

ORIGINAL

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, SUSAN SHEEHAN,
SHAWNA MEAD and ROSE CARROLL,

Plaintiffs,

-against-

DAVID LERNER ASSOCIATES, INC.,

Defendants.

Civil Action No. 305CV292 (RNC)

MRK

September 14, 2005

U.S. DISTRICT COURT

2005 SEP 26 PM 3:30

FILED

COMPLAINT OF INTERVENORS

Plaintiffs/Intervenors, Susan Sheehan, Shawna Mead and Rose Carroll, by their attorneys, allege as follows for their Complaint against Defendant, David Lerner Associates, Inc.:

PARTIES

1. Plaintiff, Susan Sheehan ("Sheehan"), resides at 53 Pheasant Road, West Haven, Connecticut 06516.
2. Plaintiff, Shawna Mead ("Mead"), resides at 196 Eagle Ridge, Torrington, Connecticut 06790.
3. Plaintiff, Rose Carroll ("Carroll"), resides at 10 Clinton Avenue, Stratford, Connecticut 06614.
4. At all relevant times, defendant David Lerner Associates, Inc. ("DLA"), has been a New York corporation doing business in the State of Connecticut, Fairfield County at 1540 Post Road, Darien, Connecticut, where plaintiffs were employed, and has continuously employed three or more persons.

NATURE OF THE ACTION

5. This is a civil action to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to plaintiffs, who were affected by such practices. As alleged with greater particularity herein, DLA subjected plaintiffs to repeated sexual harassment and unlawful retaliation in violation of Title VII of the Civil Rights Act of 1964 ("Title VII") and the Connecticut Human Rights Law. In addition, DLA constructively discharged plaintiffs when it failed to remedy the hostile work environment.

JURISDICTION

6. This Court has jurisdiction over this action under 28 U.S.C. § 1331 and principles of supplemental jurisdiction, 28 U.S.C. § 1367.

7. Plaintiff Sheehan filed a charge of discrimination with the Connecticut Commission on Human Rights and Opportunities ("CHRO") on September 17, 2003. The CHRO issued a release of jurisdiction on July 26, 2005, a copy of which is attached hereto as Exhibit A.

8. Plaintiff Carroll filed a charge of discrimination with the CHRO on January 23, 2004. The CHRO issued a release of jurisdiction on July 25, 2005, a copy of which is attached hereto as Exhibit B.

9. Plaintiff Mead filed a charge of discrimination with the CHRO on November 20, 2003. The CHRO issued a release of jurisdiction on September 13, 2005, a copy of which is attached hereto as Exhibit C.

10. Plaintiffs Sheehan, Mead and Carroll filed charges of discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC"). The EEOC commenced an

action in the United States District Court for the District of Connecticut against DLA on or around February 17, 2005.

11. Venue is proper in this district pursuant to 28 U.S.C. 1391 in that DLA regularly conducts business in the District of Connecticut.

STATEMENT OF CLAIMS

12. Plaintiffs repeat and reallege the allegations contained in paragraphs 1 through 11 as if separately set forth herein.

13. Since August 2001 or earlier, DLA engaged in unlawful employment practices at its office in Darien, Connecticut against plaintiffs in violation of Title VII, 42 U.S.C. § 2000e-2(a)(1) and the Connecticut Human Rights Law, C.G.S.A. § 46a-60 et seq.

14. Defendant's conduct had the purpose or effect of substantially interfering with plaintiffs' work performance and creating an intimidating, hostile or offensive working environment. Specifically, plaintiffs' supervisor engaged in: unwelcome touching, solicitation for sex, offensive sexual gestures, questions of a sexual nature, inappropriate comments about their appearance, and pressure to wear sexually provocative clothing.

15. Plaintiffs complained about this conduct.

16. Plaintiffs' supervisor threatened them with retaliation for complaining about the harassment.

17. Defendant failed to take steps reasonably calculated to prevent or eradicate the continuing behavior and hostile work environment, despite plaintiffs' complaints.

18. Defendant's unlawful practices as described above were intentional and were done with malice or reckless indifference to plaintiffs' protected rights.

19. As a result of defendant's conduct, plaintiffs were forced to resign their employment involuntarily.

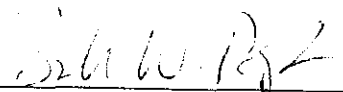
20. The effect of the practices complained of above has been to deprive plaintiffs of equal employment opportunity, inflict emotional pain and suffering upon them, cause them to suffer financial losses and otherwise adversely affected them.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs Sheehan, Mead and Carroll respectfully request that this Court:

- A. Order DLA to make plaintiffs whole by providing compensation for past and future pecuniary losses resulting from their unlawful treatment, including prejudgment interest, in amounts to be determined at trial;
- B. Order DLA to compensate plaintiffs for past and future non-pecuniary 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;
- C. Order DLA to pay plaintiffs punitive damages for its conduct described above, in amounts to be determined at trial; and
- D. Grant such further relief as the Court deems necessary and proper.

Plaintiffs/Intervenors hereby demand a jury trial on all claims triable to a jury.

