially hostile work environment due to their race, Black, by Crowder Construction Company.

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 ("Title VII"), as amended, 42 U.S.C. § 2000e-5(f)(1) and (3).

2. The employment practices alleged to be unlawful were

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committed within the jurisdiction of the United States District Court for the 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 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, Crowder Construction Company, (the "Employer"), 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 15 employees.

5. At all relevant times, Defendant Employer 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, John A. Warren and John C. Warren filed separate charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution

of this lawsuit have been fulfilled.

7. From on or about September 8, 1998 to the present, Defendant Employer 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). The unlawful practices included subjecting John A. Warren, John C. Warren and Blacks, as a class, to a racially hostile work environment through the repeated use of racially derogatory language and racial epithets, including. The specific incidents which occurred included: hearing Black co-workers referred to as "nigger" or "boy" daily; and, seeing a supervisor approach a Black co-worker with a noose while stating: "this is what we used to do to you".

8. The effect of the practices complained of in paragraph 7 above have been to deprive John A. Warren, John C. Warren and Defendant's current and former Black employees, as a class, of equal employment opportunities and otherwise adversely affect their status as employees, because of their race.

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 John A. Warren, John C. Warren and Defendant's current and former Black employees

as a class.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from subjecting individuals to racial harassment and engaging in any other employment practice which discriminates on the basis of race.

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

C. Order Defendant Employer to make whole John A. Warren, John C. Warren and other current and former Black employees of Respondent, as a class, by providing appropriate affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole John A. Warren, John C. Warren and current and former Black employees of Defendant, as a class, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to medical expenses, in amounts to be determined at

trial.

E. Order Defendant Employer to make whole John A. Warren, John C. Warren and current and former Black employees of Defendant, as a class, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay John A. Warren, John C. Warren and current and former Black employees, as a class, punitive damages for its malicious and reckless conduct, as 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 24<sup>th</sup> day of April, 2000.

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