

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION)
)
and)
)
VANCE C. MCDONALD)
)
Plaintiffs)
v.)
)
THE MARYLAND CLASSIFIED)
EMPLOYEES ASSOCIATION, INC.)
)
Defendant)
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Civil Action No.: JFM 05 cv 0890

**INTERVENOR’S COMPLAINT AND
ELECTION FOR JURY TRIAL**

Now comes Vance C. McDonald, Plaintiff, by his attorneys, Morton Edelstein, Patrick J. Perkins and the Law Office of Edelstein & Radford pursuant to Rule 24 of the Federal Rules of Civil Procedure, and sues The Maryland Classified Employees Association, Inc. (hereinafter “MCEA”), Defendant, and for reasons states:

1. Plaintiff is bringing this action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq.
2. The unlawful employment practices alleged below were committed in Baltimore, Maryland, which is within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.
3. At all relevant times, the Defendant has been an independent labor organization incorporated in and continuously doing business in the State of Maryland, the City of Baltimore and Annapolis, and has continuously had at least fifteen (15) employees.

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

5. That the Plaintiff has been granted the right to intervene in this action.

6. More than thirty (30) days prior to the institution of this lawsuit, Vance C. McDonald filed a Charge of Discrimination with the EEOC alleging violations of Title VII by the Defendant. All other conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least September 2003, Defendant has engaged in unlawful employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. 2000e-2(a).

8. That Plaintiff participated in an EEOC investigation of another employee's charge of discrimination against MCEA for sexual harassment and retaliation.

9. That the Defendant had knowledge of Plaintiff's opposition to sexual harassment on behalf of an employee, and his participation in the EEOC's subsequent investigation of that employee's charge of discrimination.

10. That around September 2003, shortly after Plaintiff's participation in the EEOC investigation, the Defendant terminated Plaintiff from his position as a Labor Relations Representative.

11. That the Defendant's termination of Plaintiff's employment amounted to retaliatory conduct against him for having opposed conduct which is discriminatory under Title VII and for having participated in an EEOC investigation in violation of Section 704(a) of Title VII.

12. The effect of the practices complained of in paragraphs 8-11 above has been to deprive Plaintiff of equal employment opportunities and otherwise adversely affect the terms and conditions of his employment because he engaged in conduct protected by Section 704(a) of Title VII.

13. The unlawful employment practices complained of in paragraphs 8-11 above were intentional.

14. The unlawful employment practices complained of in paragraphs 8-11 above were done with malice or with reckless indifference to the federally protected rights of the Plaintiff.

WHEREFORE, the Plaintiff, Vance C. McDonald, respectfully requests that this Court:

A. Order Defendant to make whole Plaintiff by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, and other affirmative pecuniary relief necessary to eradicate the effects of the unlawful employment practices;

B. Order Defendant to make whole Plaintiff by providing compensation for non-pecuniary losses, including emotional pain, suffering and mental anguish, in amounts to be proven at trial;

C. Order Defendant to pay punitive damages for its malice and reckless disregard to Plaintiff's federally protected rights to have a work environment free from retaliation in accordance with Title VII, in amounts to be proven at trial; and

D. Order Defendant to pay counsel fees.

EDELSTEIN & RADFORD

/s/

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ELECTION FOR JURY TRIAL

Plaintiff, Vance C. McDonald, by Morton Edelstein, Patrick J. Perkins and the Law Office of Edelstein & Radford, his attorneys, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, hereby makes a demand for a trial by jury in the above captioned matter.

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