

**FILED**

JUL 25 2003

LARRY W. PROPPES, CLERK  
U. S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
J. W. ALUMINUM COMPANY, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CIVIL ACTION NO.

2 : 0 3 - 2 4 4 8 - 1 2 0 6

**COMPLAINT**  
(JURY TRIAL DEMANDED)

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 race, and to provide appropriate relief to Reginald Kelly and similarly situated African-American employees who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "EEOC") alleges that Reginald Kelly, an African-American who was employed by Defendant as a equipment operator, and similarly situated African-American employees, were subjected to a racially hostile working environment at Defendant's Goose Creek, South Carolina, facility, and all were adversely affected by such practices.

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 (3) of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the

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jurisdiction of the United States District Court for the District of South Carolina, Charleston Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, J. W. Aluminum Company (the “Employer”), has continuously been a Delaware corporation doing business in the State of South Carolina and the City of Goose Creek, and has continuously had at least 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, Reginald Kelly filed a charge with the EEOC alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 1995, Defendant Employer has engaged in unlawful employment practices at its Goose Creek facility, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2, as follows: African-American employees of Defendant were subjected to racial harassment including racially derogatory graffiti and racial slurs.

8. The effect of the practice(s) complained of in paragraph 7 above has been to

deprive Reginald Kelly and similarly situated African-American employees who worked at Defendant's Goose Creek, South Carolina, facility, of equal employment opportunities and to otherwise adversely affect their status as employees because of their race, African-American.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Reginald Kelly and similarly situated African-American employees who worked at Defendant's Goose Creek, South Carolina, facility.

#### PRAYER FOR RELIEF

Wherefore, the EEOC 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 racial harassment and any other employment practice which discriminates on the basis of race.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for African-Americans, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Reginald Kelly and similarly situated African-American employees who worked at Defendant's Goose Creek, South Carolina, facility, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including loss of enjoyment of life, personal injuries, loss of earning capacity, suffering, humiliation, fear, anxiety, emotional pain, loss of

dignity, loss of civil rights, and anger, in amounts to be determined at trial.

D. Order Defendant Employer to pay Reginald Kelly and similarly situated African-American employees who worked at Defendant's Goose Creek, South Carolina, facility, punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

E. Grant such further relief as the Court deems necessary and proper in the public interest.

F. Award the EEOC its costs of this action.

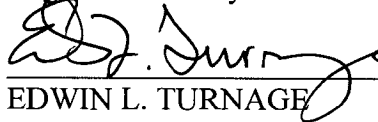
JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

Dated this 25<sup>th</sup> day of July, 2003.

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