

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Civil No. 04 2924
JMR/RLE

SHERRY (MILBRETT) DUROCHER,
Plaintiff/Intervenor

VS.

ENTRONIX INTERNATIONAL, INC.
Defendant.

INTERVENOR'S COMPLAINT

This is an action under Title VII of the Civil Rights Act of 1964 and the Minnesota Human Rights Act to correct unlawful employment practices on the basis of retaliation. Entronix International, Inc. discriminated against Sherry (Milbrett) Durocher when it terminated her employment in retaliation for her complaints of sexual harassment. Defendant's adverse employment actions violate the following: Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a); and Section 363A.15 of the Minnesota Human Rights Act, Minn. Stat. §363A.01 et seq.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action by the Plaintiff/Intervenor is authorized and instituted pursuant to Section 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and 2000e-6 ("Title VII"). This Court has supplemental jurisdiction, pursuant to 28 U.S.C. 1367, to address violations of the Minnesota Human Rights Act ("MHRA").

2. The employment practices alleged to be unlawful have been committed within the jurisdiction of the United States District Court for the District of Minnesota.

PARTIES

3. The Equal Employment Opportunity Commission (the "EEOC"), 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. The EEOC filed suit in U.S. District Court on June 9, 2004.

4. Plaintiff/Intervenor, Sherry (Milbrett) Durocher ("Ms. Durocher") is a female who was employed by Defendant Entronix in Eveleth, Minnesota, and who at all relevant times has been an employee or person within the meaning of Title VII and of the MHRA.

5. At all relevant times, Defendant Entronix International Inc. ("Defendant") has continuously been a Minnesota corporation doing business in the State of Minnesota, and has continuously had at least 15 employees.

6. At all relevant times, the Defendant has continuously 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.

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Ms. Durocher filed Charge #265A300164 with the EEOC, alleging violation of Title VII. Said Charge was cross-filed with the Minnesota Department of Human Rights, as #40952, alleging violation of the MHRA. On December 18, 2003, the EEOC issued a determination that Defendant had engaged in retaliation when it terminated Ms. Durocher. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. On or about January 4, 2002, Ms. Durocher complained to Defendant's managers that her supervisor had brought a sexually offensive catalog into the workplace and left it on the shift for the employees to view. Following her protected conduct, Defendant engaged in unlawful retaliatory practices against Ms. Durocher because she opposed sexual harassment and

complained about a sexually offensive catalog in her workplace.

9. Defendant's retaliatory actions included, but were not limited to: giving Ms. Durocher an unsubstantiated written reprimand; accusing her of ongoing poor performance; and terminating her employment.

10. The effect of the adverse actions complained of above has been to deprive Ms. Durocher of equal employment opportunities and otherwise adversely affect her status as an employee, because of retaliation.

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

12. The unlawful employment practices complained of above were done with malice or with reckless indifference to the legally protected rights of Ms. Durocher.

COUNT I -- RETALIATION in VIOLATION of TITLE VII

13. Plaintiff incorporates herein by reference the allegations contained in the preceding Paragraphs.

14. The actions of Defendant complained of above constitute unlawful retaliation in response to Plaintiff's statutorily protected conduct and are in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a).

15. The unlawful actions of Defendant have caused and will cause damages to Plaintiff for lost wages and employment benefits, damage to reputation and career, and emotional distress.

COUNT II -- RETALIATION in VIOLATION of the MHRA

16. Plaintiff incorporates herein by reference the allegations contained in the preceding Paragraphs.

17. The actions of Defendant complained of above constitute unlawful retaliation in response to Plaintiff's statutorily protected conduct and are in violation of the MHRA §363A.15.

18. The unlawful actions of Defendant have caused and will cause damages to Plaintiff

for lost wages and employment benefits, damage to reputation and career, and emotional distress.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in retaliation against persons who complain about or oppose discrimination.

B. Order the Employer to make whole Ms. Durocher by providing compensation for past and future wage losses, employment benefits, and other losses resulting from the unlawful practices complained of above, including damages for pain and suffering and emotional distress, and damage to reputation and career, in amounts to be determined at trial.

C. Order the Employer to pay statutory punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.

D. Order the Employer to pay statutory treble damages pursuant to the MHRA, § 363A.29, Subd. 4.

E. Order the Employer to pay the statutory civil penalty to the State of Minnesota pursuant to MHRA, § 363A.29, Subd. 4.

F. Grant such further relief as the Court deems necessary and proper.

G. Award Ms. Durocher her reasonable attorney's fees and costs.

Dorene R. Sarnoski Law Office

Dated: July 15, 2004

s/Dorene R. Sarnoski
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