

JUDGE ROBINSON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

05 CV 8342
ECF CASE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

-v-

RICHMOND OF NEW YORK (d/b/a
RICHMOND CHILDREN'S CENTER),

Defendant.

Civil Action No.

COMPLAINT

JURY TRIAL DEMAND

FILED
U.S. DISTRICT COURT
2005 SEP 28 AM 10:46
S.D. OF N.Y.

NATURE OF THE ACTION

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 race discrimination and retaliation and to provide appropriate relief to Alice Earl, Dorothy Galbreath, Della Hills, and Carole Ann Hussain (collectively referred to as Charging Parties unless otherwise indicated) affected by such unlawful practices. As alleged with greater particularity in paragraph seven (7) below, the Equal Employment Opportunity Commission alleges that the Charging Parties were discriminated against based on their race, African American, and discharged in retaliation for complaining about the unlawful discrimination, all in violation of Title VII.

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 Sections 706(f)(1) and (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 pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Southern District of New York.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (hereinafter "EEOC" or "the Commission"), 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 Richmond of New York ("Richmond") has continuously been a corporation doing business in the State of New York and the county of Westchester, and has continuously had at least fifteen 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, Alice Earl, Dorothy Galbreath, Della Hills, and Carole Hussain 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 1999, Defendant has engaged in unlawful employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e. These practices include, but are not limited to, the following:

- a) Defendant delayed promoting Charging Party Earl to the position of Unit Director because of her race despite her qualifications and job performance and instead promoted employees with fewer qualifications than her;
- b) Defendant disciplined Charging Party Hills more harshly than non-African American employees and subjected her to disparate discipline resulting in her termination; and
- c) Defendant engaged in unlawful employment practices in violation of Section 704 of Title VII, 42 U.S.C. Section 2000e-3, by retaliating against Charging Parties Earl, Galbreath and Hussain for complaining about the discriminatory treatment of African Americans. The retaliatory acts include, but are not limited to, reducing work hours, failing to promote, disparately scrutinizing work, and termination.

8. The effect of the practices complained of above has been to deprive the African American Charging Parties of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

9. The unlawful employment practices complained of above were intentional.

10. At all relevant times, Defendant has acted with malice or reckless indifference to the federally protected rights of the Charging Parties.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns and all persons in active concert or participation with them, from engaging in any employment practices that discriminate on the basis race;

B. Order the Defendant to institute and carry out policies, practices and programs that provide equal employment opportunities for all employees, regardless of race, and that eradicate the effects of Defendant's past and present unlawful employment practices;

C. Order the Defendant to make whole all those individuals affected by the unlawful employment practices described above, by providing compensation for past and future pecuniary losses in amounts to be determined at trial;

D. Order the Defendant to make whole all those individuals affected by the unlawful employment practices described above, by providing compensation for non-pecuniary losses, including pain, suffering and humiliation, in amounts to be determined at trial;

E. Order the Defendant to provide punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial;

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

G. 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.

Dated: New York, New York
September 28, 2005

Respectfully submitted,

James L. Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

1801 L Street, N.W.
Washington, D.C. 20507



Elizabeth Grossman
Acting Regional Attorney



Lisa Sirkin
Supervisory Trial Attorney



Stella N. Yamada
Trial Attorney

New York District Office
33 Whitehall Street, 5th Floor
New York, New York 10004
Phone: 212-336-3689
Fax: 212-336-3623