

FILED
CHARLOTTE, N. C.

JUN 9 2005

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

U. S. DISTRICT COURT

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
E & H ELECTRICAL SERVICE, INC.)
)
Defendant.)
_____)

CIVIL ACTION NO. W. DIST. OF N. C.

3:05CV269-MU

COMPLAINT

JURY TRIAL DEMAND

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 Ronald R. Locklear who was adversely affected by the practices. The U.S. Equal Employment Opportunity Commission ("the Commission") alleges that Defendant E & H Electrical Service, Inc. ("Defendant") discriminated against Ronald R. Locklear by subjecting him to a racially hostile work environment because of his race, Native American.

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 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 of the Civil Rights Act of 1964, 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 has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Indian Trail 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, Ronald R. Locklear 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 around October 2002 until around April 2003, Defendant engaged in unlawful employment practices at its Indian Trail, North Carolina facility in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). Specifically, Defendant subjected Ronald R. Locklear to discrimination based on his race, Native American, by subjecting him to severe or pervasive racial comments that created a racially hostile work environment. The racial harassment included unwelcome derogatory comments and name calling, such as "redskin," "Injun Joe," "Chief" and "half breed," all of which was based on Mr. Locklear's race. The

harassment was perpetrated by Defendant's owner and two or more of Mr. Locklear's co-workers. Although Mr. Locklear complained to Defendant about the racial harassment, and Defendant otherwise knew or reasonably should have known about it, Defendant failed to take action to stop it.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ronald R. Locklear of equal employment opportunities and otherwise adversely affect his status as an employee because of his race, Native 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 Ronald R. Locklear.

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 maintaining a racially hostile work environment and from any other employment practice that discriminates on the basis of race.

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

C. Order Defendant to make whole Ronald R. Locklear by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Ronald R. Locklear 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, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

F. Order Defendant to pay Ronald R. Locklear 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.

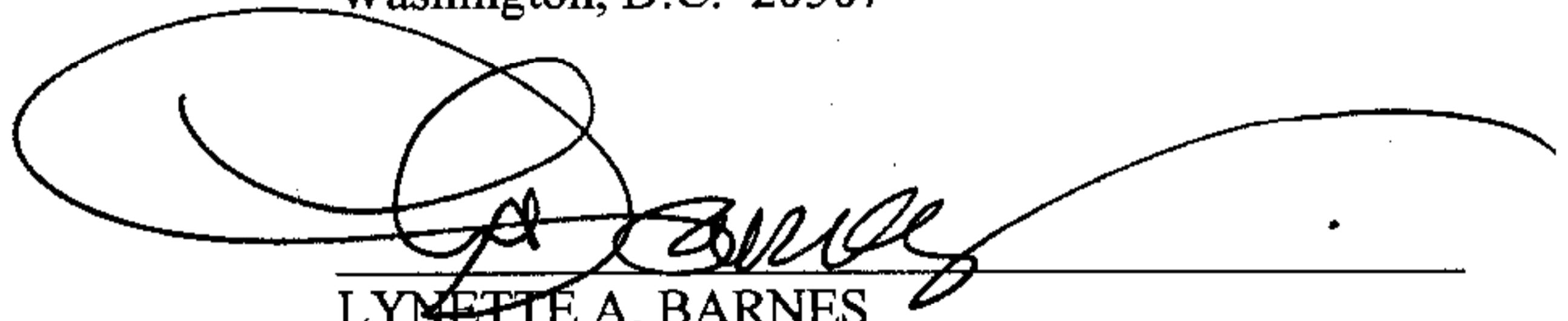
DATED this the 9th day of June, 2005.

Respectfully submitted,

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 L Street, N.W.
Washington, D.C. 20507



LYNETTE A. BARNES
Acting Regional Attorney



MARY M. RYERSE
Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Charlotte District Office
129 West Trade Street, Suite 400
Charlotte, North Carolina 28202
(704) 344-6886

ATTORNEYS FOR PLAINTIFF