

FILED

SEP 24 2003

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

Phil Lombardi, Clerk
U.S. DISTRICT COURT

(1) **EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

(1) **BANK OF OKLAHOMA, a National
Banking Association and subsidiary of
BOK FINANCIAL CORPORATION,
an Oklahoma Corporation,**

Defendant.

03C V 657 EA (C)

No.

JURY TRIAL DEMANDED

COMPLAINT

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 retaliation and to provide appropriate relief to Herbert Phillip Woodend. The Equal Employment Opportunity Commission alleges that the Defendant, Bank of Oklahoma, violated Title VII when it retaliated against Herbert Phillip Woodend for his opposition to practices made unlawful by Title VII.

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 §§ 706(f)(1) & (3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. § 2000e-3(a) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the

Northern District of Oklahoma,

PARTIES

2. 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) & (3) of Title VII, 42 U.S.C. § 2000e-3(a).

3. At all relevant times, Defendant has continuously been and is now doing business in the State of Oklahoma and the City of Tulsa, and has continuously had at least fifteen employees.

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

STATEMENT OF CLAIMS

5. More than thirty days prior to the institution of this lawsuit, Herbert Phillip Woodend filed a charge with the Commission alleging a violation of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

6. Since at least May 2002, the Defendant has engaged in unlawful employment practices in its facility in Tulsa, Oklahoma in violation of Section 704(a) of Title VII, 42 U.S.C. Section 2000e-3(a), by terminating Herbert Phillip Woodend's employment in retaliation for engaging in protected activity, including his opposition to the gender harassment of an employee who reported to Woodend.

7. The practices complained of above were intentional and designed to deprive Herbert Phillip Woodend of equal employment opportunities and otherwise adversely affect his status as an

employee.

8. The unlawful employment practices complained of above were committed with malice or with reckless indifference to the federally protected rights of Herbert Phillip Woodend.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Bank of Oklahoma, its officers, successors, assigns, and all persons in active concert or participation with it, from retaliating against employees.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Herbert Phillip Woodend and other employees and which eradicate the effects its past and present unlawful employment practices.

C. Order the Defendant to make whole Herbert Phillip Woodend by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices, including but not limited to rightful-place reinstatement or front pay in lieu of reinstatement.

D. Order the Defendant to make whole Herbert Phillip Woodend by providing compensation for past and future pecuniary and non-pecuniary losses resulting from the unlawful employment practices described above, including, but not limited to emotional pain, suffering, anxiety, loss of enjoyment of life, humiliation, and inconvenience, in amounts to be determined at trial.

E. Order the Defendant to pay Herbert Phillip Woodend punitive damages for its malice or reckless indifference to Mr. Woodend's federally protected rights described above, in amounts

to be determined at trial.

- F. Grant such further relief as the Court deems necessary and proper.
- G. 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.

Respectfully submitted,

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JURY TRIAL DEMANDED