

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

JUN 30 1999

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
THE GEHL CORPORATION d/b/a/)
THE GEHL GROUP,)
)
)
Defendant.)
_____)

U.S. DISTRICT COURT
W. DIST. OF N.C.
CIVIL ACTION NO. 3:99 cv 294. mck
COMPLAINT
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Harriet Owens and a class of similarly situated female candidates for employment who were adversely affected by such practices. The Commission alleges Defendant failed to hire Harriet Owens and a class of similarly situated female candidates for employment on account of their sex, thereby depriving them of equal employment opportunities.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Secs. 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. Secs. 2000e-5(f)(1) and (3) and 2000e-6, and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Sec. 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 and elsewhere.

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) and 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6.

4. At all relevant times, Defendant, The Gehl Group, Inc. (the "Employer"), has continuously been a Florida 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, Harriet Owens filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 1992, Defendant Employer has engaged in unlawful employment practices at its office in Charlotte, North

Carolina and at approximately 140 other offices it owns and operates in over 30 states, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Harriet Owens and a class of similarly situated female candidates for employment were denied employment opportunities in telemarketing sales positions with Defendant Employer on account of their sex, female.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Harriet Owens and a class of similarly situated female candidates for employment of equal employment opportunities because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above constitute a pattern or practice of unlawful sexual discrimination actionable pursuant to Section 707 of Title VII, 42 U.S.C. § 2000e-6. The unlawful employment practices complained of in paragraph 7 above also constitute a continuing violation of Title VII.

10. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

11. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Harriet Owens and a class of similarly situated female candidates for employment.

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 denying females equal employment opportunities on account of their sex and from engaging in any other employment practice which discriminates on the basis of sex.

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

C. Order Defendant Employer to make whole Harriet Owens and a class of similarly situated female candidates for employment, by providing each with employment, appropriate backpay, with pre- and post-judgment interest in amounts to be proved at trial, and with other appropriate affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Harriet Owens and a class of similarly situated female candidates for employment 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 Harriet Owens and a class of similarly situated female candidates for

employment, 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, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Harriet Owens and a class of similarly situated female candidates for employment 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.

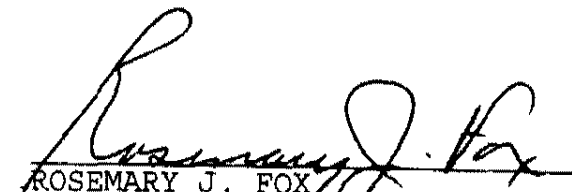
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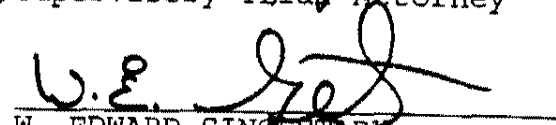
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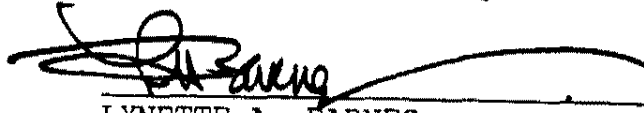
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