

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
and	)	
	)	
REBEKAH WOMACK PETROWSKI	)	
	)	
Plaintiff,	)	CIVIL ACTION NO.
	)	05-2611 Mi/P
v.	)	
	)	<b><u>AMENDED COMPLAINT</u></b>
HILL BOREN P. C.	)	<b>JURY TRIAL DEMANDED</b>
	)	
Defendant.	)	

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to correct unlawful employment practices based upon sex and to provide appropriate relief to a former female employee who was adversely affected by such practices. The Commission alleges that Defendant Hill Boren P.C. subjected a former female employee to a hostile work environment and forced her to resign, all in violation of Title VII.

**JURISDICTION**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This is an action 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, et seq. ("Title VII") and § 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 Western District of Tennessee, Western Division.

### **PARTIES**

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission") is an 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 §706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f).

4. At all relevant times, Defendant, Hill Boren was doing business in the State of Tennessee, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of §701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e(b), (g), and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty (30) days prior to the institution of this lawsuit, a former female employee filed a charge of discrimination with the Commission alleging that Defendant engaged in employment practices at its Memphis, Tennessee office in violation of Title VII, as amended, 42 U.S.C. §2000e-2(a). All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During the period of August 2002, and continuing until February 2003, the Commission claims Defendant engaged in unlawful employment practices at Defendant's law office in Memphis, Tennessee. The unlawful employment practices included, but were not limited to, subjecting a former female employee to ongoing sexual harassment because of her sex, female, and constructively discharging her.

8. The former employee was hired through a temporary agency for Defendant in July 2002. In December 2002, Defendant hired the former employee as a full-time employee.

9. The former employee worked in that capacity until February 2003, when she claims she was forced to quit due to alleged sexual harassment by one of the attorneys at Defendant's law firm.

10. The former employee claims that the alleged harassment consisted of repeatedly asking the former employee out to dinner, touching her inappropriately, and constantly making comments of a sexual nature to her.

11. Defendant did not have an effective sexual harassment complaint procedure in place.

12. The practices complained of above were and are in violation of §§ 703(a) of Title VII, as amended, 42 U.S.C. §§ 2000e-2(a).

13. The effect of the practices complained of above has been to deprive the former female employee of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

14. The unlawful employment practices complained of above are and were intentional.

15. Defendant Hill Boren at all relevant times has been acting with malice or reckless indifference to the federally protected rights of the former employee because of her sex.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Commission respectfully prays that this Court:

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

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

C. Order Defendant Employer to make whole the former employee by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order the Defendant to make whole the former employee by providing compensation for pecuniary losses in amounts to be determined at trial.

E. Order the Defendant to make whole the former employee by providing compensation for nonpecuniary losses, including emotional pain, suffering, inconvenience and mental anguish in amounts to be proven at trial.

F. Order Defendant to pay punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

RONALD COOPER  
General Counsel

JAMES LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

s/ Faye A. Williams (by permission DS)  
FAYE A. WILLIAMS  
Regional Attorney  
TN Bar No. 011730

s/ Terry Beck (by permission DS)  
TERRY BECK  
Supervisory Trial Attorney  
TN Bar No. 9346

s/ Deidre Smith  
DEIDRE SMITH  
Senior Trial Attorney  
TN Bar No. 018499

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1407 Union Avenue, Suite 621  
Memphis, Tennessee 38104  
Telephone: (901) 544-0140