

FILED
U.S. DISTRICT COURT
INDIANAPOLIS, INDIANA

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

05 OCT 26 PM 3: 28
SOUTHERN DISTRICT
OF INDIANA
LAUREN RIGGS
CLERK

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION NO.:
)	
And)	106-CV-1436-KJM-WTL
)	
CHRISTINA PERKINS-DELOIS)	
)	
Plaintiff in Intervention)	
)	
v.)	<u>COMPLAINT</u>
)	
MER CORPORATION, d/b/a Dancer's Show Club,)	<u>JURY TRIAL DEMAND</u>
)	
Defendant.)	
)	

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 Plaintiff in Intervention, Christina Perkins-DeLois, alleges that the Defendant forced her, 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, and 1343. 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. 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, the Intervening Plaintiff, Christina Perkins-DeLois, has continuously been a resident of Marion County, Indiana

5. 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.

6. 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

7. The Intervening Plaintiff filed a charge of discrimination with the Commission on August 17, 2005 under Title VII of the Civil Rights Act of 1964, alleging that she had been illegally terminated by Defendant Employer because of her pregnancy.

8. The Commission issued a determination on August 30, 2006, wherein the Commission concluded that the information obtained during the investigation established a violation of Title VII of the 1964 Civil Rights Act as amended with regard to

Intervening Plaintiff's allegations that she was discriminated against because of her pregnancy.

9. The Commission issued a letter on September 26, 2006, stating that efforts to conciliate Intervening Plaintiff's charge were unsuccessful, and that no further efforts to conciliate her charge would be made.

10. 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.

11. The Commission filed its original Complaint against Defendant employer in this court on September 29, 2006.

12. 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.

13. The effect of the practices complained of in paragraph 12 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.

14. The unlawful employment practices complained of in paragraph 12 above were and are intentional.

15. The unlawful employment practices complained of in paragraph 12 above were and are done with malice or with reckless indifference to the federally protected rights of Christina Perkins-DeLois.

16. In May, 2005, Intervening Plaintiff first advised Defendant Employer that she was pregnant.

17. Thereafter, even though she continued to perform her duties as a bartender in a satisfactory and acceptable manner, Intervening Plaintiff was subjected to discriminatory treatment by Defendant Employer because of her sex and pregnancy without respect to the terms, conditions and privileges of her employment, including but not limited to the following:

(a) Defendant Employer treated her in a hostile manner and she was forced to work in a hostile environment. Contrary to Defendant Employer's practice before her announced pregnancy, her supervisors began making unflattering comments to her about her weight gain from her pregnancy.

(b) Defendant Employer's supervisors began suggesting that Intervening Plaintiff take a leave from her job because she was beginning to show too much.

(c) Defendant Employer's supervisor informed Intervening Plaintiff on or about July 9, 2006, that he was going to be in trouble if she continued working much longer.

(d) Defendant Employer's supervisor notified Intervening Plaintiff on July 23, 2005, that the following Sunday would be her last day of work because of her pregnancy.

(e) Defendant Employer's supervisor told Intervening Plaintiff that she would only be entitled to receive six (6) weeks unpaid time off for her forced maternity leave, and that if she couldn't return by then to do her work, she would not get her position back, knowing that she was still months away from delivering her baby.

(f) Defendant Employer's supervisor told Intervening Plaintiff she might be able to get her job back after she delivered her baby if she didn't cause any problems for being forced to leave her job because of her pregnancy.

(g) Defendant Employer's supervisor terminated Intervening Plaintiff's employment at the end of July, 2005 because of her pregnancy.

18. Plaintiff never had been advised by her employer of any dissatisfaction with her job performance during the 8-year period she worked for Defendant Employer.

19. At all times during her employment, Intervening Plaintiff performed her duties in a satisfactory and acceptable manner. The manner in which she performed her duties and the quality of her performance did not change materially after she became pregnant through and including the date of her termination.

20. As a result of Defendant Employer's actions, Intervening Plaintiff has been deprived of income in the form of wages and benefits due her.

21. As a result of Defendant Employer's actions, Intervening Plaintiff has suffered humiliation and emotional distress.

22. After recovering from the disabilities resulting from her pregnancy and childbirth, Intervening Plaintiff struggled for months to obtain other substantially equivalent employment.

23. Intervening Plaintiff has not plain, adequate or complete remedy at law to redress the wrongs alleged herein.

24. By reason of the foregoing, Intervening Plaintiff has suffered and will continue to suffer irreparable harm and injury.

PRAYER FOR RELIEF

Wherefore, the Intervening Plaintiff respectfully requests that this Court:

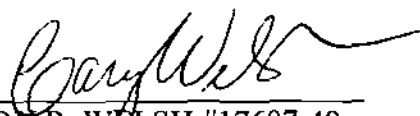
- A. Order Defendant Employer to make whole Christina Perkins-DeLois by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.
- B. Order Defendant Employer to make whole Christina Perkins-DeLois by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described herein above, including but not limited to out of pocket expenses, plus prejudgment interest, in amounts to be determined at trial.
- C. 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 herein, 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.
- D. Order Defendant Employer to pay Christina Perkins-DeLois punitive damages for its malicious and reckless conduct described herein above, in amounts to be determined at trial.
- E. Order Defendant Employer to pay Christina Perkins-DeLois reasonable attorney's fees as part of its costs pursuant to § 706(k) of Title VII of the Civil Rights Act of 1964.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Intervening Plaintiff her costs of this action.

JURY TRIAL DEMAND

The Intervening Plaintiff requests a jury trial on all questions of fact raised by its complaint.

Respectfully Submitted,



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Christina Perkins-DeLois

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