

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

EQUAL EMPLOYMENT OPPORTUNITY	*
COMMISSION,	
Plaintiff,	*
v.	* Civil Action
	RDB-04CV209
AVADO BRANDS, INC., d/b/a DON PABLO'S	*
RESTAURANT,	
Defendant.	*

* * * * *

VERONICA BOWMAKER,	
Intervenor-Plaintiff,	*
v.	*
AVADO BRANDS, INC., d/b/a DON PABLO'S	*
RESTAURANT,	
Defendant.	*

* * * * *

COMPLAINT

Plaintiff Veronica Bowmaker, hereby sues defendant Avado Brands, Inc. d/b/a Don Pablo's Restaurant ("Don Pablo's"), and in support thereof alleges:

Jurisdiction

1. This Court has jurisdiction of this action pursuant to 28 U.S.C. sections 1331 and 1343.
2. Venue is proper in this district pursuant to 28 U.S.C. section 1391(b).

Procedural Prerequisites

3. All conditions precedent to jurisdiction have been met.

Parties

4. Plaintiff, Equal Employment Opportunity Commission, is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring such actions as this by Section 706(f)(1), 42 U.S.C. Section 2000e-5(f)(1).

5. Plaintiff is an adult citizen of the State of Maryland, and at all pertinent times, was employed by defendant, Avado Brands, Inc. d/b/a Don Pablo's Restaurant ("Don Pablo's").

6. Defendant Don Pablo's is a multi-state corporation, and at all pertinent times, conducted retail food business in Maryland.

Statement of Facts

7. Intervenor-Plaintiff Bowmaker (hereinafter referred to as "plaintiff Bowmaker"), was employed at Don Pablo's from November 1999 to June 2002.

8. Throughout her tenure, plaintiff Bowmaker was forced to work on a daily basis in an abusive and hostile work environment, on the basis of her race, African-American. Among other things, she was (a) subjected to intimidation, ridicule and insult, on the basis of her race; and (b) subjected to different terms, conditions, and privileges of her employment, on the basis of her race.

9. The conduct was engaged in by her manager. Further, the conduct took place with the knowledge of higher management, and plaintiff Bowmaker reported the abusive conduct to higher management. Nonetheless, defendant did nothing to investigate or stop the illegal treatment. Further, they took no disciplinary action or any remedial action.
10. When plaintiff Bowmaker spoke out against the discriminatory and harassing conduct, she was subjected to heightened ridicule and discrimination, ultimately resulting in her discharge.
11. The hostile and abusive work environment was so pervasive and severe that it interfered with plaintiff Bowmaker's ability to do her job, and with her psychological well-being.
12. As a result of the acts described herein, plaintiff Bowmaker suffered and will continue to suffer serious mental anguish and extreme emotional distress, as well as economic losses. She has suffered and will suffer future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

Count I

(Title VII)

13. Plaintiff Bowmaker incorporates by reference the allegations of paragraphs 1 through 12.

14. Defendant undertook a course of discriminatory and harassing treatment of plaintiff based on her race, as alleged herein, including but not limited to creating a hostile and abusive working environment, subjecting her to different terms, conditions, and privileges of employment, and retaliating against her when she spoke out against the discriminatory treatment.

15. Defendant undertook the actions alleged herein with malice or with reckless indifference to plaintiff Bowmaker's rights.

WHEREFORE, plaintiff Veronica Bowmaker seeks damages against defendant Avado Brands, Inc. d/b/a Don Pablo's Restaurant, in the amount of \$50,000.00 for her economic losses, compensatory damages and punitive damages in the amount of \$300,000.00, her reasonable attorney's fees and costs and expenses, and such additional relief as the Court deems just.

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