

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT, OHIO  
WESTERN DIVISION

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Plaintiff

GORETTI NEWMAN

Intervenor/Plaintiff

vs.

INTERNATIONAL BROTHERHOOD  
OF ELECTRICAL WORKERS,  
LOCAL UNION NO. 998

Defendant

CASE NO. 3:02CV7374

JUDGE JAMES G. CARR

**COMPLAINT OF INTERVENOR/  
PLAINTIFF**

**(JURY DEMAND ENDORSED  
HEREON)**

\* \* \* \*

**PRELIMINARY STATEMENT**

This action was instituted by the Plaintiff Equal Employment Opportunity Commission ("EEOC") to address violations of Title 7 of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e *et. seq.*, ("Title VII") and Title 1 of the Civil Right Act of 1991, to correct unlawful practices by the Defendant against Intervenor/Plaintiff Goretti Newman

("Intervenor"). The conduct complained of is a pattern of severe and pervasive workplace harassment based upon sex and retaliation for engagement in activity protected by Title VII.

### **JURISDICTION**

1. Jurisdiction is founded on 28 U.S.C. §§451, 1331, 1337, 1343 and 1345.
2. Jurisdiction is also founded on 42 U.S.C. §§2000e-5(f)(1) and (3).
3. Jurisdiction is also founded on 42 U.S.C. §1981(a).
4. Jurisdiction is specifically invoked, as noted above, pursuant to 28 U.S.C. §1337

with respect to Intervenor's pendant state law claims described below.

5. Intervenor has fulfilled all conditions precedent to the filing of the instant action.

6. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Ohio.

7. All parties are within the jurisdiction of this Court.

### **PARTIES**

8. Intervenor is at all times relevant herein a female citizen of the United States and a resident of Erie County, Ohio and an employee of Lithonia Down Lighting in Vermilion, Ohio.

9. EEOC 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 42 U.S.C. §2000e(f)(1) and (3).

10. At all times relevant, the Defendant International Brotherhood of Electrical Workers Local Union No. 998 ("IBEW Local 998") has continuously been an association of participating employees in the State of Ohio and the City of Vermilion, Ohio and/or has continuously had at all times relevant at least fifteen members, and a labor organization within the meaning of Title VII and Ohio Revised Code Chapter 4112. At all relevant times, IBEW Local

998 has been recognized as a collective bargaining representative for the employees of Lithonia Down Lighting.

11. At all times relevant, IBEW Local 998 has been engaged in an industry affecting interstate commerce within the meaning of 42 U.S.C §2000e.

### **FACTS**

12. At all times relevant, Intervenor has been a member in good standing of IBEW Local 998 since May 18, 1998.

13. Repeatedly during the period of her employment at Lithonia Down Lighting, Intervenor was the subject of harassment by a male union member despite her protests, objections and demands that such conduct cease and desist.

14. Intervenor repeatedly complained to her employer's management and IBEW Local 998 officials about the harassing conduct alleged, but Defendant failed and refused to remedy the conduct. Rather, Defendant aided and abetted and participated in said conduct.

15. As a result of the wrongful, tortious and unlawful acts of Defendant, Intervenor has incurred physical pain and suffering, humiliation, embarrassment, extreme mental distress and emotional anguish, loss of reputation and has otherwise been damaged.

16. The effect of the unlawful practices herein above alleged has been to deprive Intervenor of her right to Equal Employment Opportunities and to otherwise adversely affect her status in the workplace.

17. The unlawful conduct of Defendant herein above alleged were intentional.

18. The unlawful conduct of Defendant herein alleged were taken with malice and reckless indifference to the federally protected rights of Intervenor.

### **FIRST CAUSE OF ACTION**

19. Intervenor realleges and incorporates by reference herein each of the allegations contained in Paragraphs 1 through 18, as if fully set forth herein at length.

20. The actions of the Defendant were due solely to the female gender of Intervenor.

21. The actions of the Defendant constitute deliberate, intentional violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et. seq.

### **SECOND CAUSE OF ACTION**

22. Intervenor realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 21, as if fully set forth herein at length.

23. The actions of the Defendant constitute a tort of sexual harassment under the laws of the State of Ohio.

24. Intervenor is entitled to bring this pendent state claim by virtue of the holding of the Supreme Court of Ohio in *Kerns v. Porter Paint Co.* (1991), 61 Ohio St. 3d 486.

### **THIRD CAUSE OF ACTION**

25. Intervenor realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 24, as if fully set forth herein at length.

26. The actions of the Defendant constitute gender discrimination and unlawful retaliation with respect to the terms and conditions of her employment in violation of §4112.02 of the Ohio Revised Code.

### **FOURTH CAUSE OF ACTION**

27. The Intervenor realleges and incorporates by reference herein the allegations contained in Paragraphs 1 through 26, as if fully set forth herein at length.

28. The conduct of the Defendant was extreme and outrageous and exceeded all bounds of decency tolerated in a civilized society.

29. At all times relevant herein the actions of Defendant were intentional and/or reckless and the Defendant knew or should have known to a substantial certainty that its conduct would cause Intervenor to suffer severe emotional distress.

30. Intervenor, as a direct and proximate result of the intentional acts of the Defendant, has suffered and will continue to suffer severe emotional mental anguish.

31. This court has pendent jurisdiction to her and adjudicate the state claims of Intervenor.

### **MONETARY RELIEF**

32. Intervenor realleges and incorporates by reference herein all allegations contained in Paragraphs 1 through 31, as if fully rewritten at length herein.

33. Intervenor is entitled to an award of compensatory damages against Defendant for its wrongful illegal and tortious conduct and the consequences thereof.

34. Intervenor is entitled to an award of punitive damages against Defendant for the intentional, willful, malicious and bad faith violations of her legal rights.

35. Intervenor is entitled to be made whole for the violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et. seq., by Defendant by including pre-judgment and post-judgment interest on all sums awarded.

WHEREFORE, Intervenor prays this Court for a judgment on all Counts as follows:

1. That an Order issue making Intervenor whole and that the Defendant be ordered to pay Intervenor compensatory damages in the amount to be determined at trial;

2. That the Defendant be ordered to pay Intervenor punitive damages in the amount to be determined at trial;

3. That the Intervenor recover from Defendant all costs of this action and reasonable attorney's fees;

4. That the Intervenor recover from Defendant pre-judgment and post-judgment interest on all sums recovered;

5. That Defendant be ordered to cease and desist;

6. That the Intervenor be awarded such other and further relief as may be just and proper by this Court.

**JURY DEMAND**

Intervenor demands a trial by jury on all issues raised in each of her claims as provided by law.

Respectfully submitted,

/s/ Linda C. Ashar

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ATTORNEYS FOR INTERVENOR/PLAINTIFF  
GORETTI NEWMAN

**PROOF OF SERVICE**

This is to certify that a copy of the foregoing Complaint of Intervenor/Plaintiff (Jury Demand Endorsed Hereon) has been sent via the Court's electronic filing system on this 24th day of March, 2003, to:

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/s/ Linda C. Ashar \_\_\_\_\_

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