

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Plaintiff

205 CV 72515

vs.

Hon. Victoria Roberts

B & V CONSTRUCTION,
Defendant

And

DOUGLAS HASKINS,
Intervening Plaintiff

vs.

B & V CONSTRUCTION,
Defendant

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COMPLAINT OF INTERVENING PLAINTIFF

I. JURISDICTION AND PARTIES

1. Intervening Plaintiff Haskins is a resident of the State of Michigan.
2. Defendant is a corporation doing business in the Eastern District of the State of Michigan. At all times pertinent Defendant has been engaged in an industry affecting commerce and has had at least 15 employees.
3. Jurisdiction of Count I and Count II is based on federal question pursuant to 42 USC §2000e(2)-(5) (Title VII). Jurisdiction of Count III is based on the supplemental jurisdiction of this court pursuant to 28 USC §1367.
4. Haskins filed a charge with the Equal Employment Opportunity Commission more than 30 days prior to the institution of this lawsuit by the EEOC. All requisite administrative conditions precedent have been fulfilled.

COUNT I: TITLE VII SEX DISCRIMINATION

5. Haskins became employed by Defendant in 1999 as an operator of heavy equipment.
6. At all times pertinent, Haskins' supervisor was Tim Sullivan.
7. On innumerable occasions since at least October 2002, Sullivan, while acting in the scope of his employment, subjected Plaintiff to grossly offensive sexually explicit comments, assaults, and batteries which were severe and pervasive and thereby substantially interfered with the terms and conditions of Plaintiff's employment, creating an offensive, hostile, and intimidating working environment.
8. On several occasions, Plaintiff complained of Sullivan's behavior to one or more members of upper management having disciplinary authority, including the right to terminate.
9. Defendant failed to take prompt remedial action in response to those complaints.

10. Defendant retaliated against Plaintiff in response to his complaints by intimidating actions and subjecting Plaintiff to hazardous working conditions.

11. As a direct result of the hostile working environment and the retaliation he suffered as a consequence of his complaints, Plaintiff's working conditions were rendered intolerable to the point where he became emotionally disabled, was constructively discharged by Defendant, and was compelled to take an indefinite leave from employment.

12. Pursuant to 42 USC §2000e et seq., Defendant had a duty to Plaintiff to refrain from:

a) discriminating against him with respect to compensation, terms, conditions, and privileges of employment because of his sex, b) limiting, segregating, or classifying him for employment in a way which would deprive or tend to deprive him of employment opportunities or otherwise adversely affect his status as an employee because of his sex.

13. In willful violation of those duties, Defendant, through its agents and employees, harassed, insulted, belittled, humiliated, assaulted, battered and demeaned Plaintiff on account of his sex, otherwise limited his employment opportunities, and caused his disability all on account of his sex.

14. The conduct of Defendant's management and employees was committed with malice, was intentional, and displayed reckless indifference to the rights of Plaintiff.

15. As a result of Defendant's discrimination, Plaintiff has suffered a loss of employment opportunities as well as wages and other benefits, and has suffered severe and disabling mental and emotional anguish and distress, embarrassment, humiliation, harm to reputation, and loss of enjoyment of life.

Plaintiff demands judgment against Defendant as follows:

- a. Compensatory and punitive damages in the sum of \$10,000,000 or such other sum as is deemed just and equitable under the circumstances;
- b. If and when Plaintiff's emotional condition permits, reinstatement to his rightful position upon conditions free from discrimination and retaliation;
- c. Pre-judgment and post-judgment interest, costs, and attorney fees;
- d. Such other legal or equitable relief as this court deems just in the circumstances.

COUNT II: TITLE VII RETALIATION

16. Plaintiff incorporates all allegations above.

17. Pursuant to 42 USC §2000e et seq. at all times pertinent, Defendant had a duty to refrain from discriminating or retaliating against Plaintiff because Plaintiff opposed a practice made unlawful by Title VII.

18. The complaints that Plaintiff made to Defendant's management constituted opposition to sex discrimination and harassment and to a hostile working environment based on sex, and therefore constituted opposition to practices made unlawful by Title VII.

19. Defendant breached its duty by subjecting Plaintiff to intimidation and hazardous working conditions, and by constructively discharging Plaintiff in retaliation for his opposition to practices made unlawful by Title VII.

20. As a direct result of Defendant's breach of statutory duty, Plaintiff suffered all of the injuries and damages as alleged in Count I.

Plaintiff demands judgment against Defendant as sought in Count I.

COUNT III: VIOLATIONS OF MICHIGAN ELLIOTT LARSEN CIVIL RIGHTS ACT

21. Plaintiff incorporates all allegations above.

22. At all times pertinent, Defendant was an employer and Plaintiff was an employee within the meaning of the Michigan Civil Rights Act, MCLA §37.2101 et seq.

23. Pursuant to that Act, Defendant had a duty to Plaintiff to refrain from discriminating against him with respect to his employment, compensation, or terms, conditions, or privileges of employment because of his sex, or otherwise to deprive him of employment opportunities or adversely affect his employment status because of sex, and to refrain from retaliating or discriminating against Plaintiff because he opposed a violation of that Act.

24. In willful violation of those duties, Defendant committed the acts as alleged in the previous counts.

25. As a result of Defendant's discrimination and retaliation, Plaintiff suffered all of the injuries and damages alleged in Count I, as well as sense of outrage.

Plaintiff demands judgment against Defendant as sought in Count I.

PLAINTIFF DEMANDS TRIAL BY JURY

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By: _____

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August 22, 2005