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 Derrick Oldham. The Commission alleges that Defendant maintains a health insurance policy which covers major medical expenses, but excludes coverage for expenses related to pregnancy and childbirth, in violation of Title VII.

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. § 2000 e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

 The employment practice alleged to be unlawful was committed within the jurisdiction of the United States Court for the Southern District of Indiana, Indianapolis 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, Ken Maddox Heating & Air Conditioning, Inc., (the "Employer"), purports to have continuously been an Indiana corporation, doing business in the State of Indiana and the City of Indianapolis, and has continuously had at least 15 employees.
- 5. At all relevant times, Defendant Employer 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, Derrick Oldham filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. Since at least May 1999, Defendant Employer has engaged in unlawful employment practices at its Indianapolis, Indiana facility, in violation of Section 703(a) (1) of Title VII, 42 U.S.C. §§ 2000e-2(a) (1). The unlawful practice includes maintaining a health

insurance policy which provides coverage for major medical expenses but excludes coverage for expenses for pregnancy and childbirth.

- 8. The effect of the practice complained of in paragraph 7 above has been to deprive Derrick Oldham of equal employment opportunities and otherwise adversely affect his status as an employee, because of his sex.
- 9. The unlawful employment practice complained of in paragraph 7 above was intentional.
- 10. The unlawful employment practice complained of in paragraph 7 above was done with malice or with reckless indifference to the federally protected rights of Derrick Oldham.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from maintaining a health insurance policy which discriminates on the basis of sex and any other employment practice which discriminates on the basis of sex.
- B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for its employees, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant Employer to make whole Derrick Oldham by providing compensation for past and future pecuniary losses resulting from the unlawful employment practice described in paragraph 7 above, including but not limited to medical expenses incurred

by Derrick Oldham for the birth of a child, out of pocket expenses, plus prejudgment interest, in amounts to be determined at trial.

- D. Order Defendant Employer to make whole Derrick Oldham by providing compensation for past and future nonpecuniary losses resulting from the unlawful practice complained of in paragraph 7 above, including but not limited to physical and emotional pain and suffering, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.
- E. Order Defendant Employer to pay Derrick Oldham punitive damages for its malicious and reckless conduct 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.
 - 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.

Respectfully Submitted,

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