

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

**Equal Employment Opportunity
Commission,**
Plaintiff,

v.

Norris Automotive Holdings, LLC
d/b/a Norris Ford
Defendant

Case No: 1:06 cv 1671 AMD

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COMPLAINT UPON INTERVENTION

Barbara Kate Dabbs, who has moved to intervene in this action instituted by the Equal Employment Opportunity Commission (EEOC), through her undersigned counsel, files this Complaint Upon Intervention, and in support states:

Nature of the Action

1. This is an action brought by the EEOC 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 constituting sex discrimination and retaliation, and to provide appropriate relief to Ms. Dabbs and her co-worker, Ms. Christina Humphries-Korenstra who were adversely affected by such practices. Ms. Dabbs and Ms. Humphries-Korenstra were subjected to unwelcome sexual advances and other verbal and physical contact of a sexual nature constituting sexual harassment by Defendant's manager David Wiemer. This sexual harassment was sufficiently severe and pervasive enough to alter the

conditions of their employment and created a sexually abusive and hostile workplace. Ms Dabbs and Ms. Humphries-Korenstra were discharged on the basis of their sex, female, and in retaliation for their complaining and otherwise opposing the sexual harassment.

Jurisdiction and Venue

2. Jurisdiction is invoked pursuant to 28 U.S.C §§ 451, 1331, 1337, 1343 and 1345. The Action is authorized and was instituted by EEOC pursuant to 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”) and 42 U.S.C. § 1981A.

3. The unlawful employment practices alleged herein were committed within the jurisdiction of the U.S. District Court for the District of Maryland.

4. Intervention by Ms. Dabbs is authorized and instituted pursuant to 42 U.S.C. §§ 2000e-5(f)(1) and (3) and 42 U.S.C. § 1981A and Rule 24(a) of the Federal Rules of Civil Procedure.

Parties

5. Intervening Plaintiff Barbara Kate Dabbs is a person aggrieved by the Defendant’s unlawful employment practices.

6. At all relevant times, Defendant Norris Automotive Holdings, LLC d/b/a Norris Ford (Norris Ford), has continuously been a corporation doing business in the State of Maryland, and has had continuously at least fifteen employees.

7. At all relevant times, Defendant Norris Ford has continuously been an employer engaged in an industry affecting commerce within the meaning of 42 U.S.C. 2000e(b), (g), and (h).

Statement of Claims

8. More than 30 days prior to the institution of this lawsuit, Ms. Dabbs filed charges with the EEOC alleging violations of Title VII by Defendant Norris Ford. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least August 2003, Defendant Norris Ford has engaged in unlawful employment practices at its Dundalk, Maryland facility in violation of 42 U.S.C § 2000e-2(a)(1). The practices include subjecting Ms. Dabbs to a sexually hostile working environment, including voyeuristic, lewd, and sexually suggestive advances, comments, and actions by Defendant's manager David Wiemer, and discharging her on or about August 19, 2004 on the basis of her sex, female.

10. On or about August 19, 2004, Defendant Norris Ford engaged in unlawful employment practices at its Dundalk, Maryland facility in violation of 42 U.S.C § 2000e-3(a). The practices include Defendant Norris Ford's discharge of Ms. Dabbs for complaining and otherwise opposing the sexual harassment.

11. The effect of the practices complained of in paragraphs 9 and 10 above has been to deprive Ms. Dabbs of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female, and for opposing practices made unlawful under Title VII.

12. The unlawful employment practices complained of above were intentional.

13. The unlawful employment practices complained of above were done with malice and/or reckless indifference to Ms. Dabbs' federally protected rights.

Prayer for Relief

WHEREFORE, Intervening Plaintiff Barbara Kate Dabbs respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Norris Ford, its owners, officers, agents employees, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex.

b. Grant a permanent injunction enjoining Defendant Norris Ford, its owners, officers, agents employees, successors, assigns, and all persons in active concert or participation with it, from engaging in reprisal or retaliation against any person because such person opposed any practice made unlawful under Title VII or participated in any manner in an investigation, civil action, or other proceeding under Title VII.

c. Order Defendant Norris Ford to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

d. Order Defendant Norris Ford to make whole Barbara Kate Dabbs by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and any other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

e. Order Defendant Norris Ford to make whole Barbara Kate Dabbs by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

f. Order Defendant Norris Ford to make whole Barbara Kate Dabbs by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described above, including emotional pain and suffering, shock, anxiety, humiliation, and loss of enjoyment of life in amounts to be determined at trial.

g. Order Defendant Norris Ford to pay Barbara Kate Dabbs punitive damages for its malicious and/or reckless conduct in an amount to be determined at trial.

h. Award Barbara Kate Dabbs her costs in this action.

i. Award Counsel for Barbara Kate Dabbs reasonable attorney fees, and

j. Grant such further relief as the Court deems just and proper.

Jury Trial

Intervening Plaintiff Barbara Kate Dabbs requests a Jury Trial on all questions of fact raised by her complaint.

Respectfully Submitted,

_____/s/_____
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