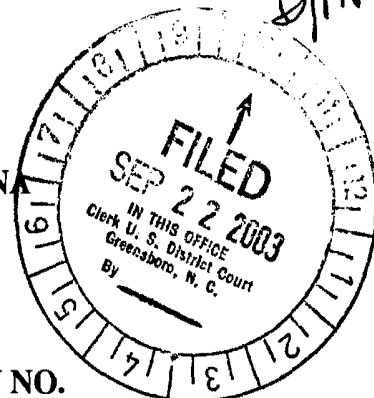


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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION



EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
GREENSBORO FITNESS, L.L.C.,)
d/b/a GOLD'S GYM)
)
Defendant.)
_____)

CIVIL ACTION NO.

1:03CV00900

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 sex, female, and to provide appropriate relief to employees who were adversely affected by such practices. The Commission alleges that Defendant, Greensboro Fitness, L.L.C. d/b/a Gold's Gym, discriminated against Latrishia Asante, Julie Midkiff and other similarly situated female employees, by subjecting them to sexual harassment.

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 Middle 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 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 Greensboro Fitness, L.L.C. d/b/a Gold's Gym has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Greensboro and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym 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, Latrisha Asante and Julie Midkiff filed charges with the Commission alleging violations of Title VII by Greensboro Fitness, L.L.C. d/b/a Gold's Gym. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least October 2001 to December 2001, Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym engaged in unlawful employment practices at two of its facilities located in Greensboro North Carolina, in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2 (a) (1). Specifically, Defendant subjected Latrisha Asante, Julie Midkiff and other similarly situated female employees to discrimination based on their sex by subjecting them to a sexually hostile work environment. The sexual harassment included repeated unwelcome sexual

comments by one of Defendant's managers, who had supervisory authority over female employees, including Latrisha Asante and Julie Midkiff.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Latrisha Asante, Julie Midkiff and other similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female.

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 Latrisha Asante, Julie Midkiff and other similarly situated female employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment or any other employment practice that discriminates on the basis of sex.

B. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to institute and carry out policies, practices, and programs that provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to make whole Latrisha Asante, Julie Midkiff and other similarly situated female employees 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.

D. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to make whole Latrisha Asante, Julie Midkiff and other similarly situated female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices described 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.

E. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to pay Latrisha Asante, Julie Midkiff and other similarly situated female employees punitive damages for its malicious and reckless conduct, as 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.

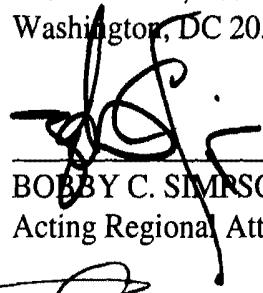
DATED this 19th day of September, 2003.

Respectfully submitted,
**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION, PLAINTIFF**

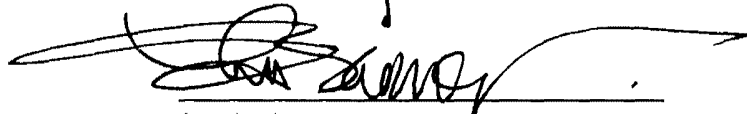
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