

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
JUN 30 2005
JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
OLVER INCORPORATED,)
)
and)
)
ADECCO USA, INC.,)
)
Defendants.)
_____)

Civil Action No. 7:05cv00417

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and national origin, and to provide appropriate relief to Shannica Allen Dickerson who was adversely affected by such practices. The Commission alleges that Defendants, Olver Incorporated and Adecco USA, Inc., discriminated against Ms. Dickerson by discharging her based on her race and national origin, as alleged with greater particularity in paragraph 8, below.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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. Section 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A(a)(1).

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Western District of Virginia, Roanoke 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 Section 706(f)(1) and (3), 42 U.S.C., Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Olver Incorporated ("Olver") has continuously been a Virginia corporation doing business in the State of Virginia, and the County of Montgomery, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Adecco USA, Inc. d/b/a Adecco Employment Services ("Adecco"), has continuously been a Delaware corporation doing business in the State of Virginia, and the County of Montgomery, and has continuously had at least fifteen employees.

6. At all relevant times, Defendant Employers Olver and Adecco have continuously been employers engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Shannica Allen Dickerson filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least March 2004, Defendant Employers Olver and Adecco have engaged in unlawful employment practices at their Blacksburg, Virginia facilities, in violation of Section 703(a) and (k) of Title VII, 42 U.S.C. Section 2000e-2. These practices include discharging Ms. Dickerson from her position with Olver Incorporated, through Adecco USA, Inc. d/b/a Adecco Employment Services, based on Ms. Dickerson's race (Black), and national origin (Virgin Islands). The Commission alleges that on or about March 16, 2005, Defendants discharged Ms. Dickerson based on her race, national origin, and interrelated accent/dialect.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Shannica Allen Dickerson of equal employment opportunities and otherwise adversely affect his status as an employee based on his national origin.

10. The unlawful employment practices complained of in paragraph 8 above were intentional.

11. The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Ms. Dickerson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers Olver and Adecco, their officers, successors, assigns and all persons in active concert or participation with them, from engaging in any employment practices which discriminate on the basis of race and national origin.

B. Order Defendant Employers Olver and Adecco to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees

without regard to race and national origin, which eliminate all forms of discrimination on the basis of race and national origin, and which eradicate the effects of Defendants' past and present unlawful employment practices.

C. Order Defendant Employers Olver and Adecco to make whole Shannica Allen Dickerson by providing appropriate back pay, with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement of Shannica Allen Dickerson or front pay in lieu thereof.

D. Order Defendant Employers Olver and Adecco to make whole Shannica Allen Dickerson by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, in amounts to be determined at trial.

E. Order Defendant Employers Olver and Adecco to make whole Shannica Allen Dickerson by providing compensation for non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including past and future emotional pain and suffering, humiliation, embarrassment, anxiety, inconvenience, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employers Olver and Adecco to pay Shannica Allen Dickerson punitive damages for their malicious and reckless conduct described in paragraph 8 above, in amounts 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

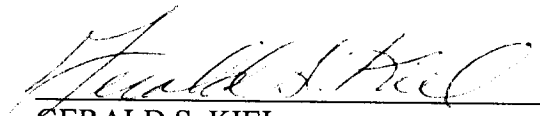
The Commission requests a jury trial on all questions of fact raised in the complaint.

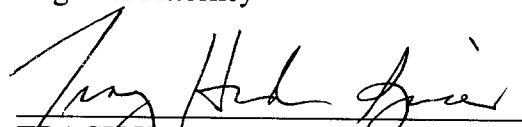
Respectfully submitted,

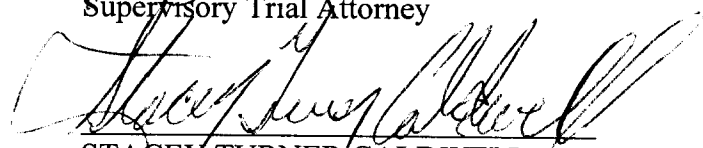
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June 29, 2005

John F. Corcoran, Clerk of Court
United States District Court
Western District of Virginia
The Poff Federal Building
210 Franklin Road, S.W.
Room 308
Roanoke, Virginia 24011

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JUN 30 2005

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

7: 050800417

RE: EEOC v. Olver Incorporated and Adecco USA, Inc.

Dear Mr. Corcoran:

Enclosed for filing please find a Civil Cover Sheet and originals and three copies per Defendant of the Complaint and Summons in the above-styled civil action.

Kindly return the copies of the Summons and Complaint prepared for service to Yvonne Williams, Paralegal, in the enclosed self-addressed stamped envelope as I intend to arrange for a private process server to serve the Complaint.

Please call me at the number listed below if you have any questions. Thank you for your assistance in this matter.

Sincerely,

Stacey Turner Caldwell
Senior Trial Attorney
VSB# 35609
(804)771-2214

CIVIL COVER SHEET

7:05@V00417(u)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Equal Employment Opportunity Commission

DEFENDANTS

Olver Incorporated and Adecco USA, Inc.

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number) Stacey Turner Caldwell, Esq. EEOC Richmond Area Office 830 East Main Street, Suite 600 Richmond, VA 23219 (804) 771-2214

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 main columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes sub-sections like PERSONAL INJURY, PERSONAL PROPERTY, and LABOR.

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Defendants discharged Charging Party based on her race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 6-29-05 SIGNATURE OF ATTORNEY OF RECORD Stacey Turner Caldwell, VA BAR #35609

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING JEP JUDGE WILSON MAG. JUDGE