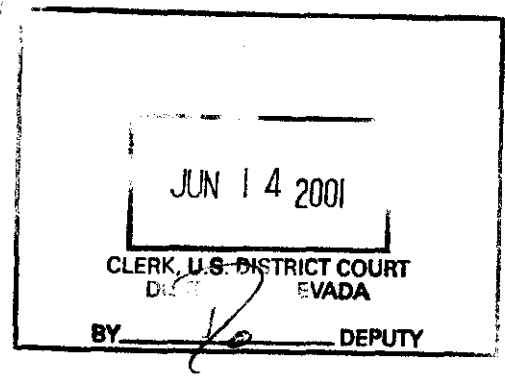


1 T. J. MOORE, LTD.
2 THOMAS J. MOORE
3 626 South Third Street
4 Las Vegas, Nevada 89101
5 Phone: (702) 384-0111
6 Facsimile: (702) 870-1029
7 Attorney for Plaintiff SHERRIE SULLIVAN



8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * * * *

11 U.S. EQUAL EMPLOYMENT
12 OPPORTUNITY COMMISSION

13 Plaintiffs,

14 SHERRIE SULLIVAN

15 Plaintiff Intervener,

16 vs.

17 TIMET CORPORATION, a Corporation,
18 aka TITANIUM METALS CORP.,
19 operating within Clark County, Nevada,
20 DOE Individual(s) I-X, and ROE
21 Corporation(s) I-X,

22 Defendants.

Case No. : CV-S-00-1172-DWH-RJJ

PLAINTIFF'S INTERVENER COMPLAINT
CIVIL RIGHTS ACTION BASED
EMPLOYMENT DISCRIMINATION
(42 U.S.C., §§ 2000e, et seq.)

JURY DEMANDED

23 NATURE OF THIS ACTION

24 I.

25 This action is brought under Title VII, Civil Rights Act of 1964, as amended, and Title 1 of the Civil
26 Rights Act of 1991, to correct unlawful employment practices on the basis of sex, and to provide
27 appropriate relief to Sherrie Sullivan ("Ms. Sullivan"), and other similarly situated female employees who
28 were adversely affected by such practices. Plaintiff Equal Employment Opportunity Commission (the
"EEOC" or "Commission") alleges that Ms. Sullivan and other similarly situated female employees were
discriminated against when they were sexually harassed and subjected to a hostile work environment,
because their sex (female), during their employment with Defendant Titanium Metals Corporation, d/b/a
TIMET ("Defendant TIMET").

35

1 **PARTIES**

2 **II.**

3 Plaintiff, Equal Employment Opportunity Commission, (the "Commission") is the agency of the
4 United States of America charged with the administration, interpretation and enforcement of Title VII and
5 is expressly authorized to bring this action under § 706 (f)(1) and (3) of Title VII, 42 U.S.C., § 2000e-
6 5(f)(1) and (3).

7 **III.**

8 Plaintiff, Intervener, Sherrie Sullivan, was a female employee of DEFENDANT TIMET, at all times
9 relevant to this action. Sullivan is a citizen of the United States residing in Clark County, Nevada and is
10 expressly authorized to intervene in this action pursuant to § 706 (f)(1) of Title VII, 42 U.S.C. § 2000-
11 e5(f)(1).

12 **IV.**

13 At all relevant times, Defendant TIMET has continuously been doing business in the State of
14 Nevada, and the City of Henderson, and has continuously had at least fifteen (15) employees.

15 **V.**

16 At all times relevant, Defendant TIMET has continuously been an employer engaged in an industry
17 affecting commerce within the meaning of §§ 701 (b), (g) and (h) of Title VII, 42 U.S.C., §§ 2000e-(b),
18 (g), and (h).

19 **STATEMENT OF CLAIMS**

20 **VI.**

21 More than 180 days prior to the institution of this lawsuit, Sherrie Sullivan filed a charge with the
22 Commission and NERC alleging violations of Title VII and NRS 613.310 et seq. by Defendant TIMET.
23 The Commission has issued a Letter of Determination finding that Ms. Sullivan an other similarly situated
24 females were subjected to unlawful sexual harassment in violation of Title VII and NRS 613.330. All
25 conditions precedent to the institution of this lawsuit have been fulfilled.

