

EXHIBIT "A"

FILED

OCT 2 1998

DAVID W. DANIEL, CLERK
US DISTRICT COURT
E. DIST. N. CAROLINA

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

SHEILA A. ZEREHI-CARTER,)
Plaintiff)
v.)
FEDERAL EXPRESS CORPORATION,)
Defendant.)

CIVIL ACTION NO:
5:98-CV-483-BO(2)

COMPLAINT
JURY TRIAL DEMAND

PLAINTIFF, SHEILA A. ZEREHI-CARTER (hereinafter "Zerehi-Carter"), by and through undersigned counsel, avers as follows in support of her cause of action against Defendant, FEDERAL EXPRESS CORPORATION (hereinafter "Federal Express"):

1. Plaintiff, Zerehi-Carter, is a female adult individual formerly employed by Federal Express at its facility located in Raleigh, Wake County, North Carolina, and she is a resident of Durham, County, North Carolina.
2. Defendant, Federal Express, is a North Carolina corporation, organized and existing under the laws of the State of North Carolina and is authorized to do business in North Carolina; and at all times relevant to this action has employed in excess of 15 employees.

JURISDICTION AND VENUE

3. Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§451, 1331, 1137, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964 (Title VII"), as amended, 42 U.S.C. §§ 2000e. The court has

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jurisdiction over pendant state claims.

4. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of North Carolina, Western Division.

5. At all times relevant, Defendant Federal Express has continuously been an employer engaged in an industry affecting commerce.

COUNT I

"VIOLATION OF 42 U.S.C. § 2000e, et seq."

6. Plaintiff Zerehi-Carter incorporates by reference all prior paragraphs as though fully set forth herein at length.

7. More than thirty days prior to the institution of this lawsuit, Zerehi-Carter filed a charge with the Equal Employment Opportunity Commission (EEOC) alleging violations of Title VII by Defendant Federal Express. See Exhibit "A" attached hereto.

8. From on or about March 5, 1995 through February 1, 1996, Defendant Federal Express through its agents, employees, and/or representatives, acting in the course and scope of their employment, intentionally engaged in an unlawful employment practice by creating a hostile work environment, engaged in unlawful employment practices at its Raleigh, North Carolina facility, in violation of Section 703(a)(1) of Title VII, 42. U.S.C. § 2000(e)(a) (1). The unlawful practice included subjecting Zerehi-Carter to a sexually hostile work environment. The harassment consisted of unwelcome touching, sexual advances, such as slapping Zerehi-Carter on the buttocks, joking about her breasts. Zerehi-Carter was subjected to verbal harassment, insults, threats, and ridicule.

9. The conduct complained of in Paragraph 8 of this Complaint deprived Zerehi-Carter of equal employment opportunities and otherwise adversely affected her status as an employee, because of her sex.

10. The employment practices complained of in paragraph 8 of this Complaint were intentional, pervasive and were committed with malice or with reckless indifference to the federally protected rights of Zerehi-Carter.

11. The harassment Plaintiff Zerehi-Carter has described herein was pervasive and based on Plaintiff's sex, female.

WHEREFORE, Plaintiff Zerehi-Carter respectfully requests that an award of damages, backpay, costs, attorneys fees and other such relief as the Court deems just under the circumstances.

COUNT II

“NEGLIGENCE”

“NEGLIGENT SUPERVISION AND RETENTION”

12. Plaintiff Zerehi-Carter incorporates by reference all prior paragraphs as though fully set forth herein at length.

13. Defendant Federal Express owed a duty to Plaintiff Zerehi-Carter as an employee to provide a safe and secure work environment, free from sexual harassment, intimidation, and free from the threat of physical harm.

14. Defendant Federal Express negligently breached this duty including, but not limited to the following respects:

- a. By hiring and retaining employees who freely and openly engaged in sexual harassment of female employees, including Plaintiff Zerehi-Carter;
- b. By failing to provide proper supervision and control of its employees, so as to prevent the sexual harassment of its female employees, including Plaintiff Zerehi-Carter;
- c. By condoning the ongoing and continual sexual harassment and misconduct by its employees, of its female employees including Plaintiff Zerehi-Carter;
- d. By failing to take appropriate corrective measures against those employees who the Defendant Federal Express knew or should have known were engaging in sexual harassment and misconduct towards its female employees, including Plaintiff Zerehi-Carter.
- e. By allowing to exist and persist an environment at its facility which permitted the open and continual sexual harassment and misconduct directed towards its female employees, including Plaintiff Zerehi-Carter.

15. As a direct and proximate result of defendant's negligence as described herein, Plaintiff Zerehi-Carter suffered intense emotional distress, mental anguish and suffering, all to her damage in an amount in excess of ten thousand dollars (\$10,000.00).

WHEREFORE, Plaintiff Zerehi-Carter respectfully requests judgment in her favor, compensatory damages plus interest, costs, attorney's fees and such other relief as the law allows and the Court deems just under the circumstances.

COUNT III

“NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS”

16. Plaintiff Zerehi-Carter incorporates by reference each preceding paragraph as though fully set forth herein at length.

17. Defendant Federal Express owed Plaintiff Zerehi-Carter a duty to provide a safe and secure work environment, free of sexual harassment, intimidation, and other factors which created a hostile environment. Defendant Federal Express failed to properly supervise, investigate, and discipline its employees when it learned or should have learned of the hostile environment. It was reasonably foreseeable that employees such as Plaintiff Zerehi-Carter would suffer severe emotional distress when such a hostile environment develops.

