

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, N.C.
2004 SEP 30 AM 11:41
U.S. DISTRICT COURT
W. DIST. OF N.C.

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
LSRWM CORPORATION d/b/a)
RWM CASTERS COMPANY)
)
Defendant.)
_____)

CIVIL ACTION NUMBER

3:04 CV 502

JURY TRIAL DEMAND

NATURE OF THE ACTION

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 sex (female), and retaliation, and to provide appropriate relief to Glenda Green who was adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that Defendant LSRWM Corporation d/b/a RWM Casters Company ("Defendant"), discriminated against Glenda Green by subjecting her to a sexually hostile work environment. The Commission further alleges that Defendant discharged Ms. Green in retaliation for her opposition to sexual harassment, her filing of a Title VII discrimination charge and her anticipated participation in a Commission proceeding.

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 Section 706(f)(1) and (3) of Title VII

of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) (“Title VII”) and 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 Western District of North Carolina, Charlotte Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Lsrwm Corporation doing business as RWM Casters Company, has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Gastonia, and has continuously had at least 15 employees.

5. 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

6. More than thirty days prior to the institution of this lawsuit, Glenda Green filed two charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From approximately October 1998 until approximately October 10, 2003, Defendant engaged in unlawful employment practices at its Gastonia, North Carolina facility, in violation of

Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1), by subjecting Glenda Green to a sexually hostile work environment, including lewd gestures, sexual comments, and name calling by a male co-worker. Defendant knew or should have known about the sexually hostile work environment but failed to correct it.

8. On or about October 10, 2003, Defendant engaged in unlawful employment practices at its Gastonia, North Carolina facility, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), by discharging Glenda Green in retaliation for her opposition to sexual harassment, her filing of a Title VII discrimination charge and her anticipated participation in a Commission proceeding.

9. The effect of the practices complained of in paragraphs 7 and 8 above has been to deprive Glenda Green of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex and because of unlawful retaliation.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Glenda Green.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Order Defendant to institute and carry out policies, practices and programs which eradicate the effects of its past and present unlawful employment practices, and which provide equal employment opportunities for women, for employees who file charges with the Commission, and for employees who oppose employment practices which the employee reasonably believes to be unlawful under any statute enforced by the Commission.

C. Order Defendant to make whole Glenda Green by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement or front pay.

D. Order Defendant to make whole Glenda Green by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, including but not limited to medical expenses and job search expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Glenda Green by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraphs 7 and 8 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, loss of civil rights, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Glenda Green punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8 above, in amounts 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.

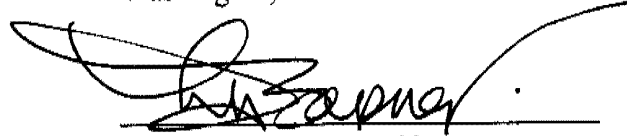
DATED this the 30th day of September, 2004.

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