26 **VII.**

27 Since at least June of 1996, Defendant TIMET has engaged in unlawful employment practices at
28 its Henderson, Nevada location, in violation of § 703 (a) of Title VII, 42 U.S.C. § 2000e-2(a) by sexually
harassing Ms. Sullivan and other similarly situated female employees, which affected the terms and

1 conditions of their employment.

2 **VIII.**

3 Although Defendant TIMET had notice of the sexual harassment, it failed to exercise reasonable
4 care to prevent and/or promptly correct the sexually harassing behavior.

5 **IX.**

6 Defendant TIMET caused or permitted unlawful retaliation against Ms. Sullivan after she reporting
7 sex harassment in the workplace.

8 **X.**

9 The proper venue of this action is in this court as Plaintiff was working in this State and district at
10 the time of the illegal treatment.

11 **XI.**

12 Plaintiff has suffered and will continue to suffer irreparable injury caused by Defendant's illegal
13 conduct.

14 **STATE CLAIMS**

15 **XII.**

16 Plaintiff invokes this court's jurisdiction pursuant to Rule 18 (a) of the Federal Rules of Civil
17 Procedure and 28 U.S.C. § 1367 to hear and adjudicate claims arising out of the transactions set forth above
18 that violate rights and duties established by the law of the State of Nevada.

19 **XIII.**

20 The treatment of Ms. Sullivan by Defendant TIMET constituted negligent supervision.

21 **XIV.**

22 Defendant TIMET negligently investigated the sex harassment of Ms. Sullivan.

23 **XV.**

24 Defendant TIMET negligently supervised the employee proximately causing and encouraging the
25 sex harassment of Ms. Sullivan.

26 **XVI.**

27 Defendant TIMET invaded Ms. Sullivan's privacy and defamed her through untrue and unprivileged
28 communications tending to directly injure her reputation.

XVII.

Defendant TIMET actions and failure to protect Ms. Sullivan's from sex harassment and retaliation for reporting sex harassment were done with a conscious disregard for Ms. Sullivan's rights causing her to suffer emotional distress.

PRAYER FOR RELIEF

Wherefore, the Plaintiff respectfully requests that this Court:

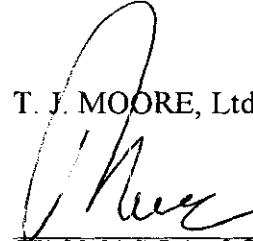
- A. Grant a permanent injunction enjoining Defendant TIMET, its officers, successors, assigns and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of sex;
- B. Order Defendant TIMET, to institute and carry out policies, 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 TIMET to make whole other similarly situated females 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. Defendant be ordered to reinstate Plaintiff into the position or a position substantially similar to the one from which she was transferred, with full salary, seniority, and benefits running from the date of transfer.
- E. Order Defendant Employer to pay Ms. Sullivan and other similarly situated females punitive damages for its malicious and reckless conduct described in paragraphs 7 through 17 above, in amounts to be determined at trial.
- F. Order Defendant Employer to make Ms. Sullivan whole and other similarly situated females by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 through 17 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, 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 of attorneys fees and costs in this action.

JURY TRIAL DEMAND

Plaintiff Sherrie Sullivan requests a jury trial on all questions of fact raised by their complaint.

Respectfully submitted this 2 day of February, 2001.

T. J. MOORE, Ltd.



THOMAS J. MOORE
Attorney at Law
626 South Third Street
Las Vegas, Nevada 89101

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VERIFICATION
of
SHERRIE SULLIVAN

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STATE OF NEVADA)
) ss:
COUNTY OF CLARK

SHERRIE SULLIVAN, being first duly sworn, deposes and says: That She is a Plaintiff in the above entitled action; That she has read the foregoing Complaint and knows the contents thereof, and that the same is true of her own knowledge except for those matters based upon information and belief, which she believes to be true.

SIGNED and DATED this 2 day of Feb, 2001.

SHERRIE SULLIVAN

Sherrie Sullivan
Plaintiff/Complainant

Notary Stamp:

SUBSCRIBED and SWORN to before me this 2nd day of February, 2001.

Michael J. Dawson
NOTARY PUBLIC in and for said STATE and COUNTY.

