

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :

Plaintiff, :

-against- :

MID-STATE MANAGEMENT :
CORPORATION :

and :

FELGREN PAYROLL :
CORPORATION, :

Defendants. :

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Civil Action No.
CV 99 5837

COMPLAINT

JURY TRIAL DEMAND

MANSTEIN, J.
SEP 23 11 52 AM '99
MB (20)
MAN, M.J.
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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, and to provide appropriate relief to Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other female candidates for Porter/Gardener positions in Lefrak City who were adversely affected by such practices. As alleged with greater particularity in paragraph 9, below, Defendants Mid-State Management Corporation and Felgren Payroll Corporation failed to hire women for permanent Porter/Gardener jobs, and laid off Ms. Sands and Ms. Campbell from their temporary Porter/Gardener jobs because of their sex.

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 706(f)(1) and

(1)

(3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-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 Southern 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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Mid-State Management Corporation, (hereinafter "Defendant Mid-State"), has continuously been a New York corporation doing business in the State of New York and the City of New York, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Mid-State 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).

6. At all relevant times, Defendant Felgren Payroll Corporation (hereinafter "Defendant Felgren"), has continuously been a New York corporation doing business in the State of New York and the City of New York, and has continuously had at least 15 employees.

7. At all relevant times, Defendant Felgren 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

8. More than thirty days prior to the institution of this lawsuit, Jennifer Sands and Rhonda Alston filed charges with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least November 1, 1994, Defendant Mid-State and Defendant Felgren have engaged in the following unlawful employment practices at the Queens, New York, apartment complex known as Lefrak City, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2:

- a. Terminating the employment of Jennifer Sands and Annette Campbell because of their sex; and
- b. Failing to hire qualified women, including but not limited to Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, and Candice Simelton for permanent Porter/Gardener positions because of their sex.

10. The effect of the practice complained of in paragraph 9(a) above has been to deprive Jennifer Sands, and Annette Campbell of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

11. The effect of the practice complained of in paragraph 9(b) above has been to deprive Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other female candidates for Porter/Gardener positions of equal employment opportunities and otherwise adversely affect their status as applicants for employment because of their sex.

12. The unlawful employment practices complained of in paragraph 9 above were intentional.

13. The unlawful employment practices complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other female candidates for Porter/Gardener positions.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Mid-State its officers, successors, assigns, and all persons in active concert or participation with it, from discharging or failing to hire women on the basis of their sex and from any other employment practice which discriminates on the basis of sex.

B. Order Defendant Mid-State 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 Mid-State to make whole Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other female candidates for Porter/Gardener positions 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 rightful place hiring or placement of Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other women who were unsuccessful candidates for Porter/Gardener positions

D. Order Defendant Mid-State to make whole Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other female candidates for Porter/Gardener positions by providing compensation for past and future pecuniary losses in amounts to be determined at trial.

E. Order Defendant Mid-State to make whole Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other female candidates for Porter/Gardener positions by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, including pain, suffering and humiliation, in amounts to be determined at trial.

F. Order Defendant Mid-State to pay Jennifer Sands, Rhonda Alston, Annette Campbell, Venita Joyner, Marlene Lunnon Mitchell, Candice Simelton and other female candidates for Porter/Gardener positions punitive damages for its malicious and reckless conduct described in paragraph 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.

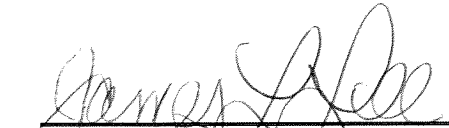
Respectfully submitted,

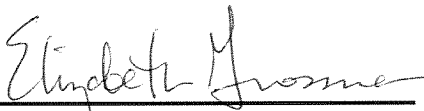
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EQUAL EMPLOYMENT OPPORTUNITY
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