

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

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EQUAL EMPLOYMENT OPPORTUNITY : CIVIL ACTION NO.  
COMMISSION, :  
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 Plaintiff, :  
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 v. :  
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 DAVID LERNER ASSOCIATES, INC. : COMPLAINT AND  
 : JURY TRIAL DEMAND  
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 Defendant. :  
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**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 Shawna Mead, Barbara Mrozik, Susan Sheehan, Rose Carroll and a class of similarly situated female employees (hereinafter "the class") who were affected by such practices. As alleged with greater particularity in paragraph 7 below, Defendant, David Lerner Associates, Inc. (hereinafter "Defendant"), subjected a class of female employees to repeated sexual harassment and unlawful retaliation. In addition, Defendant constructively discharged Shawna Mead, Barbara Mrozik, Susan Sheehan and a class of

similarly situated women when it failed to remedy the sexually hostile work environment.

### **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. Defendant regularly does business in the District of Connecticut and venue is proper in this district pursuant to 28 U.S.C. § 1391.

### **PARTIES**

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission") is the agency of the United States of America charged with 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 has continuously been a New York corporation doing business in the State of Connecticut, Fairfield County, and has continuously employed

at least fifteen persons.

5. At all relevant times, Defendant has continuously been an employer 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**

6. More than thirty days prior to the institution of this lawsuit, Shawna Mead, Barbara Mrozik, Susan Sheehan, and Rose Carroll filed charges with the Commission, on behalf of themselves and similarly situated female employees, alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August of 2001, Defendant has engaged in unlawful employment practices at its facilities in Darien, Connecticut and White Plains, New York, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These practices include, but are not limited to, the following:

a. Employees of Defendant subjected the class to sexually harassing conduct including but not limited to: unwelcome touching of their bodies, solicitation for sex, offensive sexual gestures, questions of a sexual nature and

pressure to wear sexually provocative clothing.

b. Employees of Defendant also subjected the class to threats of violent retaliation against those who complained about the harassment.

c. Although female employees complained about the harassment, Defendant made no efforts reasonably calculated to prevent or eradicate the continuing behavior and hostile work environment.

d. Defendant constructively discharged the class in violation of Title VII when it failed to remedy a hostile work environment which made conditions so intolerable that they were forced to leave their positions.

8. The effect of the practices complained of above has been to deprive the class of equal employment opportunity, inflict emotional pain and suffering upon them, cause them to suffer financial losses and otherwise adversely affected them.

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 the class, and are imputable to the Defendant.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this

Court:

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

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal opportunities for employees to work in an environment free of unlawful discrimination and provide affirmative relief necessary to eradicate the effects of Defendant's past and present unlawful employment practices.

C. Order Defendant to make the class whole by providing compensation for past and future pecuniary losses resulting from their unlawful treatment, including prejudgement interest, in amounts to be determined at trial.

D. Order Defendant to compensate the class for past and future nonpecuniary losses resulting from the unlawful employment practices described above, including but not limited to emotional pain, suffering and inconvenience in amounts to be determined at trial.

E. Order Defendant to pay the class punitive damages for its conduct described above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems

necessary and proper in the public interest.

G. Award the Commission its costs in 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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s/ Arnold J. Lizana III

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served by U.S. Mail, postage prepaid, on this 17<sup>th</sup> day of February, 2005, to the following:

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s/ Arnold J. Lizana III

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