

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**COMPREHENSIVE BENEFITS
CONSULTANTS,**

Defendant.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
* **JUL 21 2004**
BROOKLYN OFFICE

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

WEXLER, J.

J. ORENSTEIN, M.J.

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 discrimination (female) retaliation and constructive discharge, and to provide appropriate relief to Jean Marie Addeo and Laura Hart and other similarly situated women who were adversely affected by such practices. As alleged with greater particularity in paragraphs 7 through 9 below, Defendant, Comprehensive Benefits Consultants ("CBC"), created and maintained a hostile work environment based on sex. Defendant constructively discharged Jean Marie Addeo and retaliated against Laura Hart when she participated in protected activity and complained of the sexually hostile environment.

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

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "EEOC"), 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) of Title VII, 42 U.S.C. §§2000e-5.

4. At all relevant times, Defendant, CBC, with offices located in Melville, New York, is incorporated in the United States, has continuously done business in the State of New York, 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, Jean Marie Addeo and Laura Hart 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. Since at least April 2001, Defendant has engaged in unlawful employment practices, in violation of Section 703 (a) of Title VII, 42 U.S.C. § 2000e-2 (a)(2), by creating and maintaining a sexually hostile work environment based on Ms. Addeo's, Ms. Hart's and other similarly situated female employees' sex. These practices have included, but are not limited to:

- a. Defendant repeatedly calling female employees "bitches," "baby," and "fat slob";
- b. Defendant frequently telling Ms. Addeo that she had a "fat ass" and he preferred her to his wife because Ms. Addeo was "meatier";
- c. Defendant frequently commenting to Ms. Addeo that she did not perform oral sex on her husband enough;
- d. Defendant giving women sexual jokes to read while at work;
- e. Defendant, in the presence of female employees, referring to a female client as having a "nice rack" and wanting to put a female client on a conference table and "bang the shit out of her";
- f. Defendant telling Ms. Hart that he could "fuck her and she would enjoy every minute of it."
- g. Subjecting Ms. Addeo to unwanted hugging, grabbing and other unwanted and unwelcome physical contact.

8. Defendant retaliated against Ms. Hart by changing the terms and conditions of her employment when she engaged in a protected activity by participating in an investigation about the sexually harassing conduct.

9. Defendant constructively discharged Ms. Addeo by creating such an intolerably hostile work environment that she was forced to leave her employment with Defendant.

10. The effect of these practices complained of in paragraphs 7, 8 and 9 above has been to deprive Jean Marie Addeo, Laura Hart and other similarly situated women of equal employment opportunities and otherwise adversely affect their status as employees.

9. The unlawful employment practices complained of in paragraphs 7, 8 and 9 above were intentional.

10. The unlawful employment practices complained of in paragraphs 7, 8 and 9 above were done with malice or with reckless indifference to the federally protected rights of Jean Marie Addeo Laura Hart and other similarly situated women.

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 harassing conduct and other employment practices which discriminate on the basis of sex and retaliation.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees regardless of sex and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Jean Marie Addeo, Laura Hart and other similarly situated women 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 reinstatement and promotion.

D. Order Defendant to make whole Jean Marie Addeo, Laura Hart and other similarly situated women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7, 8 and 9 including job search expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Jean Marie Addeo, Laura Hart and other similarly situated women by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7,8 and 9 above, including but not limited to emotional pain and suffering, inconvenience, humiliation, loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Jean Marie Addeo, Laura Hart and other similarly situated women punitive damages for Defendant's malicious and reckless conduct described in paragraphs 7, 8 and 9 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.

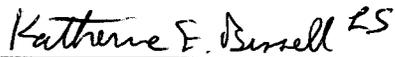
Respectfully submitted,

Eric S. Dreiband
General Counsel

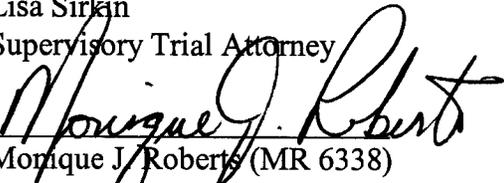
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