

U.S. Equal Employment Opportunity Commission  
21 S. 5<sup>th</sup> Street, Suite 400  
Philadelphia, PA 19106  
Dawn M. Edge  
DME-9705  
Attorney for Plaintiff  
(215) 440-2687

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

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
 )  
**Plaintiff,** )  
 )  
**v.** )  
 )  
**SIMPSON, HERBERT & ASSOCIATES,** )  
**d/b/a GEMINI SECURITY,** )  
 )  
**Defendant.** )

**CIVIL ACTION NO.**

**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 Wanda Powell and a class of female employees who were adversely affected by such practices. As alleged with greater particularity in paragraph 7 below, the Commission alleges that during her employment, Ms. Powell was subjected to sexual harassment in the form of repeated, unwanted sexually offensive remarks and sexual advances from her supervisor, Joseph Simpson III, Defendant's Field Operations Manager. Despite Ms. Powell's complaints about the conduct, Defendant failed to take effective remedial action to correct the sexually hostile work environment.

In addition, the Commission alleges that a class of female employees were subjected to

sexual harassment by Simpson III, including unwelcome touching, sexual comments and advances. Although these class members complained to Defendant about Simpson's illegal conduct, Defendant failed to take any effective remedial measures, and the harassment continued unabated. As a result of the sexually hostile work environment, which was permitted and condoned by Defendant, Ms. Powell and the class members suffered 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 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 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 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, Simpson, Herbert & Associates, d/b/a Gemini Security, (Defendant Employer) has continuously been doing business in the State of New Jersey and the City of Hillside, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employers have continuously engaged in an industry affecting commerce within the meaning of Section 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 initiation of the lawsuit, Wanda Powell filed a charge of discrimination 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 December March 2004, Defendant Employer has engaged in unlawful employment practices at its Hillside, New Jersey facility as well as its client sites, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These unlawful practices include, but are not limited to, the following:

(a) Ms. Powell began working for Defendant on March 1, 2004, as a Field Security Supervisor, reporting to Joseph Simpson III. Upon information and belief, Defendant provides security services to various client accounts in New Jersey.

(b) Beginning in March 2004, Ms. Powell was subjected to a sexually hostile work environment when Simpson III made sexually offensive remarks and touched Ms. Powell in an offensive and unwelcome manner on a regular basis.

(c) In March 2004 and continuing until December 2004, Mr. Simpson III subjected Ms. Powell to sexually offensive remarks and comments including, but not limited to, requests for sex, describing the size of his penis, telling her she had a "nice butt" or "nice a-s", asking her which sexual positions she liked, that he wanted to kidnap her, and placing his hand on her inner thigh. The conduct occurred at least 4-5 times per week.

(d) Soon after her hire, Ms. Powell complained about the sexually hostile work environment to Defendant's Vice-President, Robert Payne and President, William Casey.

Although they indicated they would “take care of it”, no remedial action took place and the sexual harassment continued.

(f) Ms. Powell continued to complain to Defendant about the sexual harassment until July 2004. Because no remedial action had been taken by Defendant during the prior five (5) months of complaints, Ms. Powell stopped complaining, believing that future complaints would be futile. The sexual harassment stopped in December 2004, because Mr. Simpson was not present in the workplace for several weeks.

(g) Beginning in January 2004, at least two other female employees began being sexually harassed by Joseph Simpson III, at Defendant’s office, and also at client sites. The sexual harassment included, but was not limited to, requests for sex, sexual comments, staring at their breasts, commenting about their body parts, and advising that it “would be good for [their] jobs if [they] slept with him.” Although these female employees complained verbally and/or in writing to Defendant’s Vice-President and President about the unwelcome conduct of Simpson III, no remedial action was taken to stop the sexual harassment.

8. The effect of the practices complained of in paragraphs 7-10 and above has been to deprive Wanda Powell and the class members of equal employment opportunities and otherwise adversely effect their status as an employee because of their gender, female.

9. The unlawful employment practices complained of in paragraph 7-10 were intentional.

10. The unlawful employment practices complained of in paragraph 7-10 were done with malice or with reckless indifference to the federally protected rights of Wanda Powell and a class of female employees.

**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 sexual harassment, and 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, which provide for an harassment free work environment, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to institute and carry out anti-discrimination and sexual harassment policies and complaint procedures.

D. Order Defendant Employer to institute and carry out complaint procedures which encourage employees to come forward with complaints regarding violations of its policies against discrimination and harassment.

E. Order Defendant Employer to institute and carry out a training program which shall promote supervisor accountability imposing on all managers and supervisory personnel a duty to actively monitor their work areas to ensure compliance with policies on non-discrimination and anti-harassment; and requiring all managers and supervisors to report any incidents and/or complaints of harassment and/or retaliation of which they become aware to the department charged with handling such complaints.

F. Order Defendant Employer to make whole Wanda Powell and the class members by providing appropriate back pay and front 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.

G. Order Defendant Employer to make whole Wanda Powell and the class members by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 (a) through (g) above, including, but not limited to out-of-pocket losses, in amounts to be determined at trial.

H. Order Defendant Employer to make whole Wanda Powell and the class members by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 (a) through (g) above, including pain and suffering, humiliation, embarrassment, loss of life's enjoyment and pleasures, depression, anxiety and inconvenience, in amounts to be determined at trial.

I. Order Defendant Employer to pay Wanda Powell and the class members punitive damages for its malicious and reckless conduct described in paragraphs 7 (a) through (g) above, in amounts to be determined at trial.

J. Grant such further relief as the Court deems necessary and proper in the public interest.

K. Award the Commission its costs of this action.

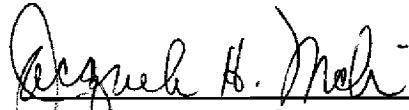
**JURY TRIAL DEMAND**

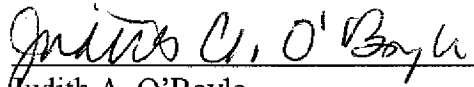
The Commission requests a jury trial on all questions of fact raised by its complaint.


James L. Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Washington, D.C. 20507

  
\_\_\_\_\_  
Jacqueline H. McNair  
Regional Attorney

  
\_\_\_\_\_  
Judith A. O'Boyle  
Supervisory Trial Attorney

  
\_\_\_\_\_  
Dawn M. Edge  
Senior Trial Attorney  
21 S. 5<sup>th</sup> Street, Suite 400  
Philadelphia, PA 19106  
(215) 440-2687