

FILED

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

1999 3 1 100

David W. Daniel, Clerk
US District Court, EDNC

By TC Dep. Clerk

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
THE NEWS AND OBSERVER PUBLISHING)
COMPANY,)
)
Defendant.)

CIVIL ACTION NO. 5:99-cv-
582-73

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 religion, and to provide appropriate relief to Timothy Wilkins who was adversely affected by such practices. The Commission alleges that the Defendant discriminated against Timothy Wilkins when it failed to promote him and discharged him because of his religious beliefs, i.e., Baptist, including his belief that gay men and lesbians can be transformed into heterosexuals.

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 Sections 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) and 2000e-6 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

2. 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.

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), 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, The News & Observer Publishing Company has continuously been doing business in the State of North Carolina and the City of Raleigh, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of 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, Timothy Wilkins filed charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. In or about August 1997, Defendant 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. § 2000e-

2(a)(1), including the following:

a.) refusing to promote Timothy Wilkins because of his religious belief and practice. Specifically, Defendant refused to promote Timothy Wilkins because he publicly voiced his sincerely held religious belief, that as a Baptist, he could transform gay men and lesbians into heterosexuals; and

b.) discharging Timothy Wilkins because of his sincerely held religious belief described above.

8. The effect of the practices complained of in paragraph 7 has been to deprive Timothy Wilkins of equal employment opportunities and otherwise affect his status as an employee, because of his religion.

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 Timothy Wilkins.

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 engaging in religious discrimination.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, including an effective policy prohibiting religious discrimination, all of which eradicate the effects of its past unlawful employment practices.

C. Order Defendant to make whole Timothy Wilkins by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices as alleged in paragraph 7, including but not limited to back pay, with pre- and post-judgment interest and reinstatement.

D. Order Defendant to make whole Timothy Wilkins by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 in amounts to be determined at trial.

E. Order Defendant to make whole Timothy Wilkins by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7, including pain, suffering, emotional pain, humiliation, loss of business opportunity, loss of enjoyment of life, and inconvenience, in amounts to be determined at trial.

F. Order Defendant to pay punitive damages to Timothy Wilkins for its malicious and reckless conduct as described in paragraph 7 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

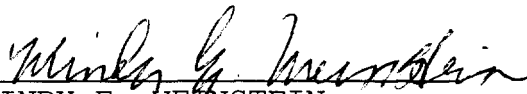
The Commission requests a jury trial on all questions of fact raised by its complaint.

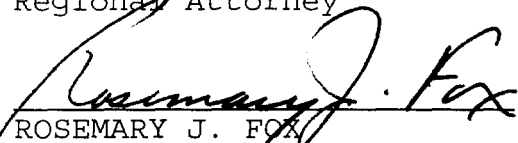
Dated this 30th day of August, 1999.

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