

FILED
CHARLOTTE, N.C.

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

SEP 7 1999

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| EQUAL EMPLOYMENT OPPORTUNITY |) | U.S. DISTRICT COURT |
| COMMISSION, |) | W. DIST. OF N.C. |
| |) | |
| Plaintiff, |) | CIVIL ACTION NO. <i>3:99cv376-md</i> |
| |) | |
| v. |) | |
| |) | |
| BASF CORPORATION, |) | <u>COMPLAINT</u> |
| |) | |
| Defendant. |) | <u>JURY TRIAL DEMAND</u> |
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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, and to provide appropriate relief to Yvette McGill who was adversely affected by such practices. The Commission alleges that Defendant engaged in unlawful employment practices when it failed to hire Yvette McGill based on her sex, female, for a Chemical Operator position at its Charlotte, North Carolina plant.

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 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 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 Western District of North Carolina, Charlotte Division.

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, BASF Corporation, has continuously been a Delaware Corporation doing business in the State of North Carolina and the City of Charlotte, 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 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, Yvette McGill filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. In or about July 1997, Defendant engaged in unlawful

employment practices at its Charlotte, North Carolina job site, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Defendant failed to hire Yvette McGill into a chemical operator job at its Charlotte, North Carolina job site because of her sex, female.

8. The effect of the practice complained of in paragraph 7 above has been to deprive Yvette McGill of equal employment opportunities and otherwise adversely affect her status as an applicant for employment because of her sex, female.

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 Yvette McGill.

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 refusing to hire women based on their sex and from any other employment practice which discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its

past and present unlawful employment practices.

C. Order Defendant to make whole Yvette McGill, 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 hiring or front pay, as appropriate.

D. Order Defendant to make whole Yvette McGill, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search expenses and medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Yvette McGill 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, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Yvette McGill punitive damages for its malicious and reckless conduct described in paragraph 7 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.

C. GREGORY STEWART
General Counsel Designate

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 "L" Street, N.W.
Washington, D.C. 20507

Mindy E. Weinstein
MINDY E. WEINSTEIN
Regional Attorney

Rosemary J. Fox
ROSEMARY J. FOX
Supervisory Trial Attorney

Roderick Ventura
RODERICK VENTURA
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Charlotte District Office
129 West Trade Street
Suite 400
Charlotte, NC 28202
(704) 344-6875