

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS

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UNITED STATES OF AMERICA,

Plaintiff,

v.

NORTH LITTLE ROCK SCHOOL DISTRICT,

Defendant.

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII").
2. This Court has jurisdiction over the action under 42 U.S.C. Section 2000e-5(f) and 28 U.S.C. Section 1345.
3. Defendant North Little Rock School District (hereinafter referred to as "NLRSD" or "School District") is a corporate, governmental body created pursuant to the laws of the State of Arkansas and is charged with the operation of a public school system.
4. Defendant North Little Rock School District may be sued in its corporate name. Ark. Stat. Ann. § 6-13-102(a).
5. Defendant NLRSD is a person within the meaning of 42 U.S.C. Section 2000e(a), and an employer within the meaning of 42 U.S.C. Section 2000e(b).
6. Defendant NLRSD has discriminated against Margaret Ness, a female employed as a secretary at the NLRSD's administrative offices, on the basis of her sex in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a), among other ways, by:
  - a. subjecting Ms. Ness to a sexually hostile work environment; and
  - b. failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Ms. Ness.
7. Defendant NLRSD has retaliated against Ms. Ness in violation of Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-3(a), among other ways, by increasing Ms. Ness' work load, supervising her work more closely, and transferring to her a less desirable position

after she made an internal complaint alleging sexual harassment.

8. The Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Ms. Ness (Charge No. 251971596) in which she alleged that she had been discriminated against in employment on the basis of sex at the NLRSD by being sexually harassed. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that the allegations of sexual harassment were true, found in addition reasonable cause to believe that the NLRSD had retaliated against Ms. Ness for her complaints about harassment, attempted unsuccessfully to achieve through conciliation a voluntary resolution of these matters, and subsequently referred the charge to the Department of Justice.

9. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays that this Court grant the following relief:

(a) Enjoin the defendant NLRSD from failing and refusing to:

(i) Provide relief to the charging party, Margaret Ness, to make her whole for the loss she has suffered as the result of the discrimination against her as alleged in the complaint; and

(ii) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination; and

(b) Award compensatory damages to Margaret Ness as would fully compensate her for injuries caused by the defendant's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

The plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

#### JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

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