

FILED

OCT 18 2002

BRUCE W. WATKINSON, CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
Washington Field Office
1400 L Street N.W., Suite 200
Washington D.C. 20005

Plaintiff,

v.

HARCO, INC. d/b/a ARCHIBALD'S
1520 K. Street, N.W.
Washington, D.C. 20005

Defendant.

CASE NUMBER 1:02CV02039

JUDGE: Emmet G. Sullivan

DECK TYPE: Employment Discrimination

DATE STAMP: 10/18/2002

COMPLAINT
JURY TRIAL DEMAND

JURY
ACTION
ECE

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 discrimination committed by Defendant Harco, Inc. d/b/a Archibald's ("Defendant Archibald's") and to provide appropriate relief to female employees, including Michelle O'Connor, who were adversely affected by Defendant Archibald's practices. As alleged with greater particularity in the paragraphs below, Ms. O'Connor was not promoted to the position of manager/bartender and female bartenders, including Ms. O'Connor, were subjected to disparate terms and conditions of employment because of their sex.

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, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") 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 Columbia.

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 Archibald's, a District of Columbia corporation, continuously did business in the District of Columbia and continuously has had at least 15 employees.

5. At all relevant times, Defendant Archibald's 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, Ms. O'Connor filed a charge with the Commission alleging violations of Title VII by Defendant Archibald's. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 1999, Defendant Archibald's has engaged in unlawful employment practices at its location in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1).

A. Defendant Archibald's failed to promote Ms. O'Connor to the position of manager/bartender because of her sex.

B. Defendant Archibald's subjected female bartenders, including Ms. O'Connor, to disparate terms and conditions of employment, *i.e.*, a dress code, because of their sex.

8. The effect of the practices complained of in paragraph 7 above has been to deprive females, including Ms. O'Connor, of equal employment opportunities and otherwise adversely affect their status as employees, because of their sex.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of female employees, including Ms. O'Connor.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Archibald's, its successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination.

B. Order Defendant Archibald's to institute and carry out policies, practices, and programs that provide equal employment opportunities for female employees and that eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Archibald's to make whole female employees, including Ms. O'Connor, by providing backpay with prejudgment interest, in amounts to be determined

at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described in paragraph 7 above, including but not limited to reinstatement and/or frontpay.

D. Order Defendant Archibald's to make whole female employees, including Ms. O'Connor, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

E. Order Defendant Archibald's to make whole female employees, including Ms. O'Connor, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Archibald's to pay female employees, including Ms. O'Connor, punitive damages for the 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.

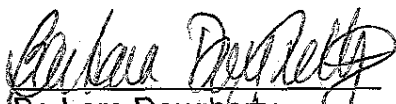
H. Award the Commission its costs incurred in this action.

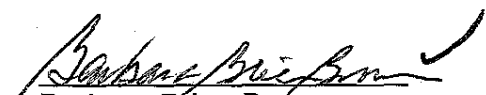
JURY TRIAL DEMAND


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

Respectfully submitted,

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