

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ROCK HILL DIVISION**

<b>EQUAL EMPLOYMENT</b>	)	<b>CIVIL ACTION NO.</b>
<b>OPPORTUNITY COMMISSION,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b><u>COMPLAINT</u></b> 0:07-3249
<b>v.</b>	)	
	)	
<b>WEST ROOFING SYSTEMS -</b>	)	<b><u>JURY TRIAL DEMAND</u></b>
<b>GEORGIA, INC.</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

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 and to provide appropriate relief to Tomeka Evans who was adversely affected by the practices. As alleged with greater particularity below, Plaintiff, the U.S. Equal Employment Opportunity Commission (“the Commission”) alleges that Defendant West Roofing Systems-Georgia, Inc. (“Defendant”) discriminated against Tomeka Evans by failing to hire her because of her sex, female.

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, 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 committed within the jurisdiction of the United States District Court for the District of South Carolina, Rock Hill

Division. This lawsuit is being filed in the Rock Hill Division because a substantial part of the events or omissions giving rise to the claims alleged in this suit occurred in Chester county which is within the Rock Hill Division.

### 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 of the Civil Rights Act of 1964, 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 West Roofing Systems-Georgia, Inc. has been a foreign corporation, incorporated in Georgia, doing business in the state of South Carolina and City of Fort Lawn, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under 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, Tomeka Evans filed a charge of discrimination with the Commission alleging a violation of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about September 8, 2005, Defendant engaged in unlawful employment practices at its worksite located in Fort Lawn, South Carolina in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). Specifically, Defendant failed to hire Tomeka Evans because of her sex, female, for a laborer position. On or about September 7, 2005, Tomeka

Evans applied for a position as a laborer for which she was qualified. Defendant told Ms. Evans to report to Defendant's worksite the next day. When Ms. Evans reported to the worksite, Defendant refused to hire her because she is a female. Defendant continued to hire male laborers.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Tomeka Evans of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

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 Tomeka Evans.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from failing to hire employees on the basis of their sex or from any other employment practice that discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for women, and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendant to make whole Tomeka Evans by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief

necessary to eradicate the effects of unlawful employment practices, including but not limited to reinstatement or front pay.

D. Order Defendant to make whole Tomeka Evans by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Tomeka Evans by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

F. Order Defendant to pay Tomeka Evans punitive damages for its malicious and reckless conduct, as described 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.

DATED this the 27th day of September, 2007.

Respectfully submitted,

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