

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and §2000e-6(e), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful 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, 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) and (3) and Section 707(e) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and § 2000e-6(e).

4. At all relevant times, Defendant has continuously been a New York corporation doing business in the State of New York and the County of Kings and has continuously had at least fifteen (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, Mia Maddox and Wendy Mercado 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 2001, Defendant has engaged in unlawful employment practices in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These practices include, but are not limited to, engaging in intentional discrimination against Maddox, Mercado, and a class of similarly situated women by subjecting them to physical and verbal sexual harassment. Defendant subjected Maddox, Mercado, and a class of similarly situated women to physical sexual harassment, including but

not limited to, rape, unwanted kissing, and unwanted touching of their buttocks. Defendant subjected Maddox, Mercado, and a class of similarly situated women to verbal sexual harassment, including but not limited to, repeated inappropriate comments about their breasts and buttocks, sexually explicit discussions, and propositions for sex by male supervisors.

8. Defendant has engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by retaliating against Maddox and Mercado for engaging in protected activity, including but not limited to, opposing the harassment described in paragraph seven (7) above. The retaliation endured by Maddox and Mercado includes, but is not limited to, Defendant terminating Maddox and unfairly disciplining Mercado.

9. All of the practices described in paragraphs seven (7) and eight (8) above are in continuing violation of Sections 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).

10. From at least 2001, Defendant has engaged in a pattern or practice of failing to correct the sexual harassment referenced in paragraphs seven (7) and nine (9) above.

11. The effect of the practices complained of in paragraphs seven (7), eight (8), nine (9), and ten (10) above has been to deprive Maddox, Mercado, and a class of similarly situated women of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

12. The unlawful employment practices complained of in paragraphs seven (7), eight (8), nine (9), and ten (10) above were and are intentional.

13. The unlawful employment practices complained of in paragraphs seven (7), eight (8), nine (9), and ten (10) above were and are done with malice or with reckless indifference to the federally protected rights of Maddox, Mercado, and a class of 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 any employment practice which discriminates on the basis of sex;

B. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating against any employee for participating in protected activity;

C. Order Defendant 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;

D. Order Defendant to make whole Maddox and Mercado by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendant to make whole Maddox and Mercado by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including, but not limited to, job search expenses;

F. Order Defendant to make whole Maddox, Mercado, and a class of similarly situated women by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation;

G. Order Defendant to pay Maddox, Mercado, and a class of similarly situated women punitive damages for its malicious and/or reckless conduct described, in amounts to be determined at trial;

H. Order Defendant and its successors to provide training to its officers, managers and

employees regarding sexual harassment and retaliation in the workplace;

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

and

J. Award the Commission its costs in 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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