

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
Plaintiff,)
v.)
MOUNT CARMEL, LLC)
Defendant.) Civil Action No.
)
) **COMPLAINT**
)
) **Jury Trial Demand**
)
_____)

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. (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a to correct unlawful employment practices based on retaliation and to make whole Suzanne Whitty (“Whitty”), who has been aggrieved by those unlawful employment practices. Mount Carmel, LLC (“Mount Carmel”) discriminated against Whitty when it terminated her employment as an Administrative Assistant, in retaliation for her opposition to sexual harassment and her participation in an investigation of sexual harassment claims.

JURISDICTION AND VENUE

1. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, and 1345. This action is authorized and instituted pursuant to Section 706 (f) (1) and (3) of Title VII, 42 U.S.C. § 2000e-5 (f) (1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices hereafter alleged to be unlawful were committed within the jurisdiction of the Eastern District of Wisconsin.

PARTIES

3. Plaintiff Equal Employment Opportunity Commission (“EEOC” or “Commission”) is the 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) of Title VII, 42 U.S.C. § 2000e-5 (f) (1).

4. At all relevant times, Defendant Mount Carmel, has been a Wisconsin Limited Liability Corporation, located in Greenfield, Wisconsin, and has been continuously engaged in the business of providing Nursing Home care, and has continuously had and does now have 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 Section 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, Whitty filed a Charge of Discrimination with the Commission alleging that Defendant terminated her in retaliation for opposition to sexual harassment. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least May 1999 and continuing, Defendant has engaged in unlawful employment practices, in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a). These practices include, but are not limited to retaliating against Whitty, an administrative assistant, after she took part in an investigation of a management official for sexual harassment which resulted in her termination for opposing sexual harassment and participating in an internal investigation of

charges of sexual harassment.

8. The effect of the practice complained of above has been to deprive Whitty of equal employment opportunities in violation of Sections 704(a) of Title VII, 42 U. S. C. § 2000e-3.

9. The unlawful employment practice complained of above in Paragraphs 7 was intentional.

10. The unlawful employment practice complained of above in Paragraphs 7 was done with malice and/or reckless indifference to the federally protected rights of Whitty.

Prayer for Relief

WHEREFORE, the Commission respectfully prays that this Court:

1. Grant a permanent injunction enjoining Mount Carmel, LLC its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which constitutes discrimination and retaliation against employees for activity protected by Title VII;

2. Order Defendant to institute and carry out policies, practices, and programs which eradicate the effects of its past and present unlawful employment practice;

3. Order Defendant to make whole Suzanne Whitty by providing appropriate back pay plus prejudgment interest, in amounts to be determine at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, rightful place reinstatement;

4. Order Defendant to make whole Suzanne Whitty by providing compensation for non-pecuniary losses, including emotional pain and suffering;

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

6. Grant such further relief as the Court deems necessary and proper; and
7. Grant the Commission its costs in this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Eric S. Dreiband
General Counsel

James L. Lee
Deputy General Counsel

Gwendolyn Young Reams
Associate General Counsel
1801 L Street NW
Washington, D.C. 20507

Dated: September 15, 2003

Jean P. Kamp
Regional Attorney

Robert F. Tomlinson
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Milwaukee District Office
310 West Wisconsin Avenue - Suite 800
Milwaukee, WI 53203-2292
(414) 297-3465