

END

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

SEP 25 2000

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

JAMES W. McCORMACK, CLERK  
By: [Signature]  
DEP. CLERK

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

GLOBAL MATERIAL SERVICES )

Defendant. )

CIVIL ACTION NO 5:00CV00352

COMPLAINT  
This case assigned to District Judge Wilson  
and to Magistrate Judge Jones

**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief on behalf of Darlene Worthen, Mary Donaldson, Christy Park and other female employees. Ms. Worthen, Ms. Donaldson, and Ms. Park were discriminated against by Defendant by being subjected to sexual harassment caused by the inappropriate sexual actions, overtures, and behavior of male supervisors and co workers and were later constructively discharged for rejecting sexual advances.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This is an action authorized and instituted pursuant to §706(f)(1) and (3) and §706 and §707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII").

2. The employment practices alleged to be unlawful were and are now being



committed within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Pine Bluff Division.

### **PARTIES**

3. Plaintiff, Equal Employment Opportunity Commission (the "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 this action by §706(f)(1) and (3) and §707 of Title VII, 42 U.S.C. §2000-5(f).

4. At all relevant times, Defendant Global Material Services ("Defendant Employer"), was a limited liability corporation doing business in the State of Arkansas and the City of Pine Bluff and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of §701(b), (g), and (h) of Title VII, 42 U.S.C. §§2000e(b), (g), and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty (30) days prior to the institution of this lawsuit, Darlene Worthen, Mary Donaldson, and Christy Park filed charges of discrimination with the Commission alleging violations of Title VII by Defendant Employer including sexual harassment and discharge. During the course of the investigation, allegations of sexual harassment towards previous female employees were discovered. All conditions precedent to the institution of this lawsuit have been fulfilled.

### **COUNT I**

7. From on or around January of 1999 and continuing, Defendant Employer has

engaged in unlawful employment practices at its facility in Pine Bluff, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to, sexual harassment of Ms. Worthen, Ms. Donaldson, Ms. Park, and previously employed female employees.

8. The effect of the practices complained of above has been to deprive Ms. Worthen, Ms. Donaldson, and Ms. Park of equal employment opportunities and otherwise adversely affect their status as employees.

9. Beginning in January of 1999, Ms. Donaldson and Ms. Park began complaining to their immediate supervisor, Darlene Worthen, that they were being subjected to sexual harassment by other male supervisors and male co workers. Ms. Worthen reported the unlawful conduct to her immediate supervisor as well as corporate officials. Ms. Worthen was subjected to this harassment as well. The harassment included, but was not limited to, sexual touching, sexually explicit email and screen savers, sexual jokes, abusive language, and requests for sexual favors.

10. The unlawful employment practices complained of above were and are intentional.

11. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Ms. Worthen, Ms. Donaldson, and Ms. Park.

## COUNT II

12. From on or around January of 1999 and continuing, Defendant Employer has engaged in unlawful employment practices at its facility in Pine Bluff, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but

are not limited to, sexually harassing previous and current female employees because of their sex.

13. The effect of the practices complained of above has been to deprive female employees of equal employment opportunities and otherwise adversely affect their status as employees.

14. The unlawful employment practices complained of above were and are intentional.

15. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of female employees and female applicants.

### **COUNT III**

16. Since at least January of 1999, Defendant Employer has engaged in unlawful employment practices at its facility in Pine Bluff, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a) and §704 of Title VII, as amended, 42 U.S.C. §2000e-3. The unlawful practice includes constructively discharging Ms. Worthen, Ms. Donaldson, and Ms. Park

17. The effect of the practices complained of above has been to deprive them of their federally protected rights and equal employment opportunities and otherwise adversely affect their status of employment.

19. The unlawful employment practices complained of above were and are intentional.

20. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Ms. Worthen, Ms. Donaldson, and Ms. Park.

#### **COUNT IV**

21. Prior to January of 1999, Defendant Employer has engaged in unlawful employment practices at its facility in Pine Bluff, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to failure to prevent the sexual harassment of female employees.

22. The effect of the practices complained of above has been to deprive female employees of equal employment opportunities and otherwise adversely affect their status as employees.

23. The unlawful employment practices complained of above were and are intentional.

24. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of female employees.

#### **PRAYER FOR RELIEF**

#### **COUNTS I, II, III, and IV**

**WHEREFORE**, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis sex.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities which eradicate the effects of its past and present unlawful employment patterns and practices.

C. Order Defendant Employer to make whole Darlene Worthen, Mary Donaldson,

Christy Park, and all female class members who were subjected to Defendant's practices of discrimination by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, placement in a position.

D. Order Defendant Employer to make whole Darlene Worthen, Mary Donaldson, Christy Park, and all female class members who were subjected to Defendant's practices of discrimination by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Darlene Worthen, Mary Donaldson, Christy Park, and all female class members who were subjected to Defendant's practices of discrimination by providing compensation for past and future non pecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, embarrassment, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Darlene Worthen, Mary Donaldson, Christy Park, and all female class members who were subjected to Defendant's practices of discrimination punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial.

G. Order Defendant Employer to pay Darlene Worthen, Mary Donaldson, and Christy Park all the relief to which they are entitled for Defendant's illegal acts of discharging them.

H. Grant such further relief as the Court deems necessary and proper.


I. Award the Commission its costs in this action.


**JURY TRIAL DEMAND**

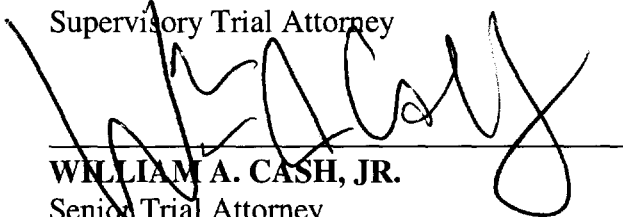
The Commission requests a jury trial on all questions of fact raised by its Complaint.


**C. GREGORY STEWART**  
General Counsel

**GWENDOLYN YOUNG REAMS**  
Associate General Counsel

  
\_\_\_\_\_  
**KATHARINE W. KORES**  
Regional Attorney

  
\_\_\_\_\_  
**TERRY BECK**  
Supervisory Trial Attorney

  
\_\_\_\_\_  
**WILLIAM A. CASH, JR.**  
Senior Trial Attorney  
AR #88081

  
\_\_\_\_\_  
**PAMELA B. DIXON**  
Trial Attorney  
AR # 95085

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**  
Little Rock Area Office  
425 W. Capitol, Suite 625  
Little Rock, Arkansas 72201  
Telephone: (501) 324-5065