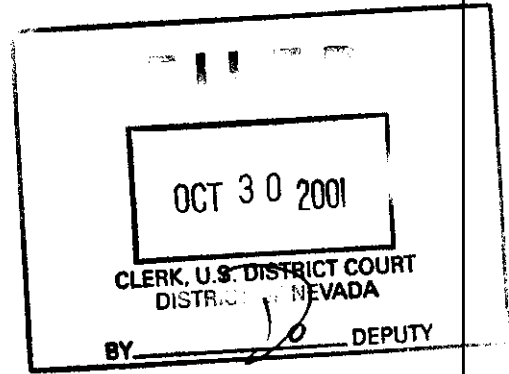


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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 U. S. EQUAL EMPLOYMENT)
16 OPPORTUNITY COMMISSION,)
17 Plaintiff,)
18 SHERRIE SULLIVAN,)
19 Plaintiff Intervener,)
20 v.)
21 TITANIUM METALS CORP., INC.,)
22 d/b/a TIMET,)
23 Defendant.)

24 CASE NO.: CV S-00-1172 DWH (RJJ)
25 **FIRST AMENDED COMPLAINT**
26 **-CIVIL RIGHTS**
27 **EMPLOYMENT DISCRIMINATION**
28 (42 U.S.C. §§ 2000e, *et seq.*)
JURY TRIAL DEMAND

29 NATURE OF THE ACTION

30 This is an action under Title VII of the Civil Rights Act of 1964, and Title I of the Civil
31 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation,
32 and to provide appropriate relief to Sherrie Sullivan ("Ms. Sullivan") and Sharon Owens ("Ms.
33 Owens") and other similarly situated female employees who were adversely affected by such
34 practices. The Commission alleges that Ms. Sullivan and Ms. Owens were sexually harassed
35 and subjected to a hostile work environment, because of their sex (female) and that Ms. Owens
36 and a class of other similarly situated female employees were retaliated against for complaining
37 about sexual harassment and the hostile work environment, during their employment with
38 Defendant Titanium Metals Corporation, d/b/a Timet ("Defendant Employer").

53

1 JURISDICTION AND VENUE

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
3 1343 and 1345.

4 2. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of
5 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title
6 VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

7 3. The employment practices alleged to be unlawful were and are now being
8 committed within the jurisdiction of the United States District Court for the District of Nevada.

9 PARTIES

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

14 5. At all relevant times, Defendant Titanium Metals Corporation, d/b/a Timet,
15 ("Defendant Employer"), a Delaware corporation, has continuously been doing business in the
16 State of Nevada and the City of Henderson, and has continuously had at least 15 employees.

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

20 STATEMENT OF CLAIMS

21 7. More than thirty days prior to the institution of this lawsuit Sherrie Sullivan filed
22 a charge with the Commission alleging violations of Title VII by Defendant Employer. The
23 Commission has issued a Letter of Determination finding that Ms. Sullivan and other similarly
24 situated females were subjected to unlawful sexual harassment and a hostile work environment in
25 violation of Title VII. Sharon Owens has been identified as a class member in this lawsuit for
26 sexual harassment. After the filing of this lawsuit, Ms. Owens filed a separate charge with the
27 Commission alleging violations of Title VII by Defendant Employer including sexual
28 harassment, hostile work environment and retaliation. The Commission has issued a Letter of

1 Determination finding that Ms. Owens and other similarly situated females were subjected to
2 unlawful sexual harassment and a hostile work environment and retaliation in violation of Title
3 VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

4 8. Since in or about 1994, Defendant Employer has engaged in unlawful
5 employment practices at its Henderson, Nevada location, in violation of Section 703(a) of Title
6 VII, 42 U.S.C. § 2000e-2(a) by subjecting Ms. Sullivan, Ms. Owens and other similarly situated
7 female employees to sexual harassment and a hostile work environment, which affected the
8 terms and conditions of their employment.

9 9. Since in or about 1994, Defendant Employer has engaged in unlawful
10 employment practices at its Henderson, Nevada location, in violation of Section 704(a) of Title
11 VII, 42 U.S.C. § 2000e-3(a) by subjecting Ms. Owens and other similarly situated female
12 employees to retaliation, which affected the terms and conditions of their employment.

13 10. The effect of the practice(s) complained of in paragraphs 8 and 9 above has been
14 to deprive Ms. Sullivan, Ms. Owens and other similarly situated female employees of equal
15 employment opportunities and otherwise adversely affect their status as employees, because of
16 their sex and because Ms. Owens and other similarly situated female employees exercised their
17 rights under Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).

18 11. The unlawful employment practices complained of in paragraphs 8 through 10
19 above were intentional.

20 12. The unlawful employment practices complained of in paragraphs 8 through 10
21 above were done with malice or with reckless indifference to the federally protected rights of Ms.
22 Sullivan, Ms. Owens, and other similarly situated female employees.

23 13. As a direct and proximate result of the aforesaid acts of Defendant, Ms. Sullivan,
24 Ms. Owens, and other similarly situated female employees have each suffered emotional pain,
25 suffering, inconvenience, loss of enjoyment of life, humiliation and damages, according to proof.

26 14. As a direct and proximate result of the aforesaid acts of Defendant, Ms. Sullivan,
27 Ms. Owens, and other similarly situated female employees suffered a loss of earnings in an
28 amount according to proof.

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 employment practice which discriminates on the basis of sex and/or retaliation.

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 Ms. Sullivan, Ms. Owens, and other similarly situated female employees, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to sexual harassment and a hostile work environment and retaliation.

D. Order Defendant Employer to make whole Ms. Sullivan, Ms. Owens, and other similarly situated female employees, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 through 10 above, including backpay plus prejudgment interest, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Ms. Sullivan, Ms. Owens, and other similarly situated female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 8 through 10 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 Ms. Sullivan, Ms. Owens, and other similarly situated female employees punitive damages for its malicious and reckless conduct described in paragraphs 8 through 10 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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Associate General Counsel

U.S. EQUAL EMPLOYMENT
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Dated: September 26, 2001



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