

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	1:04-cv-00623-B
	)	
BROOKLEY FURNITURE COMPANY and	)	<u>COMPLAINT</u>
HOWARD MILLER CLOCK COMPANY, an	)	
integrated enterprise	)	Jury Trial Demand
	)	
Defendant.	)	
_____	)	

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, and to provide appropriate relief to Jane Doe<sup>1</sup> who was adversely affected by such practices. As alleged with greater particularity in paragraph 12 through 25 below, Jane Doe was sexually harassed by the General Manager of Brookley Furniture Company. As a result of the sexual harassment Jane Doe became so ill that she is unable to continue working.

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

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<sup>1</sup>Because of the nature of the conduct described in this complaint, the EEOC has elected to utilize a pseudonym rather than the name of the Charging Party so as to protect her privacy.

(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 Southern District of Alabama, Southern Division.

### 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, and is expressly authorized to bring this action by Section 706 (f) (1) and (3) of Title VII, 42 U.S.C. § 2000e-5 (f) (1) and (3).

4. At all relevant times, Defendant, Brookley Furniture Company, a Michigan corporation, has continuously been doing business in the State of Alabama and the City of Mobile and has continuously had at least 15 employees. At all relevant times, Defendant Brookley Furniture, a Michigan corporation, and Defendant Howard Miller Clock Company, a Michigan corporation, (Employers) have been an integrated enterprise.

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

### STATEMENT OF CLAIMS

11. More than thirty days prior to the institution of this lawsuit, Jane Doe filed a charge with the Commission alleging violations of Title VII by Brookley Furniture. All conditions precedent to the institution of this lawsuit have been fulfilled.

12. Since at least November 2002, Defendant Employers have engaged in unlawful employment practices at their Mobile, Alabama facility, in violation of §§ 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and 3(a). These practices include subjecting Jane Doe to a sexually hostile environment and to sexual harassment which resulted in a tangible employment action.

13. The Defendants, through the conduct of Dale Hiser, General Manager of Defendant's Mobile, Alabama, facility, subjected Jane doe to a sexually Hostile environment. Mr. Hiser's actions included, but were not limited to, regularly making sexually offensive remarks to Jane Doe, touching her in offensive and unwelcome ways, asking her to have sex with him, asking her to meet him away from the plant and forcing her perform oral sex on him.

14. Jane Doe repeatedly reported Dale Hiser's conduct to her immediate supervisor, James Doyle Johnson, pursuant to Defendant Employers' sexual harassment policy, which instructs employees who believe that they have been harassed to report their concerns to their immediate supervisor or to Human Resources.

15. Despite her objections, the offensive conduct continued and escalated after she complained about it to her supervisor.

16. Defendants failed to exercise reasonable care to prevent and correct promptly the sexually harassing behavior of Dale Hiser.

17. Generally, when Jane Doe objected to Dale Hiser's requests for sex, He would threaten her with termination.

18. As the harassment continued, Jane Doe became more worried and nervous. She had difficulty eating and sleeping, lost weight, and could not concentrate on her job.

19. In February 2003, Jane Doe went to the plant office to obtain paperwork related to an on-the-job injury. The only other person in the office at that time was Dale Hiser.

20. Hiser told Jane Doe words to the effect that he would provide her with the paperwork she sought and instructed her to come into his personal office.

21. Hiser followed Jane Doe into his office, closed the door, went to the other side of his desk, ordered Jane Doe to come around to the side of the desk where he was located and, when she indicated that she did not wish to do so, threatened to fire her if she did not comply with his demands.

22. Fearing for her job, Jane Doe acceded to his demands. Dale Hiser ordered her to come to his side of the desk.

23. Dale Hiser then physically restrained Jane Doe and forced her to perform oral sex on him.

24. After forcing Jane Doe to perform this sex act, Dale Hiser told her she had a lot to lose if anyone found out what he had done.

25. Thereafter, Dale Hiser continued to make sexually offensive remarks to Jane Doe and demanded that she meet him away from the office. He also told her that she would have to see him again and reminded her that he did not have to have a reason to fire her.

26. The working conditions became so intolerable for Jane Doe that any reasonable person in Jane Doe's position would have felt compelled to resign.

27. On March 12, 2003, Jane Doe, after concluding that she had no choice but to resign her position, notified Defendants of her decision and again notified defendants,

this time through their Human Resources Director, that Dale Hiser had been sexually harassing her.

28. Jane Doe made a good faith effort to continue to work at the Defendant Employers' Mobile facility. However, on March 18, 2003, she concluded that she could no longer go to the workplace.

29. As a result of having to work under these conditions, Jane Doe suffered severe emotional and psychological injuries, requiring the treatment of a psychiatrist.

30. On March 19, 2003, Defendant Employers placed Jane Doe on a leave of absence while it investigated her complaints.

31. On March 20, 2003, Defendant Employers terminated Dale Hiser.

32. Defendant employers subsequently placed Jane Doe on short term disability. Because of her psychological state, Jane Doe was not and is not currently able to return to work. Her psychiatrist does not believe that Jane Doe will be able to work for the foreseeable future.

33. Jane Doe's short term disability benefits ceased on September 19, 2003, and Defendant employers then terminated Jane Doe.

34. Jane Doe suffered tangible job detriment because of Dale Hiser's harassment.

35. The effect of the practices complained of in paragraphs 12 through 34 above has been to deprive Jane Doe of equal employment opportunities and otherwise adversely affect her status as employee, because of her sex.

36. The unlawful employment practices complained of in paragraphs 12 through 35 above were intentional.

37. The unlawful employment practices complained of in paragraphs 12 through 35 above were done with malice or with reckless indifference to the federally protected rights of Jane Doe.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employers to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendant Employers to make whole Jane Doe by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement or front pay.

D. Order Defendant Employers to make whole Jane Doe, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 12 through 31 above, including, but not limited to, medical expenses, in amounts to be determined at trial.

E. Order Defendant Employers to make whole Jane Doe by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices

complained of in paragraphs 12 through 31 above, including emotional pain, suffering, loss of enjoyment of life, depression and humiliation, in amounts to be determined at trial.

F. Order Defendant Employers to pay Jane Doe punitive damages for their malicious and reckless conduct described in paragraphs 12 through 31 above, in amounts to be determined at trial.

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

K. 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.

Respectfully submitted,

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