

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

PLAINTIFF,

v.

POLAR AIR CARGO, INC.,

DEFENDANT.
-----X

④
\$579
CIVIL ACTION NO. FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ SEP 28 2005 ★
BROOKLYN OFFICE
COMPLAINT AND
JURY DEMAND

FEUERSTEIN, J.

NATURE OF THE ACTION

MANN, M.

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Charging Party Louise Gettman and other female pilots employed by Defendant Polar Air Cargo, Inc. As charged with greater specificity below, Plaintiff Equal Employment Opportunity Commission alleges that the Defendant refused to allow female pilots flight assignments to the Middle East, and discharged First Officer Gettman in retaliation for complaining that this was discriminatory.

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 706(f)(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 ("CRA 1991").

2. The 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 Equal Employment Opportunity Commission ("EEOC") is an 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) of Title VII, 42 U.S.C. §2000e - 5(f)(1) and (3).

4. At all relevant times, Defendant Polar Air Cargo, Inc. ("Polar Air"), 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 15 employees.

5. At all relevant times Polar Air has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Louise Gettman filed a charge with the Commission alleging violations of Title VII by Polar Air. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Between at least early 2002 and late April, 2003, Defendant Polar Air discriminated against First Officer Louise Gettman and other female pilots, on the basis of sex, female, in violation of Sections 703(a) and 703(b) of Title VII, 42 U.S.C. §2000e-2(a) and §2000e-2(b). Polar Air refused to allow female pilots to fly routes into or out of the Middle East.

8. In late March or early April, 2003, First Officer Gettman complained to

Polar Air's Chief Pilot about the prohibitions against allowing female pilots to fly to the Middle East. After she complained, Polar Air revoked the policy against allowing female pilots to fly to the Middle East, but retaliated against First Officer Gettman. Polar Air terminated her for insubordination, in August 2003, in violation of Section 704 of Title VII, 42 U.S.C. §2000e-3.

9. The effect of the practices complained of in Paragraph 7 above has been to deprive First Officer Gettman and other female pilots employed by Polar Air of equal employment opportunities and to otherwise adversely affect their status as employees because of their sex, female.

10. The effect of the practices complained of in Paragraph 8 above has been to deprive First Officer Gettman of equal employment opportunities and to otherwise adversely affect her status as an employee, in retaliation for complaining about and opposing discrimination based on sex.

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

12. The unlawful employment practices complained of above were and are willful and done with malice or with reckless indifference to the federally protected rights of Louise Gettman and the other female pilots employed by Polar Air.

PRAYER FOR RELIEF

The Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Polar Air, its officers, successors, assigns and all persons in active concert or participation with it from engaging in any employment practices which discriminate on the basis of sex or retaliation.

B. Order Defendant Polar Air to institute and carry out policies, practices and programs which provide equal employment opportunities for female employees, and which eradicate the effects of Defendant Polar Air's past and present unlawful employment practices.

C. Order Defendant Polar Air to make whole Louise Gettman and other female pilots by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of Defendant Polar Air's unlawful employment practices.

D. Order Defendant Polar Air to make whole Louise Gettman and other female pilots by providing compensation for past and future pecuniary losses in amounts to be determined at trial.

E. Order Defendant Polar Air to make whole Louise Gettman and other female pilots by providing compensation for past and future non-pecuniary losses, including pain, suffering, and humiliation in amounts to be determined at trial.

F. Order Defendant Polar Air to pay Louise Gettman and other female pilots punitive damages for its malicious and/or reckless conduct, as described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the EEOC its costs in this action.

JURY DEMAND

The Commission requests a jury trial on all questions of fact raised by its

Complaint.

Dated: New York, New York
September _____, 2005

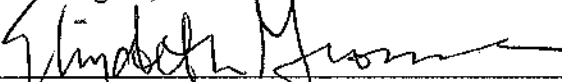
Respectfully submitted,


James L. Lee
Deputy General Counsel

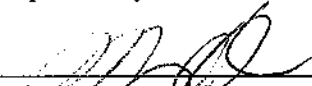
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