

U.S. Equal Employment Opportunity Commission
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2004-05-11 1:24

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
BLACKWELL'S BOOK SERVICES,)
)
Defendants.)
_____)

CIVIL ACTION NO.
04CV2589 (SSB)
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 retaliation and to provide appropriate relief to Darlene Vaughan (Black) who was adversely affected by such practices. As alleged with greater particularity in paragraph 7 below, Defendant Employer Blackwell's Book Services subjected Darlene Vaughan to unlawful retaliation when Defendant abruptly and without warning terminated her employment after she complained about racial harassment by a white supervisor at Defendant's facility. As a result of the discrimination, Ms. Vaughan suffered backpay losses and emotional distress damages.

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 704(a), and 706 (f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-3(a), and §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 District of New Jersey.

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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Blackwell's Book Services ("Blackwell's") (the "Employer"), has continuously been doing business in the State of New Jersey, and the City of Blackwood, 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 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, Darlene Vaughan 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 in or about September 2002, Defendant Employer has engaged in unlawful employment practices at its Blackwood, New Jersey facility, by unlawfully subjecting Ms. Vaughn to retaliation because she complained of racial harassment in violation of Section 704(a)(1) of Title VII, 42 U.S.C. §2000c-(a). These unlawful practices include, but are not limited to, the following:

(a) From on or about March 30, 1998, until her retaliatory discharge on or about November 7, 2002, Darlene Vaughan held the position of Book Processor with Defendant Blackwell's Book Services.

(b) Throughout Ms. Vaughan's employment with Defendant she received good performance reviews and evaluations. Ms. Vaughan's most recent evaluation, in or about June 2002, rated her overall performance as "meets/exceeds expectations."

(c) Between November 2001 and November 2002, Ms. Vaughan participated in and was co-chair of Defendant's "Staff Quality Forum", a committee formed to discuss operational efficiency, customer service, and other quality of work issues at Defendant's workplace. The other co-chair person of the committee was Patricia Santarpio, who subsequently became Ms. Vaughan's direct supervisor. After Ms. Vaughan joined the Staff Quality Forum, employees began to lodge complaints of racial discrimination and harassment against a particular white supervisor.

(d) After receiving the employee complaints of racial harassment, Ms. Vaughan advised Defendant's Vice-President, Andrew Hutchinson, and Defendant's Human Resource Officer, Diane Blithe, of the employees' complaints. Thereafter, an investigation ensued which confirmed the allegations, and in or about September 2002, the white supervisor was terminated.

(e) Thereafter, Ms. Vaughan was told by several employees, including her supervisor, Patricia Santarpio, that certain management employees were upset because she brought forth the complaints of racial harassment which then resulted in the termination of the white supervisor. Ms. Santarpio strongly advised Ms. Vaughan to resign from the Staff Forum Committee.

(f) After she complained of racial harassment on behalf of employees to Defendant's officials, Ms. Vaughan was subjected to retaliation, including but not limited to, disparate treatment, heightened scrutiny concerning her work, and direction to resign from the committee. As a result of the retaliation, Ms. Vaughan complained to Defendant's Director of Human Resources, Virginia Phender, and Diane Blithe, in Human Resources.

(g) Ms. Vaughan's requested to transfer to a different department because of the retaliation; however, Defendant denied her request.

(h) On or about the morning of November 7, 2002, the day before a scheduled meeting with Defendant's Vice President of Human Resources, John Elliott, to discuss the retaliation, Ms. Vaughan was abruptly terminated.

8. The effect of the practices complained of in paragraph 8(a)-(h) above have been to deprive Darlene Vaughan of equal employment opportunities and otherwise adversely affect her status as an employee, because she engaged in protected activity under Title VII.

9. The unlawful employment practices complained of in paragraph 8(a)-(h) above were intentional.

10. The unlawful employment practices complained of in paragraph 8(a)-(h) above were done with malice or with reckless indifference to the federally protected rights of Darlene Vaughan, because she engaged in protected activity under Title VII.

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 engaging in any other employment practice which discriminates on the basis of retaliation.

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

C. Order Defendant Employer to make whole Darlene Vaughan, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Darlene Vaughan, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7(a)-(h) above, including job search expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Darlene Vaughan, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7(a)-(h) above, including emotional pain, suffering, depression, anxiety, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Darlene Vaughan, punitive damages for its malicious and reckless conduct described in paragraph 7(a)-(h) 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.

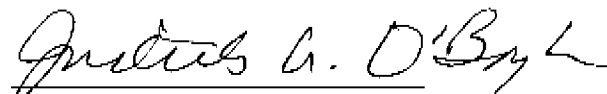
Respectfully submitted,

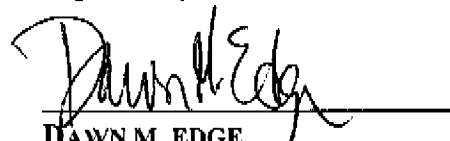
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