By: 
Sarah W. Poston (ct19702)

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Attorneys for Plaintiffs

(A)
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

FORM 500(3)

RELEASE OF JURISDICTION

COMMISSION ON HUMAN RIGHTS AND
OPPORTUNITIES, ex rel.

Susan Shochan
Complainant

Date: July 26, 2005

vs.

David Lerner Associates, Inc.
Respondent

CCHRO CASE NO.: 0420129
EEOC CASE NO.: 16aa302126

RELEASE OF JURISDICTION

Pursuant to Complainant's and/or Complaint's attorney(s) request dated **July 11, 2005** the Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above numbered and captioned complaint in accordance with Section 46a-101 of the Connecticut General Statutes. Also, in accordance with Section 46a-100, C.G.S. Complainant is hereby authorized to commence a civil action against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred or in which the Respondent transacts business. If this action involves a state agency or official, it may be brought in the Superior Court for the Hartford-New Britain judicial district.

Please be advised that, pursuant to CONN. GEN. STAT. §46a-103, the Complainant or Complainant's attorney must serve on the Commission, at 21 Grand Street, Hartford, Connecticut 06106 at the same time all other parties are served, a copy of any civil action filed pursuant to this release. The Commission must be so served because it has a right to intervene in any action filed based on a release of jurisdiction.

In granting this release, the Commission expressly finds, in accordance with Sections 46a-100 and 46a-101(b) of the C.G.S., that all conditions precedent to the issuance of the release of jurisdiction have been complied with inasmuch as the complaint was timely filed in accordance with 46a-82 of the C.G.S. and the complaint has been pending for a period of not less than 210 days, inasmuch as it was filed on **September 17, 2003** and is still pending on **July 26, 2005** a period in excess of two hundred and ten (210) days.

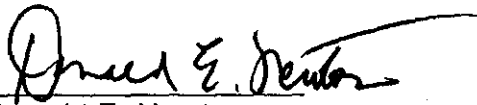
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Moreover, there is no reason to believe that the complaint will be resolved within a period of thirty (30) days from **July 13, 2005**, the date the Commission received Complainant's request for the Release of Jurisdiction, nor is the complaint currently scheduled for public hearing. [see Section 46a-101(c) of the Connecticut General Statutes].

The complainant must bring an action in Superior Court within ninety (90) days of receipt of this release and within two (2) years of the date of filing the complaint with the Commission. The Superior Court shall have such authority as is conferred upon it by Section 46a-104 of the C.G.S., and other laws of the State of Connecticut.

Concurrently, with the issuance of this Release of Jurisdiction, the Commission hereby administratively dismisses this complaint in accordance with Section 46a-101(d) the Connecticut General Statutes. Furthermore, said dismissal is not subject to administrative judicial review.

R. Hamisi Ingram
Executive Director

By: 
Donald E. Newton
Chief of Field Operations

Dated and entered of record in the Commission's Administrative Office in Hartford, Connecticut on this 26th day of July, 2005.

cc: Complainant: Susan Sheehan
Complainant's Attorney: Attorney Christine A. Palmieri
Receipt for Certified Mail 7003 2260 0006 5927 2674
Respondent(s): Donna Reutter, Manager, Human Resources Department
David Lerner Associates, Inc.
Respondent's Attorney: Attorney Mark Mancher
Regional Manager: Tanya A. Hughes, Regional Manager
Southwest Regional Office

Rev. 2/6/02

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COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

FORM 500(3)

RELEASE OF JURISDICTION

COMMISSION ON HUMAN RIGHTS AND
OPPORTUNITIES, ex rel.

Rose E. Carroll
Complainant

Date: July 25, 2005

vs.

David Lerner Associates, Inc.
Respondent

CCHRO CASE NO.: 0420330
EEOC CASE NO.: 16aa400696

RELEASE OF JURISDICTION

Pursuant to Complainant's and/or Complainant's attorney(s) request dated **July 18, 2005** the Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above numbered and captioned complaint in accordance with Section 46a-101 of the Connecticut General Statutes. Also, in accordance with Section 46a-100, C.G.S. Complainant is hereby authorized to commence a civil action against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred or in which the Respondent transacts business. If this action involves a state agency or official, it may be brought in the Superior Court for the Hartford-New Britain judicial district.

Please be advised that, pursuant to CONN. GEN. STAT. §46a-103, the Complainant or Complainant's attorney must serve on the Commission, at 21 Grand Street, Hartford, Connecticut 06106 at the same time all other parties are served, a copy of any civil action filed pursuant to this release. The Commission must be so served because it has a right to intervene in any action filed based on a release of jurisdiction.

In granting this release, the Commission expressly finds, in accordance with Sections 46a-100 and 46a-101(b) of the C.G.S., that all conditions precedent to the issuance of the release of jurisdiction have been complied with inasmuch as the complaint was timely filed in accordance with 46a-82 of the C.G.S. and the complaint has been pending for a period of not less than 210 days, inasmuch as it was filed on **January 23, 2004** and is still pending on **July 25, 2005** a period in excess of two hundred and ten (210) days.

