

United States Equal Employment Opportunity Commission
21 S. 5th Street, Suite 400
Philadelphia, PA 19106
Woody Anglade
Trial Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
MICHAEL'S SALON DI PARRUCCHIERE)
INC.,)
)
Defendant.)
)
)

CIVIL ACTION NO.
04-1927(SRC)
COMPLAINT
JURY TRIAL DEMAND

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DISTRICT COURT
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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 that discriminate on the basis of sex and to provide appropriate relief to Jessica Masker. As articulated with greater particularity in paragraph 7 below, the Commission alleges that during Ms. Masker's employment, Defendant's Owner, Michael Merola, subjected Jessica Masker to sexually explicit, insulting, and derogatory comments and conduct which created a sexually hostile and offensive work environment for her as a female. The Commission alleges that Defendant failed to undertake any remedial action to stop the offensive and discriminatory conduct. As a result of the sexual harassment, the Commission alleges that Jessica Masker was forced to resign from her employment and was constructively discharged from her position as a hair stylist. She suffered severe emotional distress and damages as a result of the illegal conduct of the Defendant.

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 § 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000c-5(f) 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 District of New Jersey.

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, Michael's Salon Di Parrucchiere Inc. ("Michael's Salon") has continuously been and is now doing business in the State of New Jersey and the towns of Flanders, Hackettstown and Chester, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer had 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, Jessica Masker 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 2002, Defendant Employer has engaged in unlawful employment

practices at its Hackettstown, New Jersey facility in violation of section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and 2000(c)-3(a)(1), by subjecting Charging Party Jessica Masker to a sexually hostile and abusive work environment. Specifically, Defendant Employer's Owner, Michael Merola, regularly and pervasively subjected Ms. Masker generally to unwelcome sexual advances, uninvited sexually explicit language and remarks and unwelcome egregious touching and contact which resulted in sexual assaults.

(A) As the highest ranking official for Defendant Employer, Michael Merola's wrongful conduct is imputed to Defendant Michael's Salon.

(B) Michael Merola, Defendant's Owner and Manager, engaged in a continuing pattern of sexual harassment against Jessica Masker which was unwanted, inappropriate and highly offensive.

(C) Jessica Masker was employed by Defendant Employer as a Hair Stylist for approximately one year, January, 2002 to January, 2003. Throughout her employment with Defendant Employer, Merola subjected Jessica Masker to unwelcome, uninvited sexual harassment and caused her to resign from her employment.

(D) Merola's wrongful conduct included, but is not limited to, (a) asking her and other female employees on multiple occasions to have sexual relations with his under-age son, repeatedly asking her and other female employees to have sexual relations with him, sticking his penis inches away from her face and ordering her to perform oral sex on him, physically restraining her against her objection to allow him to sexually assault her, and touching, groping and licking her body parts without her permission.

(E) Defendant Employer did not have an anti-harassment policy, nor did it maintain a

complaint process to address issues of employment discrimination in the workplace.

(F) Despite objections from Jessica Masker, Defendant Employer took no corrective action to cause the wrongful conduct to end.

(8) The effect of the practices complained of in paragraph 7(A) through (F) above has been to deprive Jessica Masker of equal employment opportunities and otherwise affect her status as an employee because of her gender (female).

(9) The acts complained of in paragraph 7 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 Jessica Masker as a female.

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 engaging in sexual harassment, disparate treatment, constructive discharge, 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 women, which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Jessica Masker by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Jessica Masker by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7,8 and 9 above, including but not limited to out-of-pocket losses in amounts to be determined at trial.

E. Order Defendant Employer to make whole Jessica Masker by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7,8 and 9 above, including pain and suffering, humiliation, embarrassment, and loss of life's pleasures, in amounts to be determined at trial.

F. Order Defendant Employer to pay Jessica Masker punitive damages for its malicious and reckless conduct described in paragraphs 7,8 and 9 above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

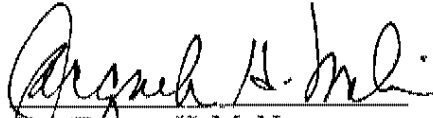
The Commission requests a jury trial on all questions of fact raised by its complaint.


ERIC S. DREIBAND
General Counsel

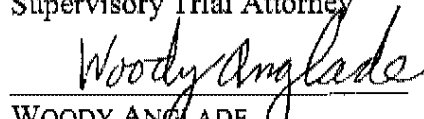
JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 L. Street, NW
Washington, DC 20507


JACQUELINE H. MCNAIR
Regional Attorney


JUDITH A. O'BOYLE
Supervisory Trial Attorney


WOODY ANCLADE
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Philadelphia District Office
The Bourse Building
21 S. 5th Street, Suite 400
Philadelphia, PA 19106
Telephone (215) 440-2814

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Newark Area Office
1 Newark Center, 21st Floor
Newark, NJ 07102-5253
Telephone: (973) 645-6383