

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Middle District of Tennessee, Nashville Division.

PARTIES

3. Plaintiff 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 Whirlpool Corporation ("Employer"), a foreign Corporation, has been continuously doing business in the State of Tennessee and the City of LaVergne 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, Carlota Freeman filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From January through March 26, 2004, Defendant Employer engaged in unlawful employment practices at its LaVergne, Tennessee facility, in violation of Section 703 (a) of Title VII, 42 U.S.C. § 2000e-2(a).

8. In January, 2004, Carlota Freeman was recalled to work from layoff by Defendant Employer and assigned to a work station near the work station of Willie Baker. Ms. Freeman and Mr. Baker did not know each other prior to this.

9. From the first week that she returned to work, Ms. Freeman was subjected to continuing harassment by Mr. Baker because of her sex and race. Ms. Freeman reported this harassment to her supervisor on many occasions, but Defendant failed to stop Mr. Baker's harassing conduct. The harassing conduct and Defendant's failure to take appropriate actions to stop it caused Ms. Freeman to suffer great emotional distress and adversely affected her working conditions.

10. On or about March 26, 2004, Mr. Baker, without any provocation from Ms. Freeman, struck Ms. Freeman in the face and knocked her down, then continued to pummel her when she was on the ground. Co-workers managed to extricate Ms. Freeman from Mr. Baker's grasp and separate them. Ms. Freeman suffered serious injuries due to this assault.

11. Ms. Freeman suffered serious physical and emotional injuries due to the assault by Mr. Baker. Ms. Freeman has been diagnosed with post-traumatic stress disorder caused by the assault and has been unable to return to employment.

12. The effect of the practices complained of in paragraphs 9 – 11 above has been to deprive Carlota Freeman of equal employment opportunities and otherwise adversely affect her status as an employee because of her race and sex.

13. The unlawful employment practices complained of in paragraphs 9 – 11 above were intentional.

14. The unlawful employment practices complained of in paragraphs 9 – 11 above were done with malice or reckless indifference to the federally protected rights of Carlota Freeman.

PRAYER 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 employment practices that discriminate on the basis of race and sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide protection against discrimination based on race and sex, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Carlota Freeman by providing appropriate compensatory damages for her pecuniary losses 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 Carlota Freeman by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 9 – 11 above, including emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order Defendant Employer to pay Carlota Freeman punitive damages for its malicious and reckless conduct described in paragraphs 9 - 11 above, in amounts to be determined at trial.

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

G. Award the Commission its costs of this action.

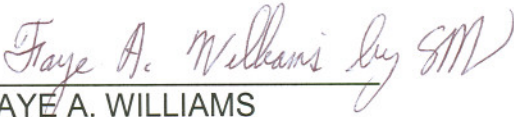
JURY TRIAL DEMAND

The Commission demands a jury trial on all questions of fact raised by the Complaint.

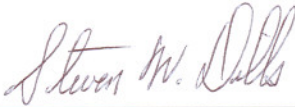
Respectfully submitted,

JAMES LEE
Deputy General Counsel

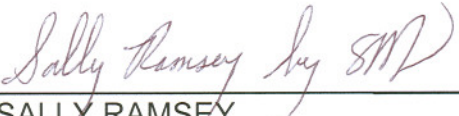
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