

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

AUG - 7 2003

LARRY W. PROPPES, CLERK
U. S. DISTRICT COURT

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

PALMETTO RESTAURANT GROUP, LLC, and
CAROLINA RESTAURANT GROUP, INC.,

Defendants.

CIVIL ACTION NO.

2:03-2577-18BG

COMPLAINT

(JURY TRIAL DEMANDED)

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 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Michelle Linen, Beverly Lewis, Shakeenya Coley, Melody Grimmage, Shaketia Ford, Venata Green, Marketia Kinzer, Angelia Gary, and other similarly situated female employees who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "EEOC") alleges that from April 1999 through May 2002 these female employees were subjected to a continuing sexually hostile working environment at Defendants' Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant, and all were adversely affected by such practices.

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 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 District of South Carolina, Charleston Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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 Palmetto Restaurant Group, LLC ("PRG"), has continuously been a South Carolina corporation doing business in the State of South Carolina and the City of Georgetown, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Carolina Restaurant Group, Inc. ("CRG"), has continuously been a North Carolina corporation doing business in the State of South Carolina and the City of Georgetown, and has continuously had at least 15 employees.

6. At all relevant times, Defendants PRG and CRG (referred to collectively herein as Defendant Employers) were an integrated enterprise doing business as Wendy's Old Fashioned Hamburger Restaurant in Georgetown, South Carolina.

7. At all relevant times, Defendant Employers have continuously been employers 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, Michelle Linen,

Beverly Lewis, Shakeenya Coley, Melody Grimmage, and Shaketia Ford, filed charges with the EEOC alleging violations of Title VII by Defendant Employers. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least April 1999 through May 2002, Defendant Employers have engaged in unlawful employment practices at their Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2, including but not limited to subjecting female employees, some of whom as young as sixteen years old, to a continuing severe or pervasive sexually hostile working environment, which was based on their sex, female, and which included daily verbal and physical sexual harassment by a forty-nine year old manager.

10. The effect of the practices complained of in paragraph 9 above has deprived Michelle Linen, Beverly Lewis, Shakeenya Coley, Melody Grimmage, Shaketia Ford, Venata Green, Marketia Kinzer, Angelia Gary, and other similarly situated female employees who worked at Defendants' Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant, of equal employment opportunities and otherwise adversely affected their status as employees because of their sex, female.

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 Michelle Linen, Beverly Lewis, Shakeenya Coley, Melody Grimmage, Shaketia Ford, Venata Green, Marketia Kinzer, Angelia Gary, and other similarly situated female employees who worked at Defendants'

Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employers to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of their past unlawful employment practices.

C. Order Defendant Employers to make whole Beverly Lewis, Shakeenya Coley, Shaketia Ford, Venata Green, Marketia Kinzer, Angelia Gary, and other similarly situated female employees who worked at Defendants' Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant, by providing appropriate backpay 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 of Beverly Lewis, Shakeenya Coley, Shaketia Ford, Venata Green, Marketia Kinzer, Angelia Gary, and other similarly situated female employees.

D. Order Defendant Employers to make whole Shakeenya Coley, Shaketia Ford, Venata Green, and other similarly situated female employees who worked at Defendants' Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including lost wages and medical expenses, in amounts

to be determined at trial.

E. Order Defendant Employers to make whole Michelle Linen, Beverly Lewis, Shakeenya Coley, Melody Grimmage, Shaketia Ford, Venata Green, Marketia Kinzer, Angelia Gary, and other similarly situated female employees who worked at Defendants' Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 9 above, including loss of enjoyment of life, personal injuries, loss of earning capacity, suffering, humiliation, fear, anxiety, emotional pain, loss of dignity, loss of civil rights, and anger, in amounts to be determined at trial.

F. Order Defendant Employers to pay Michelle Linen, Beverly Lewis, Shakeenya Coley, Melody Grimmage, Shaketia Ford, Venata Green, Marketia Kinzer, Angelia Gary, and other similarly situated female employees who worked at Defendants' Georgetown, South Carolina, Wendy's Old Fashioned Hamburger Restaurant, punitive damages for their malicious and reckless conduct described in paragraph 9, 11 and 12 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 EEOC its costs of this action.

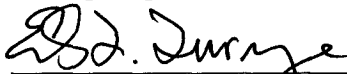
JURY TRIAL DEMAND

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

Dated this 7th day of August, 2003.

GWENDOLYN YOUNG REAMS
Associate General Counsel

BOBBY C. SIMPSON
Acting Regional Attorney



EDWIN L. TURNAGE

Trial Attorney

Federal ID# 5189

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

301 N. Main Street

Landmark Building, Suite 1402

Greenville, SC 29601

(864) 241-4406