

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
and)	
)	
SHAWN McBEE and HEATHER CALVERT,)	
)	
Plaintiffs,)	CIVIL ACTION NO. 3:04-CV-242
)	JURY DEMAND
vs.)	VARIAN/GUYTON
)	
BRIDGESTONE/FIRESTONE NORTH)	
AMERICAN TIRE, LLC,)	
d/b/a BRIDGESTONE/FIRESTONE,)	
)	
Defendants.)	

**COMPLAINT IN INTERVENTION
OF SHAWN McBEE and HEATHER CALVERT**

PRELIMINARY STATEMENT

1. This is an employment discrimination action seeking relief as authorized by Title VII of the Civil Rights Act of 1964, as amended under 42 U.S.C. §2000e *et seq.*

JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. 1331, 1337, 1343, 1345 and 42 U.S.C. §2000e-5(f)(3).

PARTIES

3. The plaintiff Shawn McBee is a female who was employed by the defendant in the tire room of its facility since April of 2000. The plaintiff Heather Calvert is a female

employee who was employed by the defendant in the tire room of its facility since January of 1999.

4. At all times relevant, the defendant Bridgestone/Firestone North American Tire, LLC, d/b/a Bridgestone/Firestone, was a corporation doing business as Bridgestone/Firestone, a Delaware corporation, and it has continually done business in the State of Tennessee and in Warren County, Tennessee, and has had continuously at least fifteen employees. The defendant employer has continuously been an employer affecting commerce within the meaning of Sections 701(b)(g) and (h) of Title VII, 42 U.S.C. §2000e-(b)(g) and (h).

FACTS AND CAUSES OF ACTION

5. Prior to instituting this action, the plaintiffs filed timely charges for discrimination with the Equal Employment Opportunity Commission (EEOC) alleging violations of Title VII by the defendant employer. The EEOC has filed a complaint against the defendant Bridgestone/Firestone based on the defendant's pattern and practice of discriminating against its female employees in the tire room by allowing male employees to make comments of a sexual nature in the workplace, of making sexually offensive drawings and graffiti; of making degrading verbal comments, and of making the unwelcome conduct sufficiently pervasive and severe so as to alter the conditions of their employment and so as to create an abusive working environment.

6. More than 95% of the employees in the tire room at the Morrison facility are male employees; and during the plaintiffs' employment, the male employees of the tire room have subjected the plaintiffs to a hostile work environment.

7. The plaintiff Heather Calvert claims that since April of 2002 she has been subjected to frequent unwelcome and offensive sexual conduct by her male co-workers. Much

of this conduct consisted of comments made over the work-place radio on a daily basis. Some comments were made in staff meetings. She also claims that these same male employees made sexually explicit and graphic drawings on cards and made degrading verbal comments regarding her and the plaintiff Shawn McBee and other workers.

8. The plaintiff Shawn McBee alleges that since April of 2002, she has been subjected to frequent unwelcome and offensive sexual conduct by her male co-workers; and she claims that male co-workers made sexually explicit drawings from material cards and wrote graphic remarks and made degrading verbal comments about her and Heather Calvert.

9. The plaintiffs claim that the unwelcome conduct was sufficiently pervasive and severe so as to alter the conditions of their employment and that it created an abusive working environment. The plaintiffs assert that they complained on numerous occasions to supervisors and management in accordance with the Sexual Harassment Policy of the defendant employer regarding the sexually offensive comments being made in the workplace and the graphic comments depicted on material cards; but their complaints proved to be ineffective. The plaintiffs then complained to the Labor Relations Manager, but the conduct resumed in the workplace.

10. The plaintiffs were familiar with the defendant employers' Sexual Harassment Policy as it was distributed in the workplace, but that policy was ineffective because sexual harassment continued in the workplace even after the plaintiffs complained to management and after an investigation took place.

11. The effect of the practices complained of has been to deprive the plaintiffs equal employment opportunity and otherwise adversely affected their status as employees because of their sex.

12. The conduct of the defendant employer described above constitutes unlawful discrimination and an unlawful employment practice on the basis of sex in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e *et seq.*

13. The unlawful employment practices that were complained of were done with malice and reckless indifference to the federally protected rights of the plaintiffs.

14. The defendant's unlawful employment practices caused the plaintiffs to suffer loss of salary, benefits, and advancement opportunities, and both back and front pay, and caused the plaintiffs to suffer emotional distress, humiliation, embarrassment, and loss of enjoyment of life, and otherwise damaged the plaintiffs.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the plaintiffs respectfully request that the court:

(a) Declare the defendant's practices as complained of herein to be in violation of Title VII of the Civil Rights Act of 1964 as amended.

(b) Grant a permanent injunction enjoining the defendant employer, its officers, successors, and assigns, and all persons in active concert or participation with it, from any employment practice which discriminates against employees because of their sex.

(c) Grant the plaintiffs an order requiring the defendant to make them whole by appropriate back pay, front pay, and all other benefits of employment lost as a result of the actions complained in an amount to be proved at trial.

(d) Grant the plaintiffs any compensatory and punitive damages to which they are

entitled under the above Title VII of the Civil Rights Act of 1964, as amended, as a result of the actions complained of, including, but not limited to, damages for their embarrassment, distress, humiliation, emotional distress, and loss of enjoyment of life.

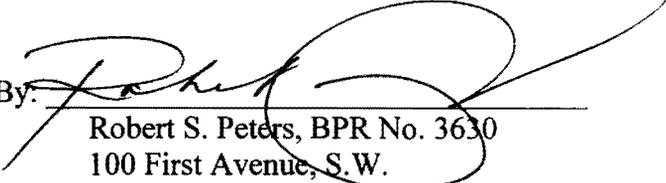
(e) Grant the plaintiffs a trial by jury.

(f) Grant the plaintiffs their costs and expenses incurred herein, including reasonable attorney fees pursuant to 42 U.S.C. §1988.

(g) Grant the plaintiffs such other further relief, both general and specific, as the court deems necessary and proper in this case.

Respectfully submitted,

SWAFFORD, PETERS, PRIEST & HALL

By: 

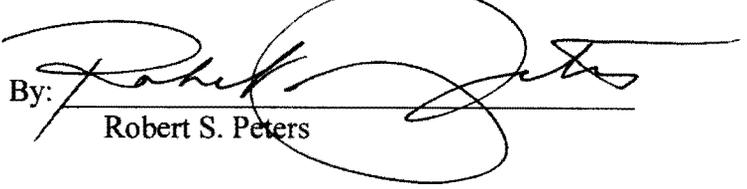
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing pleading has been forwarded, via U.S. Mail, postage pre-paid, on this the 19 day of July, 2004, to the following:

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