

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

Civil Action No. CV

05 4486

-against-

HOME DEPOT U.S.A., INC.,

Defendant,

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y. COMPLAINT

SEP 22 2005

BROOKLYN OFFICE

JURY TRIAL DEMAND  
KRAUFIS, J.

POLLAK, 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 bases of national origin discrimination and retaliation and to provide appropriate relief to Glenford Edwards ("Charging Party") and a class of similarly situated employees affected by such unlawful practices. As alleged with greater specificity below, the Equal Employment Opportunity Commission alleges that Charging Party and a class of similarly situated employees have been subjected to a hostile work environment by Home Depot U.S.A., Inc. due to their national origin, West Indian. Additionally, Charging Party was discharged in retaliation for complaining about the unlawful discrimination.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section

2000e-5(f)(1) and (3) and 2000e-6 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

2. The alleged unlawful employment practices were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of New York.

### **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 Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. Sections 2000e-5(f)(1) and (3) and 2000e-6.

4. At all relevant times, Defendant Home Depot U.S.A., Inc. has continuously been a corporation doing business in the State of New York and the county of New York, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Home Depot U.S.A., Inc. 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. Sections 2000e(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Charging Party filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Starting in at least 2000, Defendant has engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. Section 2000e-2. Defendant has subjected Charging Party and a class of similarly situated employees in its store #1225 in Brooklyn, New York, to a hostile work environment on the basis of their national origin, West Indian (including Jamaican, Trinidadian and Guyanese), consisting of, but not limited to, the following:

- a. Defendant's managers frequently made offensive remarks to Charging Party such as "go back to Jamaica on the banana boat" and ridiculed him about his Jamaican national origin and accent.
- b. Defendant's managers also frequently subjected other West Indian employees to offensive comments, including "why do West Indian people speak so funny and different" and "your kind of people never want to work", and mocked the accents of other West Indian employees.

8. Defendant has engaged in unlawful employment practices in violation of Section 704 of Title VII, 42 U.S.C. Section 2000e-3, in that it retaliated against Charging Party for complaining against the harassment by terminating his employment.

9. The effect of the practices complained of above has been to deprive Charging Party and other similarly situated West Indian employees of equal employment opportunities and otherwise adversely affect their status as employees because of their national origin.

10. The unlawful employment practices complained of above were and are intentional.

11. The unlawful employment practices complained of above were and are done with

malice or with reckless indifference to the federally protected rights of Charging Party and similarly situated West Indian employees.

**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 employment practices which discriminate on the bases of national origin and retaliation.

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

C. Order Defendant to make whole Charging Party and similarly situated West Indian 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, front pay and reinstatement.

D. Order Defendant to make whole Charging Party and similarly situated West Indian employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

E. Order Defendant to make whole Charging Party and similarly situated West Indian employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including pain, suffering and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Charging Party and similarly situated West Indian employees punitive damages for its malicious and reckless conduct described 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.


Dated: September 22, 2005  
New York, New York

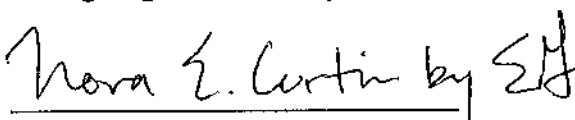
Respectfully submitted,


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