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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

1:03 – CV – 900

2003 OCT -1 P 3:40

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

GREENSBORO FITNESS, L.L.C.,  
d/b/a GOLD'S GYM

Defendant.

U.S. DISTRICT COURT  
GREENSBORO, NC

**MOTION TO INTERVENE**

NOW COME Intervenor Latrishia Asante and Julie Midkiff, by and through counsel, pursuant to Federal Rule of Civil Procedure 24 (a) and 42 U.S.C. § 2000e-5 (f) (1), and request that they be allowed to intervene in the above-captioned lawsuit as party plaintiff's. In support of this motion, Intervenor Latrishia Asante and Julie Midkiff show unto the court the following:

1. Latrishia Asante and Julie Midkiff are citizens and residents of Guilford County, North Carolina.
2. On or about September 22, 2003, the Equal Employment Opportunity Commission ("Commission") filed a Complaint entitled, *Equal Employment Opportunity Commission v. Greensboro Fitness L.L.C., d/b/a Gold's Gym Civil Action No. 1:03-CV-900* in which the Commission alleges in pertinent part that Greensboro Fitness, L.L.C. d/b/a Gold's Gym ("defendant") has engaged in unlawful employment practices at its Greensboro, North Carolina Gold's Gym facility, in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2 (a) (1) by subjecting Latrishia Asante and Julie Midkiff and other similarly situated current and former female employees to a sexually hostile work environment based on their sex. (Complaint, ¶ 7) More specifically, the Commission alleges that the sexual harassment included unwelcome sexual comments by a male co-worker, their district manager. (Complaint, ¶ 7)
3. Pursuant to 42 U.S. C. § 2000e-5 (f) (1), Latrishia Asante and Julie Midkiff, as the

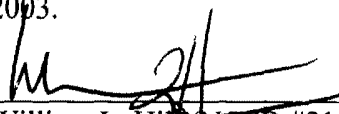
persons aggrieved, have the right to intervene in a civil action brought by the Commission. In order to fully protect their rights under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, Latrisa Asante and Julie Midkiff have engaged the undersigned counsel to represent their interests in this litigation.

4. Intervenor Latrisa Asante and Julie Midkiff hereby adopt all allegations and the prayer for relief set out in Civil Action No. 1:03CV900. (A copy of the Complaint is attached hereto and incorporated into this Motion.)

WHEREFORE, Intervenor Latrisa Asante and Julie Midkiff request that:

- a. They be allowed to intervene in the case of *Equal Employment Opportunity Commission V. Greensboro Fitness, L.L.C., d/b/a Gold's Gym* as party plaintiffs;
- b. They recover damages as set out in the Prayer for Relief in Civil Action No. 1:01 CV 900;
- c. They be awarded interest and attorney fees and costs as allowed by law;
- d. All issues of fact be tried by jury; and
- e. They have such other and further relief as the Court deems just and proper.

This the 1 day of October, 2003.

  
\_\_\_\_\_  
William L. Hill (NCSB #21095)  
*Attorney for Intervenor*

*OF COUNSEL:*

**MOSS, MASON & HILL**  
101 West Friendly Avenue, Suite 602  
Greensboro, NC 27401  
336-370-1282

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this day, a copy of the foregoing **MOTION TO INTERVENE** was duly served upon all parties by:

- \_\_\_ Hand delivering a copy hereof to the attorney for each said party addressed as follows:
- X Depositing a copy hereof, postage prepaid, in the United States Mail, addressed to the attorney for each said party as follows:
- \_\_\_ Depositing a copy hereof with a nationally recognized overnight courier service, for overnight delivery, addressed to the attorney for each said party as follows:
- \_\_\_ Telecopying a copy thereof to the attorney for each said party as follows:

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel  
1801 L Street, N.W.  
Washington, DC 20507

BOBBY C. SIMPSON  
Acting Regional Attorney

LYNETTE A. BARNES  
Supervisory Trial Attorney


EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
Charlotte District Office  
129 West Trade Street, Suite 400  
Charlotte, North Carolina 28202

KERITH COHEN  
Trial Attorney  
Raleigh Area Office  
1309 Annapolis Drive  
Raleigh, North Carolina 27608  
Telephone: (919) 856-4148

