

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE,
NASHVILLE DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	
and)	
)	
CARLOTA FREEMAN,)	
)	CIVIL ACTION NO. 3:06-0593
Intervening Plaintiff,)	
)	
v.)	
)	
WHIRLPOOL CORPORATION,)	
)	
Defendant.)	

COMPLAINT

Comes now Intervening Plaintiff, Carlota Freeman, and for cause would respectfully show to the Court as follows:

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 unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Middle District of Tennessee, Nashville Division.

PARTIES

3. Intervening Plaintiff, Carlota Freeman, has the right under Section 706(f)(1) of Title VII of the Civil Rights Act of 1964 to join in this litigation as a private party. Other parties are the Equal Employment Opportunity Commission as original Plaintiff, and Defendant Whirlpool Corporation, a foreign Corporation, doing business in the State of Tennessee and the City of LaVergne. At the time of Ms. Freeman's employment with Whirlpool, they had substantially more than fifteen (15) employees and were engaged in interstate commerce.

STATEMENT OF CLAIMS

4. Carlota Freeman instituted a complaint with the Equal Employment Opportunity Commission against the Defendant Whirlpool on August 19, 2004, a copy of which is attached hereto as **Exhibit 1**.

5. From January through March 26, 2004, Defendant Whirlpool engaged in unlawful employment practices at its LaVergne, Tennessee facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

6. In January 2004, Carlota Freeman was recalled to work from layoff by Defendant Whirlpool and assigned to a workstation near the workstation of Willie Baker. Ms. Freeman and Mr. Baker did not know each other prior to this.

7. From the first week that she returned to work, Ms. Freeman was subjected to continuing harassment by Mr. Baker because of her sex and race. Ms. Freeman reported this harassment to her supervisor on many occasions, but Defendant failed to stop Mr. Baker's harassing conduct. The harassing conduct and Defendant's failure to take reasonable and appropriate actions to stop it caused Ms. Freeman to suffer great emotional distress and

adversely affected her working conditions. In fact, Ms. Freeman's supervisor was so callous on one occasion when she told her supervisor, Mr. Fisher, about the sexually explicit statements that Mr. Baker was making to her that maybe she should just go ahead and "f__k him and just get it over with."

8. On or about March 26, 2004, Mr. Baker, without any provocation from Ms. Freeman, struck Ms. Freeman in the face and knocked her down, then continued to pummel her when she was on the ground. Co-workers managed to extricate Ms. Freeman from Mr. Baker's grasp and separate them. Ms. Freeman suffered serious injuries due to this assault and feared for her life both during the assault and afterward based on Mr. Baker's threats to kill her.

9. Ms. Freeman suffered serious physical and emotion injuries due to the assault by Mr. Baker. Ms. Freeman has been diagnosed with post-traumatic stress disorder caused by the assault and has been unable to return to employment. Ms. Freeman's great emotional distress has caused her to seek care from mental health care providers, which she has needed in the past and will continue to need in the future. Ms. Freeman's emotional distress and depression also resulted in the demise of her long-term and previously happy marriage.

10. The effect of the practices complained of in paragraphs 7-9 above has been to deprive Carlota Freeman of equal employment opportunities and otherwise adversely affect her status as an employee because of her race and sex.

11. The unlawful employment practices complained of in paragraphs 7-9 above were intentional.

12. The unlawful employment practices complained of in paragraphs 7-9 above were done with malice or reckless indifference to the federally protected rights of Carlota Freeman.

PRAYER FOR RELIEF

1. Carlota Freeman asks this Court to award her back pay, compensatory damages for past and future non-pecuniary losses and for pecuniary losses together with prejudgment interest in amounts to be determined at trial for both her wage loss and her emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life.
2. For punitive damages against the Employer Whirlpool for their reckless indifference to the misconduct of their employee and their failure to rectify such.
3. For such further and general relief to which she may be entitled, including her reasonable attorney's fees, discretionary costs, expert witness costs and the costs of this cause.

Respectfully submitted,



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