

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
SEP 29 AM 10:15
LAURA A. BRIGGS

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
MER CORPORATION, d/b/a Dancer's)
Show Club,)
)
Defendant.)
_____)

CIVIL ACTION NO.
1: 06-cv- 1436 -LJM -WTL
COMPLAINT
JURY TRIAL DEMAND

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 correct unlawful employment practices on the basis of sex and to provide appropriate relief to Christina Perkins-DeLois, who was adversely affected by such practices. The Commission alleges that the Defendant forced Christina Perkins-DeLois, a bartender, to take maternity leave.

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 ("Title VII"), 42 U.S.C. § 2000e-5(f)(1) and (3), and Section 102 of Title I 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 Southern District of Indiana, Indianapolis 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, Defendant MER Corporation (the “Employer”) has continuously been an Indiana corporation, doing business in the State of Indiana and the City of Indianapolis, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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, Christina Perkins-DeLois filed a charge with the Commission alleging violations of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July 23, 2005, Defendant Employer has engaged in unlawful employment practices at its Indianapolis, Indiana, facility, in violation of Sections 703(a)(1) and 701(k) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1), 2000e(k). Defendant Employer forced Christina Perkins-DeLois, a bartender, to take maternity leave.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Christina Perkins-DeLois of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex.

9. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

10. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Christina Perkins-DeLois.

PRAAYER 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 any employment practice that 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, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Christina Perkins-DeLois by providing appropriate backpay 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 Christina Perkins-DeLois by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to out of pocket expenses, plus prejudgment interest, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Christina Perkins-DeLois by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to physical and emotional pain and suffering, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employer to pay Christina Perkins-DeLois punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

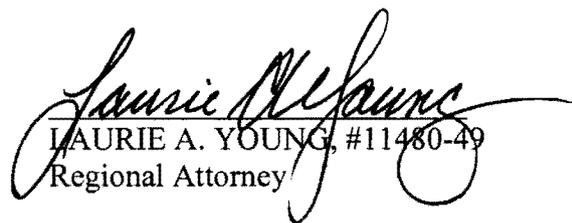
G. Grant such further relief as the Court deems necessary and proper in the public interest.

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,


LAURIE A. YOUNG, #11480-49
Regional Attorney


MICHELLE EISELE, #12070-49
Supervisory Trial Attorney

Kenneth L Bird

KENNETH L. BIRD, #10780-02

Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Indianapolis District Office

101 West Ohio Street, Suite 1900

Indianapolis IN 46204-4203

Phone: (317) 226-7204

Fax: (317) 226-5571

Email: Kenneth.Bird@eeoc.gov