

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

(2) ROBYN GILLILAND,

Plaintiff Intervenor,

v.

(1) GREAT PLAINS COCA-COLA  
BOTTLING CO., INC.,

Defendant.

Case No. CIV-03-1347-F

JURY TRIAL DEMANDED

FILED

OCT 21 2003

ROBERT D. DENNIS  
U.S. DIST. COURT - WESTERN DIST. OF OKLA.  
BY [Signature] DEPUTY

**PLAINTIFF INTERVENOR COMPLAINT**

1. This is an action under Title VII of the Civil Rights Act of 1964, as amended, Title I of the Civil Rights Act of 1991, and Oklahoma law, to correct unlawful employment practices on the basis of sex, retaliation, and to remedy intentional tortious conduct and negligent conduct, and to provide appropriate relief to Robyn Gilliland.

**PARTIES, JURISDICTION AND VENUE**

2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Section 451, 1331, 1337 and 1343, and 1345. This action is authorized and instituted pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. § 2000e-5, and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

3. The employment practices alleged to be unlawful, as well as the alleged acts of tortious and negligent conduct, were and are now being committed within the jurisdiction of the United States District Court for the Western District of Oklahoma.

4. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), filed a complaint against Defendant in the United States District Court for the Western District of Oklahoma on September 24, 2003.

5. Plaintiff Intervenor, Robyn Gilliland, as the person on whose behalf the Commission filed suit against Defendant, has an unconditional right to intervene in the case filed by the Commission pursuant to Section 706(f) of Title VII, 42 U.S.C. § 2000e-5(f).

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

7. 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).

8. All conditions precedent to the institution of this action have been met.

#### **FIRST CLAIM FOR RELIEF**

#### **SEXUALLY HOSTILE WORKING ENVIRONMENT**

9. Since at least December 1, 1998, Defendant has engaged in unlawful employment practices in violation of Title VII by creating, permitting and condoning a sexually hostile work environment.

10. Defendant failed to remedy the hostile environment despite notice of the hostile environment.

11. As a result Robyn Gilliland is entitled to relief as set forth below in her prayer for relief.

## **SECOND CLAIM FOR RELIEF**

### **RETALIATION**

12. Defendant retaliated against Robyn Gilliland for engaging in protected activity by harassing her and constructively terminating in violation of Title VII.

13. As a result, Robyn Gilliland is entitled to the relief set forth below in her prayer for relief.

## **THIRD CLAIM FOR RELIEF**

### **VIOLATION OF OKLAHOMA LAW**

14. By subjecting Robyn Gilliland to a sexually hostile working environment, Defendant violated Oklahoma law and public policy.

15. As a result, Robyn Gilliland is entitled to the relief set forth below in her prayer for relief.

## **FOURTH CLAIM FOR RELIEF**

### **VIOLATION OF OKLAHOMA LAW**

16. By subjecting Robyn Gilliland to retaliation and constructively terminating her based upon her engaging in protected conduct, the Defendant violated Oklahoma law and public policy.

17. As a result, Robyn Gilliland is entitled to the relief set forth below in her prayer for relief.

## **FIFTH CLAIM FOR RELIEF**

### **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND OUTRAGEOUS CONDUCT**

18. By subjecting, Robyn Gilliland to retaliation, sexual harassment, and constructively terminating her, Defendant engaged in extreme and outrageous conduct and intentionally inflicted emotional distress upon Robyn Gilliland.

19. As a result, Robyn Gilliland is entitled to the relief set forth below in her prayer for relief.

**SIXTH CLAIM FOR RELIEF**

**NEGLIGENT SUPERVISION**

20. Defendant was negligent in its supervision of Robyn Gilliland's supervisors and coworkers.

21. As a result, Robyn Gilliland is entitled to the relief set forth below in her prayer for relief.

**SEVENTH CLAIM FOR RELIEF**

**NEGLIGENCE**

22. Defendant was negligent in its retention of Robyn Gilliland's supervisors and coworkers.

23. As a result, Robyn Gilliland is entitled to the relief set forth below in her prayer for relief.

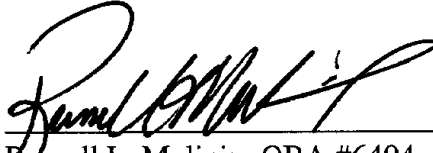
**PRAYER FOR RELIEF**

WHEREFORE, Robyn Gilliland respectfully requests the following relief:

- A. back pay;
- B. interest;
- C. pecuniary compensatory damages;
- D. non-pecuniary compensatory damages, including but not limited to damages for pain and suffering, loss of enjoyment of life and humiliation, post traumatic stress disorder, and anxiety;

- E. punitive damages;
- F. reinstatement, or in the alternative, front pay in lieu of reinstatement;
- G. costs;
- H. reasonable attorneys fees;
- I. such other legal or equitable relief as the Court deems appropriate.

Respectfully Submitted,



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