18. The sexual harassment and the generally hostile environment all constitute extreme and outrageous conduct of Defendant Federal Express through its agents, employees, and/or representatives, acting in the course and scope of their employment. This conduct was intended to cause severe emotional distress and indicated a reckless indifference to the likelihood that such conduct would cause severe emotional distress. The said conduct did cause severe emotional distress to the Plaintiff Zerehi-Carter and caused Plaintiff Zerehi-Carter mental anguish and great suffering.

19. As a direct and proximate result of the defendant's misconduct, Plaintiff Zerehi-Carter suffered intense emotional distress, mental anguish and suffering, all to her damage in an amount in excess of ten thousand dollars (\$10,000.00).

COUNT IV

"PUNITIVE DAMAGES"

20. Plaintiff Zerehi-Carter incorporates by reference each preceding paragraph as though fully set forth herein at length.

21. The foregoing conduct of Defendant Federal Express was a wilful and wanton disregard of the health and well being of Plaintiff Zerehi-Carter as supervisory personnel were continually put on notice of the harassment of Plaintiff Zerehi-Carter, yet did nothing.

22. The foregoing willful and wanton disregard was a proximate cause of Plaintiff's injuries and losses and Plaintiff Zerehi-Carter is entitled to recover damages in an amount in excess of \$10,000.00.

WHEREFORE, Plaintiff Zerehi-Carter prays that she have and recover as follows:

1. A trial by jury as to all issues so triable;
2. Damages for pecuniary and nonpecuniary losses from Defendant Federal Express for discrimination based upon sex in an amount to be determined by a jury, but in an amount in excess of \$1,000,000;
3. Interest and attorney's fees from Defendant Federal Express to the extent permitted by law;
4. Costs of this action to be taxed to the Defendant Federal Express; and
5. For such and further relief as the Court may deem just and proper.

This the 14th day of July, 1998.

HOLLOWELL, PEACOCK & MEYER, P.A.

BY: Deborah N. Meyer

Deborah N. Meyer

N. C. State Bar No. 19186

Deborah A. Pople

N. C. State Bar No. 23970

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Attorneys for Plaintiff

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

 FEPA
 EEOC

141960316

_____ and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ms. Sheila A. Zerehi-Carter

HOME TELEPHONE (Include Area Code)

(919) 493-7614

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

3311 Shannon Road, Apartment #37-C, Durham, NC 27707

10/16/56

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Federal Express

Cat A (15-100)

(919) 840-2575

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

1220 International Drive, Building R, Raleigh, NC 27623

183

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST
 RACE COLOR SEX RELIGION NATIONAL ORIGIN
 RETALIATION AGE DISABILITY OTHER (Specify)

12/01/95 12/01/95

 CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. From around March 1995 through December 1995, I was subjected to sexual harassment by my male co-workers. I have been employed with Federal Express since March 5, 1995 in the position of Handler. Federal Express employs more than 15 persons.

II. No reason was given to me for the sexual harassment.

Federal Express has a sexual harassment policy.

III. I believe that I was discriminated against on account of my sex, Female, in violation of Title VII of the Civil Rights Act of 1964, as Amended.

I. From around November 9, 1995, and continuing until I was placed on medical leave effective February 1, 1996, I was subjected to harassment, in that, my co-workers called me names, talked loudly to me, and placed me on assignments with those persons who sexually harassed me.

II. I reported the continual harassment to Gary Sheehan (Male), Sr. Manager, but he stated that there was nothing he could do about it. He told me that I was placed on assignments with those persons who sexually harassed me because I was "trained."

** Text Continued on Attached Sheet(s) **

 I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

Date 10 April 96


 Charging Party (Signature)

EEOC FORM 57 (Rev. 08/92)

CHARGING PARTY COPY

Equal Employment Opportunity Commission
Form 5 - Charge of Discrimination, Additional Text

Federal Express does have a harassment policy, but it does not address any particulars.

III. I believe that I was discriminated against in retaliation for opposing sexual harassment in March and October 1995.

VERIFICATION

NORTH CAROLINA

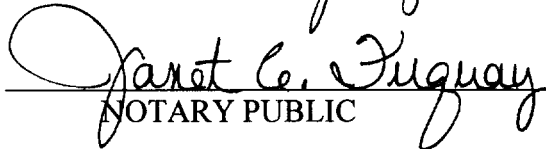
Wake COUNTY

SHEILA A. ZEREHI-CARTER, being first duly sworn, deposes and says that she is the Movant/Intervenor in the above entitled action and that she has read the foregoing Motion to Intervene and attached Complaint, and that the same is true to her own knowledge except as to those matters stated upon information and belief, and as to those matters she believes the same to be true.


SHEILA A. ZEREHI-CARTER

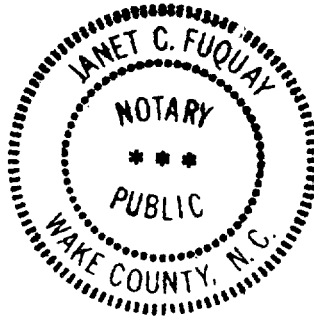
SWORN TO and subscribed before me

this the 8th day of July, 1998.


NOTARY PUBLIC

My Commission Expires:

4-6-2002



CERTIFICATE OF SERVICE

The undersigned attorney for Plaintiff hereby certifies that on this date she served the foregoing Motion to Intervene to all parties in this action by depositing a copy thereof in the United States mail, postage prepaid, and addressed as follows:

C. Gregory Stewart
General Counsel
Equal Employment Opportunity Commission
1801 "L" Street, N.W.
Washington, D. C. 20507

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This the 14th day of July, 1998.

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