IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION 04 SEP 28 AM 10: 41

U.S. EQUAL EMPLOYMENT OPPORTUNITY)

COMMISSION,

Plaintiff,

V.

COMPLAINT

PATTERSON COMPANIES INC.

f/k/a Patterson Dental Company
d/b/a Patterson Dental Supply, Inc.

Defendant.

CLERK, U.S. DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

ORLANDO. FLORIDA

ORLANDO.

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Terri Wallace who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that Ms. Wallace was subjected to sexual harassment by a coworker and employee of the Defendant corporation. The Commission further alleges that Defendant subsequently retaliated against Ms. Wallace for complaining of the unlawful sexual harassment by altering the terms and conditions of her employment thus leading to her constructive discharge.

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. The employment practices alleged to be unlawful were committed within the jurisdiction of the Untied States District Court for the Middle District of Florida, Orlando 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, Patterson Companies, Inc. f/k/a Patterson Dental Company d/b/a Patterson Dental Supply Inc. Minnesota corporation, has continuously been doing business in the State of Florida and the City of Orlando, and has continuously had at least 15 employees.
- 5. At all relevant times Patterson Companies, Inc. f/k/a Patterson Dental Company d/b/a Patterson Dental Supply, Inc. 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, Terri Wallace filed a charge with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. Since at least August 2001, Defendant Employer engaged in unlawful employment practices at its Orlando, Florida location in violation of Section 703(a) and Section 704(a) of Title

VII, 42 U.S.C. §2000e-2(a) and §2000e-3(a).

- a. Terri Wallace was subjected to sexual harassment by her co-worker in the form of unwelcome verbal conduct and writings of a sexual nature which was sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment.
- b. Defendant failed to take prompt corrective action when it knew or should have known of the sexual harassment.
- c. Defendant retaliated against Terri Wallace for complaining of the unlawful sexual harassment when it adversely affected the terms and conditions of her employment by placing her on a "performance plan"
- d. Defendant's conduct rendered the terms and conditions of Teri Wallace's employment so intolerable that she was compelled to end her employment with Defendant.
- 8. The effect of the conduct complained of in paragraph 7 above has been to deprive Teri Wallace of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex and/or in retaliation for her opposition to unlawful employment practices.
- 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 Teri Wallace.

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 sexual harassment, retaliatory conduct and/or any other employment practice which discriminates on the basis of sex and/or opposition to an unlawful employment practice.
- B. Order Defendant, to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees regardless of sex, and which eradicates the effects of its past unlawful employment practices.
- C. Order Defendant to make whole Teri Wallace 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, including but not limited to reinstatement or front pay.
- D. Order Defendant to make whole Teri Wallace by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including out of pocket losses in amounts to be determined at trial.
- E. Order Defendant to make whole Teri Wallace by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.
- F. Order Defendant to pay Teri Wallace punitive damages for its malicious and reckless conduct described in paragraph 7 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.

Respectfully Submitted,

ERIC S. DRIEBAND General Counsel

JAMES L. LEE Deputy General Counsel

GWENDOLYN YOUNG REAMS Associate General Counsel

DELNER FRANKLIN-THOMAS Regional Attorney

MICHAEL J. FARRELL Supervisory Trial Attorney

JENNIFER N. BROWN

Trial Attorney

Florida Bar. No. 532231

EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION

MIAMI DISTRICT OFFICE

One Biscayne Tower

2 South Biscayne Boulevard

Suite 2700

Miami, Florida 33131 Phone: (305) 530-6012

Fax: (305) 536-4494

UNITED STATES DISTRICT COURT

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by loca rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docke show. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

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