

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION NO.
v.	)	
	)	
MUHLENBERG MEDICAL ASSOCIATES	)	<u>COMPLAINT</u>
	)	<u>JURY TRIAL DEMANDED</u>
	)	
Defendants.	)	
_____	)	

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, female, and retaliation, and to provide appropriate relief to Charging Party Leanna Stansky and a class of female employees who were adversely affected by such practices. The Commission alleges that Charging Party and other female employees were subjected to sexual harassment by a physician in the medical practice. The Commission further contends that Charging Party was denied a promotion to the Lead Receptionist position in retaliation because she complained of sexual harassment. As a result of the harassment and failure to promote, Charging Party Stastny incurred wage losses, and she and the class members suffered emotional distress damages.

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

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

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. § 2000(e)-5(f) (1) and (3).

4. At all relevant times, Defendant Muhlenberg Medical Practice has continuously been and is now a Pennsylvania Corporation doing business in the State of Pennsylvania, and the City of Temple, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer 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, Charging Party Leanna Stastny filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 1999, Defendant Employer has engaged unlawful employment practices at its Temple, Pennsylvania facility in violation of Section 703(a) (1) of Title VII, 42 U.S.C. § 2000e-2(a) (1) , by subjecting Charging Party Leanna Stastny and a class of female employees to a sexually hostile work environment. The unlawful employment practices included

but are not limited to the following:

(a) As early as 1999, female employees reported to the office manager and/or managing physician that Dr. Joseph Hassan, a physician employed by Defendant, made sexual advances, sexually-oriented comments, and engaged in unwelcome touching of female employees;

(b) Prior to the episodes of sexual harassment experienced by Charging Party Stastny, these employees complained that Dr. Hassan would repeatedly try to touch them, pull them close to him, and make sexual remarks; however, despite their complaints and reports to the Office Manager and Managing Physician, Dr. Hassan's offensive behaviors and comments did not stop and Defendant failed to take effective remedial action ;

(c) Due to the fact that Dr. Hassan did not cease his objectionable behaviors, one of the class members regularly warned new nurses about him;

(d) During the week of June 3, 2002, Dr. Hassan cornered Ms. Stastny by the EKG machine, cupped his right hand around her neck, and slid his arm back and forth across her breast, after which he commanded that she provide him with a cup of coffee;

(e) On or about June 10, 2002, Dr. Hassan ordered Ms. Stastny to bring him a patient chart and when she arrived, he reached with his arm and placed it under Ms. Stastny's breast, lifting up her breast with his arm;

(f) After Ms. Stastny reported the incidents of unwelcome touching, she was required to continue working with Dr. Hassan and, on one occasion as she sat at her desk, he approached her from behind and began to rub her back and shoulders.

8. Since July, 2002, Defendant Employer has engaged unlawful employment practices at its Temple, Pennsylvania facility in violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3, by retaliating against Charging Party Leanna Stastny after she reported harassment by Dr.

Hassan. The retaliatory unlawful employment practices included:

(a) When an opening for the Lead Receptionist position arose, Defendant selected an applicant who had been employed for a much shorter time than Ms. Stastny and whose knowledge of the practice was far inferior, failing to afford Ms. Stastny an opportunity to interview for the position.

9. The effect of the practices complained of in paragraphs 7 and 8, above, has been to deprive Leanna Stastny and a class of females employed at Defendant Employer's Temple, Pennsylvania facility of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and retaliation.

10. The unlawful employment practices complained of in paragraphs 7 and 8, above, were intentional.

11. The unlawful employment practices complained of in paragraphs 7 and 8, above, were done with malice or with reckless indifference to the federally protected rights of Leanna Stastny and a class of females employed at Defendant Employer's Temple, Pennsylvania facility.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination, sexual harassment, and any other employment practice which discriminates on the basis of sex or retaliation.

B. Order Defendant Employer to institute and carry out policies and practices, which effectively prohibit sexual harassment and retaliation in the work place, and which eradicate

the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Stastny and other member of the class by providing appropriate backpay with prejudgment interest, where applicable, 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 reinstatement.

D. Order Defendant Employer to make whole Ms. Stastny and other female class members by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8, above, including but not limited to out-of-pocket losses in amounts to be determined at trial.

E. Order Defendant Employer to make whole Ms. Stastny and other female class members by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8, above, including but not limited to pain and suffering, humiliation, loss of life's pleasures, depression, anxiety, stress, panic, and other physical and psychological symptoms and conditions, in amounts to be determined at trial.

F. Order Defendant Employer to pay Ms. Stastny and other female class members punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8, 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.

Eric S. Dreiband  
General Counsel

James L. Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Washington, D.C. 20507

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JACQUELINE H. McNAIR  
Regional Attorney

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JUDITH A. O'BOYLE  
Supervisory Trial Attorney

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CYNTHIA A. LOCKE  
Trial Attorney  
EEOC  
21 S. 5th Street, Suite 400  
Philadelphia, PA 19106  
(215) 440-2683  
Pennsylvania ID No. 37637