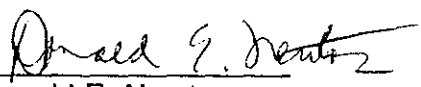
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Moreover, there is no reason to believe that the complaint will be resolved within a period of thirty (30) days from **July 20, 2005**, the date the Commission received Complainant's request for the Release of Jurisdiction, nor is the complaint currently scheduled for public hearing. [see Section 46a-101(c) of the Connecticut General Statutes].

The complainant must bring an action in Superior Court within ninety (90) days of receipt of this release and within two (2) years of the date of filing the complaint with the Commission. The Superior Court shall have such authority as is conferred upon it by Section 46a-104 of the C.G.S., and other laws of the State of Connecticut.

Concurrently, with the issuance of this Release of Jurisdiction, the Commission hereby administratively dismisses this complaint in accordance with Section 46a-101(d) the Connecticut General Statutes. Furthermore, said dismissal is not subject to administrative judicial review.

R. Hamisi Ingram
Executive Director

By: 
Donald E. Newton
Chief of Field Operations

Dated and entered of record in the Commission's Administrative Office in Hartford, Connecticut on this 25th day of July, 2005.

cc: Complainant: Rose E. Carroll
Complainant's Attorney: Attorney Christine A. Palmieri
Receipt for Certified Mail 7003 2260 0006 5927 2704
Respondent(s): Personnel Department, David Lerner Associates, Inc.
Respondent's Attorney: Attorney Mark Mancher
Regional Manager: Tanya A. Hughes, Regional Manager
Southwest Regional Office

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COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

FORM 500(3)

RELEASE OF JURISDICTION

COMMISSION ON HUMAN RIGHTS AND
OPPORTUNITIES, ex rel.Shawna Mead
Complainant

Date: September 13, 2005

vs.

David Lerner Associates, Inc.
RespondentCCHRO CASE NO.: 0620117
EEOC CASE NO.: 161-2004-00030RELEASE OF JURISDICTION

Pursuant to Complainant's and/or Complaint's attorney(s) request dated **September 9, 2005** the Commission on Human Rights and Opportunities hereby releases its jurisdiction over the above numbered and captioned complaint in accordance with Section 46a-101 of the Connecticut General Statutes. Also, in accordance with Section 46a-100, C.G.S. Complainant is hereby authorized to commence a civil action against the Respondent in the Superior Court for the judicial district in which the discriminatory practice is alleged to have occurred or in which the Respondent transacts business. If this action involves a state agency or official, it may be brought in the Superior Court for the Hartford-New Britain judicial district.

Please be advised that, pursuant to CONN. GEN. STAT. §46a-103, the Complainant or Complainant's attorney must serve on the Commission, at 21 Grand Street, Hartford, Connecticut 06106 at the same time all other parties are served, a copy of any civil action filed pursuant to this release. The Commission must be so served because it has a right to intervene in any action filed based on a release of jurisdiction.

In granting this release, the Commission expressly finds, in accordance with Sections 46a-100 and 46a-101(b) of the C.G.S., that all conditions precedent to the issuance of the release of jurisdiction have been complied with inasmuch as the complaint was timely filed in accordance with 46a-82 of the C.G.S. and the complaint has been pending for a period of not less than 210 days, inasmuch as it was filed on **November 20, 2003** is still pending on **September 13, 2005** a period in excess of two hundred and ten (210) days.


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Moreover, there is no reason to believe that the complaint will be resolved within a period of thirty (30) days from **September 9, 2005**, the date the Commission received Complainant's request for the Release of Jurisdiction, nor is the complaint currently scheduled for public hearing. [see Section 46a-101(c) of the Connecticut General Statutes].

The complainant must bring an action in Superior Court within ninety (90) days of receipt of this release and within two (2) years of the date of filing the complaint with the Commission. The Superior Court shall have such authority as is conferred upon it by Section 46a-104 of the C.G.S., and other laws of the State of Connecticut.

Concurrently, with the issuance of this Release of Jurisdiction, the Commission hereby administratively dismisses this complaint in accordance with Section 46a-101(d) the Connecticut General Statutes. Furthermore, said dismissal is not subject to administrative judicial review.

R. Hamisi Ingram
Executive Director

By: 
Donald E. Newton
Chief of Field Operations

Dated and entered of record in the Commission's Administrative Office in Hartford, Connecticut on this 13th day of September, 2005.

cc: Complainant: Shawna Meade
Complainant's Attorney: Attorney Christine A. Palmieri
Attorney Sarah W. Poston
Receipt for Certified Mail 7003 2260 0006 5927 2957
Respondent(s): David Lerner, Owner, Lerner Associates, Inc.
Respondent's Attorney: Attorney Mark Mancher

Rev. 2/6/02

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been sent via facsimile and First Class

United States Mail to:

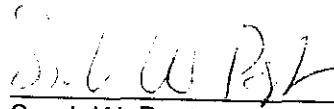
Mark S. Mancher
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Christine Palmieri
Liddle & Robinson, LLP
800 Third Avenue
New York, NY 10022

Dated at Bridgeport, Connecticut on this 14th day of September, 2005.

A handwritten signature in dark ink, appearing to read "Sarah W. Poston", written over a horizontal line.

Sarah W. Poston