

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

U.S. EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	6:04-cv-01423-JA-KRS
)	
v.)	
)	<u>AMENDED COMPLAINT</u>
PATTERSON COMPANIES, INC.)	
f/k/a Patterson Dental Company, and)	
PATTERSON DENTAL SUPPLY, INC.)	
)	<u>JURY TRIAL DEMANDED</u>
Defendants.)	<u>INJUNCTIVE RELIEF SOUGHT</u>
)	

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 9, the Commission alleges that Ms. Wallace was subjected to sexual harassment by a coworker and employee of the Defendant corporations. The Commission further alleges that Defendants 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 United 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, a 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 Dental Supply Inc., a 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.

6. At all relevant times, Patterson Companies, Inc. f/k/a Patterson Dental Company 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).

7. At all relevant times, 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

8. 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 Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least August 2001, Defendant Employers engaged in unlawful employment practices at their 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. Defendants failed to take prompt corrective action when they knew or should have known of the sexual harassment.
- c. Defendants retaliated against Terri Wallace for complaining of the unlawful sexual harassment when they adversely affected the terms and conditions of her employment by placing her on a “performance plan”
- d. Defendants’ conduct rendered the terms and conditions of Teri Wallace’s employment so intolerable that she was compelled to end her employment with Defendants.

10. The effect of the conduct complained of in paragraph 9 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.

11. The unlawful employment practices complained of in paragraph 9 above were

intentional.

12. The unlawful employment practices complained of in paragraph 9 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 Defendants, their officers, successors, assigns, and all persons in active concert or participation with Defendants, 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 Defendants, 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 their past unlawful employment practices.

C. Order Defendants 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 their unlawful employment practices, including but not limited to reinstatement or front pay.

D. Order Defendants 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 Defendants 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 Defendants to pay Teri Wallace punitive damages for their 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

s/ Carla J. Von Greiff

CARLA J. VON GREIFF
Florida Bar No. 0110566
Senior Trial Attorney
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
501 East Polk Street
Suite 1000
Tampa, Florida 33602
Tel. (813) 228-2020
Fax (813) 228-2045
E-mail: carla.vongreiff@eeoc.gov