

DEC 18 2003

* BROOKLYN OFFICE *

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EQUAL EMPLOYMENT OPPORTUNITY :
COMMISSION, :

Plaintiff, :

v. :

ROCHDALE VILLAGE, INC., :

Defendant. :

CV 03 6343

COMPLAINT AND
JURY TRIAL DEMANDED

BLOCK, J.

LEVY, 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 discrimination on the basis of sex and to make whole Jeanine Latimer, Quantasha Hicks, and other similarly situated individuals affected by sex discrimination by Rochdale Village, Inc. (and hereinafter referenced as "Rochdale"). These allegations will be described in greater detail in paragraph seven (7), below.

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. §2000c et seq. ("Title VII") and

Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The unlawful employment practices alleged below 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 ("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 Section 706(f)(1), 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, Rochdale has continuously been a corporation under the laws of New York, is now doing business in New York, and has continuously had at least fifteen employees.

5. At all relevant times, Rochdale 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 thirty days prior to the institution of this lawsuit Jeanine Latimer filed a charge of discrimination with the Commission alleging violations of Title VII by Rochdale. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least September 1997, Rochdale has engaged in unlawful employment practices at its Rochdale location in violation of Sections 703(a) and 704 of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-3. The practices include the refusal to select female applicants

including, but not limited to, Jeanine Latimer and Quantasha Hicks, for permanent or long term positions as Groundskeepers and Maintenance Workers. In addition Rochdale has refused to permit females to apply for positions as Groundskeepers and Maintenance Workers.

8. The effect of the practices complained of above in paragraph seven (7) has been to deprive Jeanine Latimer, Quantasha Hicks, and other similarly situated employees of equal employment opportunities, and otherwise adversely affect their status as employees because of their sex, female.

9. The aggrieved employees suffered physical and emotional pain, including but not limited to mental anguish, humiliation, embarrassment, inconvenience and loss of enjoyment of life as the result of the unlawful employment practices complained of above in paragraph seven (7).

10. The unlawful employment practices complained of above in paragraph seven (7) were intentional.

11. The unlawful employment practices complained of above in paragraph seven (7) were done with malice and/or reckless indifference to the federally protected rights of Jeanine Latimer, Quantasha Hicks, and other similarly situated employees.

12. Since at least September 1997 and continuing through at least March 21, 2002 Rochdale failed to keep records required by law, by destroying such records, including but not limited to, employment applications.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Rochdale, 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.

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

C. Order Rochdale to make whole all those individuals adversely affected by the unlawful employment practices described above, by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place reinstatement of the aggrieved individuals.

D. Order Rochdale to make whole all those individuals adversely affected by the unlawful employment practices described above by providing compensation for past and future pecuniary losses, including medical expenses in amounts to be determined at trial.

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

F. Order Rochdale to pay punitive damages to all those individuals adversely affected by the unlawful employment practices described above for its malicious and/or reckless conduct, in amounts to be determined at trial.

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

H. 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

Respectfully submitted,

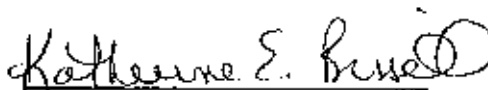
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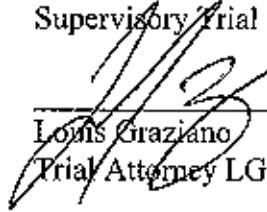
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