

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**REBEKAH WOMACK PETROWSKI and the  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiffs,**

**V.**

**HILL BOREN P. C.**

**Defendant.**

**Case No. 2:05-cv-02611**

## Jury Demanded

### INTERVENOR'S COMPLAINT

Comes now Plaintiff, Rebekah Womack Petrowski, by and through the undersigned counsel, and submits the following complaint pursuant to her Order Granting Motion to Intervene, signed by the Honorable Jon Phipps McCalla, United States District Court Judge, on February 15, 2006 (see attached Exhibit A). Plaintiff hereby submits this Complaint and intervenes in the case of Equal Employment Opportunity Commission v. Hill Boren P.C., Case No. 2:05-cv-02611-JPM-tmp, and states unto the Court as follows:

## NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to correct unlawful employment practices based upon sex and to provide appropriate relief to Plaintiff Petrowski who was adversely affected by such practices. Plaintiff Petrowski alleges that Defendant Hill Boren P.C. subjected her to a hostile work environment and

forced her to resign, all in violation of Title VII.

### **JURISDICTION**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This is an action 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. § 2000e, *et seq.* ("Title VII") and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Western District of Tennessee, Western Division.

### **PARTIES**

3. Plaintiff Rebekah Womack Petrowski (Plaintiff Petrowski) is a female, and was a resident of Shelby County, Tennessee, at all times relevant to the events complained of herein.

4. Plaintiff, Equal Employment Opportunity Commission (the "Commission") is an 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 §706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f).

5. At all relevant times, Defendant Hill Boren was doing business in the State of Tennessee and has continuously had at least fifteen (15) employees.

6. At all relevant times, Defendant has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of §701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e(b), (g), and (h).

7. At all times complained of herein, Plaintiff Petrowski was an employee, as

contemplated by the laws cited in paragraph 1 of this Complaint, of the Defendant.

### **STATEMENT OF CLAIMS**

8. More than thirty (30) days prior to the institution of the Commission's lawsuit, Plaintiff Petrowski filed a charge of discrimination with the Commission alleging that Defendant engaged in employment practices at its Memphis, Tennessee office in violation of Title VII, as amended, 42 U.S.C. §2000e-2(a). All conditions precedent to the institution of this lawsuit have been fulfilled.

9. During the period of August 2002, and continuing until February 2003, Defendant engaged in unlawful employment practices at Defendant's law office in Memphis, Tennessee. The unlawful employment practices included, but were not limited to, subjecting Plaintiff Petrowski to ongoing sexual harassment because of her sex, female, and constructively discharging her.

10. Plaintiff Petrowski was hired through a temporary agency for Defendant in July 2002. In December 2002, Defendant hired Plaintiff Petrowski as a full-time employee.

11. Plaintiff Petrowski worked in that capacity until February 2003, when she was forced to quit due to alleged sexual harassment by Robert Hill, a senior partner and attorney at Defendant's law firm.

12. Defendant's employee, attorney Robert Hill, repeatedly asked Plaintiff Petrowski out to dinner, touched her inappropriately, and constantly made comments of a sexual nature to her.

13. Defendant did not have an effective sexual harassment complaint procedure in place.



14. The practices complained of above were and are in violation of §§ 703(a) of Title VII, as amended, 42 U.S.C. §§ 2000e-2(a).

15. The effect of the practices complained of above has been to deprive Plaintiff Petrowski of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

16. As a result of the Defendant's aforesaid unlawful acts, Plaintiff Petrowski has suffered and will continue to suffer not only a significant loss of pay and benefits, but also emotional pain and suffering, inconvenience, loss of enjoyment of life, injury to professional and credit standing, and humiliation and embarrassment due to her being unlawfully discriminated against because of her sex and constructively discharged.

17. Plaintiff avers that she is entitled to recover all lost pay and benefits, plus interest, as well as compensatory damages from the Defendant in an amount to be determined at the trial of this matter for emotional pain and suffering, inconvenience, loss of enjoyment of life, injury to professional standing, and humiliation and embarrassment due to her being unlawfully discriminated against because of her sex and constructively discharged.

18. The unlawful employment practices complained of above are and were intentional.

19. Defendant Hill Boren at all relevant times has been acting with malice or reckless indifference to the federally protected rights of Plaintiff Petrowski because of her sex.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff Petrowski respectfully prays that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates because of sex.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for females which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Plaintiff Petrowski by compensating her for all lost pay and benefits, including prejudgment interest, in amounts to be determined at trial, due to her constructive discharge.

D. Order the Defendant to make whole Plaintiff Petrowski by awarding her compensatory damages or other nonpecuniary losses in amounts to be proven at trial for her emotional pain and suffering, inconvenience, loss of enjoyment of life, injury to professional standing, and humiliation and embarrassment due to Defendant's unlawful employment practices.

E. That the Court award Plaintiff Petrowski punitive damages for Defendant's intentional, malicious and/or reckless conduct in whatever amount the jury may deem reasonable and necessary to punish the Defendant for its unlawful conduct and to deter it and other companies from engaging in similar conduct in the future.

F. That the Court awards Plaintiff Petrowski all of her costs and attorney fees.

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

#### **JURY TRIAL DEMAND**

Plaintiff Petrowski requests a jury trial on all questions of fact raised by the

Complaint.

Respectfully Submitted,

**NORWOOD, HOWARD & ATCHLEY**

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of March 2006 I served a copy of the foregoing Motion to Intervene via Electronic Case Filing (ECF) System upon the following:

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