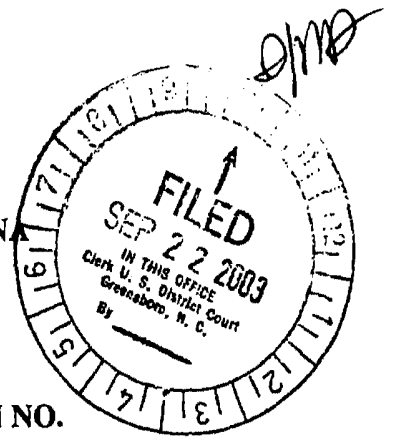
Ted Sampson  
Registered Agent  
3201-109 Edwards Mill Road  
Raleigh, NC 27613

Ms. Patricia Miller  
Senior Federal Investigator  
U.S. Equal Employment Opportunity Commission  
1309 Annapolis Drive  
Raleigh, NC 27608-2129

This the 1 day of October, 2003.

  
\_\_\_\_\_  
William L. Hill (NCSB #21095)

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION



EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

GREENSBORO FITNESS, L.L.C.,  
d/b/a GOLD'S GYM

Defendant.

CIVIL ACTION NO.

**1:03CV00900**

COMPLAINT  
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, female, and to provide appropriate relief to employees who were adversely affected by such practices. The Commission alleges that Defendant, Greensboro Fitness, L.L.C. d/b/a Gold's Gym, discriminated against Latrishia Asante, Julie Midkiff and other similarly situated female employees, by subjecting them to sexual harassment.

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 employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Middle District of North Carolina.

**PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Greensboro and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym has continuously been an employer engaged in an industry affecting commerce under Sections 701 (b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

**STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Latrisha Asante and Julie Midkiff filed charges with the Commission alleging violations of Title VII by Greensboro Fitness, L.L.C. d/b/a Gold's Gym. All conditions precedent to the institution of this lawsuit have been fulfilled.

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7. Since at least October 2001 to December 2001, Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym engaged in unlawful employment practices at two of its facilities located in Greensboro North Carolina, in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2 (a) (1). Specifically, Defendant subjected Latrisha Asante, Julie Midkiff and other similarly situated female employees to discrimination based on their sex by subjecting them to a sexually hostile work environment. The sexual harassment included repeated unwelcome sexual

comments by one of Defendant's managers, who had supervisory authority over female employees, including Latrisha Asante and Julie Midkiff.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Latrisha Asante, Julie Midkiff and other similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Latrisha Asante, Julie Midkiff and other similarly situated female employees.

#### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment or any other employment practice that discriminates on the basis of sex.

B. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to institute and carry out policies, practices, and programs that provide equal employment opportunities for women and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to make whole Latrisha Asante, Julie Midkiff and other similarly situated female employees by providing

compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including medical expenses, in amounts to be determined at trial.

D. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to make whole Latrisha Asante, Julie Midkiff and other similarly situated female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices described in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

E. Order Defendant Greensboro Fitness, L.L.C. d/b/a Gold's Gym to pay Latrisha Asante, Julie Midkiff and other similarly situated female employees punitive damages for its malicious and reckless conduct, as described in paragraph 7 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

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G. ~~Award the Commission its costs of this action.~~

**JURY TRIAL DEMAND**

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

DATED this 19<sup>th</sup> day of September, 2003.

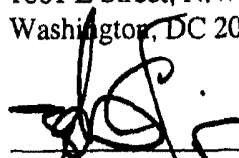
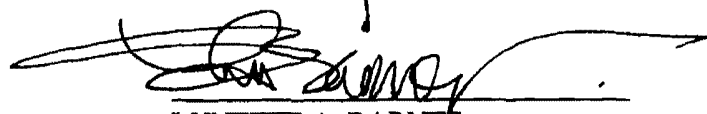
Respectfully submitted,  
**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION, PLAINTIFF**

ERIC S. DREIBAND  
General Counsel

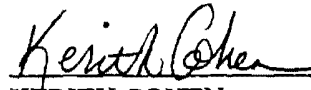


JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel  
1801 L Street, N.W.  
Washington, DC 20507

  
\_\_\_\_\_  
BOBBY C. SIMPSON  
Acting Regional Attorney  
\_\_\_\_\_  
LYNETTE A. BARNES  
Supervisory Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
Charlotte District Office  
129 West Trade Street, Suite 400  
Charlotte, North Carolina 28202

  
\_\_\_\_\_  
KERITH COHEN  
Trial Attorney  
Raleigh Area Office  
1309 Annapolis Drive  
Raleigh, North Carolina 27608  
Telephone: (919) 856-4148