

FILED

SEP 27 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

DAVID W. DANIEL, CLERK
US DISTRICT COURT, EDNC
BY DEP. CLERK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

NEW HANOVER REGIONAL MEDICAL CTR.,

Defendant.

CIVIL ACTION NO. 5:02-CV-703
HY3

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and retaliation and to provide appropriate relief to Kently J. Hall ("Hall"), who was adversely affected by such practices. The Commission alleges that Defendant disciplined, demoted and discharged Hall because of his race, African-American. The Commission further alleges that Defendant retaliated against Hall after Hall complained of the racial discrimination.

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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and pursuant to 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 Eastern District of North Carolina.

SCANNED

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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, New Hanover Regional Medical Center (the "Employer"), has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Wilmington, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce under 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, Hall filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least January 1998 until September 9, 1998, Defendant Employer engaged in unlawful employment practices at its Wilmington, North Carolina facility, in violation of Title VII. Specifically, Defendant Employer:

(a) disciplined, demoted and discharged Hall because of his race, African-American, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1); and

(b) discharged Hall because he complained of the discriminatory treatment, in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a).

8. The effect of the practices complained of in paragraph 7 above has been to

deprive Hall of equal employment opportunities and otherwise adversely affect his status as an employee because of his race and his opposition to practices made illegal by Title VII.

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 Hall.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in racial discrimination and from engaging in retaliation against employees because they have opposed employment practices made unlawful under Title VII or otherwise engaged in protected activity under Title VII.

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

C. Order Defendant Employer to make whole Kently J. Hall, by providing appropriate back pay with pre-judgment interest, in an amount to be determined at trial, and other appropriate affirmative relief necessary to eradicate the effects of its unlawful employment practices, including reinstatement or front pay.

D. Order Defendant Employer to make whole Kently J. Hall, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in an amount to be determined at trial.

E. Order Defendant Employer to make whole Kently J. Hall, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, loss of civil rights, and humiliation, in an amount to be determined at trial.

F. Order Defendant Employer to pay Kently J. Hall punitive damages for its malicious and reckless conduct, as described in paragraph 7 above, in an amount 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 of this action.

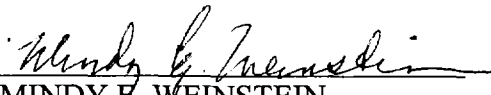
JURY TRIAL DEMAND


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

Dated this ____ day of September, 2002.

GWENDOLYN YOUNG REAMS
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