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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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ANDREA PITTS,

Plaintiff,

-against-

FAST BOLT CORPORATION
and ROBERT LICHT,

Defendants.

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COMPLAINT

JURY TRIAL DEMANDED

Civil Action No. 2:05-cv-04325 (FSH) (PS)

Plaintiff, Andrea Pitts, residing at 84 Stuyvesant Road, Teaneck, New Jersey 07666, by her attorneys, Halsband & Ginsberg, LLP, as and for her Complaint against the Defendants Fast Bolt Corporation and Robert Licht, alleges as follows:

Jury Demand

1. Plaintiff demands a trial by jury of all issues in this action.

Nature of Action

2. Plaintiff seeks to recover damages against Defendants Fast Bolt Corporation (“Fast Bolt”) and Robert Licht (“Licht”) for unlawful employment practices, in particular, discrimination and termination based upon Plaintiff’s gender and sex (pregnancy), and for unlawful retaliation against Plaintiff, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) et seq. (hereinafter, “Title VII”) and the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, et seq. (hereinafter, “NJLAD”).

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over Plaintiff's claims in this action pursuant to 28 U.S.C. § 1331, 1367, Title VII, and pursuant to principles of pendent jurisdiction.

4. Plaintiff timely filed a charge of discrimination against Fast Bolt with the Equal Employment Opportunity Commission (hereinafter "EEOC"). On June 13, 2005, the EEOC issued its Determination, finding, among other things, that Fast Bolt violated Title VII, in that Fast Bolt subjected the Plaintiff to unlawful pregnancy discrimination. In addition, on June 13, 2005, the EEOC issued its Notice of Right Sue with respect to the Plaintiff's claims for retaliation under Title VII.

5. All conditions precedent to the institution of this lawsuit have been fulfilled. On September 6, 2005, the EEOC commenced an action against Fast Bolt in the United States District Court for the District of New Jersey. The name and civil action number of this lawsuit are Equal Employment Opportunity Commission v. Fast Bolt Corporation, 05-CV-04325.

6. Each of the Defendants reside, are found, transact business, have agents, and are within the jurisdiction of this Court for the purpose of service of process.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

Parties

8. Plaintiff Andrea Pitts is an adult female resident of the County of Bergen, State of New Jersey.

9. Upon information and belief, Fast Bolt is, and all times mentioned hereinafter was, a privately held domestic corporation duly licensed and authorized to do business pursuant to the laws of the State of New Jersey.

10. Upon information and belief, Fast Bolt has its principal place of business in South Hackensack, New Jersey, and employs 15 or more persons. At all times mentioned herein, Fast Bolt engaged in the business of making and/or distributing fasteners.

11. Fast Bolt is an “employer” subject to the requirements of Title VII, as defined in 42 U.S.C. § 2000e(b).

12. Fast Bolt is also an “employer” under the NJLAD.

13. Upon information and belief, Licht is currently a resident of the County of Bergen, State of New Jersey.

14. At all times mentioned herein, Licht was employed as a supervisor of Fast Bolt’s facility in Hackensack, New Jersey.

15. At all times mentioned herein, Licht was an employee, representative, and agent of Fast Bolt.

16. At all times mentioned herein, Licht was Plaintiff’s immediate supervisor.

17. At all times mentioned herein, Fast Bolt is responsible for the acts and actions of Licht, its supervisor, employee, agent and representative, under theories of respondeat superior and pursuant to case law.

Statement of Facts

18. In or about April 2004, Fast Bolt employed the Plaintiff as an office assistant at its office located at 200 Louis Street, South Hackensack, New Jersey.

19. At all times herein, the Plaintiff performed her duties competently and satisfactorily.

20. Fast Bolt did not issue the Plaintiff any written warnings about her work performance.

21. Fast Bolt did not issue the Plaintiff any verbal warnings about her work performance.

22. As a result of her satisfactory work performance, Fast Bolt made the Plaintiff a permanent employee on or about July 12, 2004.

23. On or about October 4, 2004, the Plaintiff advised her manager, Robert Licht, that she was pregnant.

24. On or about October 8, 2004, the Plaintiff further advised Licht that her doctor informed her that her pregnancy was high risk and that she needed a medical procedure on October 13, 2004 pertaining to her pregnancy. The Plaintiff also told Licht that she would need one week off from work for this medical procedure.

25. Licht approved the Plaintiff's request for the one week of time off due to her pregnancy.

26. However, on October 12, 2004, Licht, Kim McLaughlin, Defendant's Chief Financial Officer, and Ed Zavkas, Defendant's Vice President, terminated the Plaintiff's employment.

27. During the October 12, 2004 meeting, the Defendant told the Plaintiff that her work performance was entirely satisfactory, but that they suddenly preferred to have Licht's son perform her job.

28. In response, the Plaintiff opposed what she perceived to be pregnancy discrimination. The Plaintiff asked the Defendants whether her pregnancy was the reason for this abrupt termination, which occurred only one week after she informed the Defendants of her pregnancy and one day before her medical procedure.

29. The Defendants abdicated their duty to investigate whether pregnancy discrimination was occurring and ignored her opposition to said discrimination. They affirmed their termination of the Plaintiff's employment, in retaliation against the Plaintiff.

30. The real reason for the Defendants' decision to terminate the Plaintiff was because the Defendants did not want to continue to employ her due to her pregnancy. Indeed, the Plaintiff would have been eligible for health and various other benefits from Fast Bolt only a few weeks later, in November 2004.

31. The effect of the unlawful employment practices complained of above has been to deprive the Plaintiff of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex.

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

33. As a consequence of the foregoing, the Defendants harassed, retaliated against, and terminated the Plaintiff because of her pregnancy and her opposition to the Defendants' discrimination and harassment, in violation of the Pregnancy Discrimination Act under Title VII and the NJLAD.

34. As a result of the Defendants' unlawful actions, the Plaintiff has suffered lost pay and benefits, humiliation, embarrassment, and physical distress and mental anguish.

**AS AND FOR PLAINTIFF'S FIRST CLAIM FOR RELIEF UNDER
TITLE VII AGAINST FAST BOLT FOR UNLAWFUL
DISCRIMINATION AND TERMINATION**

35. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

36. By and through their course of conduct as alleged above, Fast Bolt and its agents willfully violated Title VII by harassing Plaintiff, denying her equal terms and conditions of employment, and terminating Plaintiff based on her pregnancy

37. As a consequence thereof, Plaintiff has been caused to suffer injuries and damages in amounts to be determined at trial.

**AS AND FOR PLAINTIFF'S SECOND CLAIM FOR RELIEF UNDER
TITLE VII AGAINST FAST BOLT FOR RETALIATION**

38. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

39. By and through their course of conduct as alleged above, Fast Bolt and its agents willfully violated Title VII by terminating Plaintiff and harassing the Plaintiff in retaliation for her opposition to being denied equal terms and conditions of employment based on her pregnancy.

40. As a consequence thereof, Plaintiff has been caused to suffer injuries and damages in amounts to be determined at trial.

**AS AND FOR PLAINTIFF'S THIRD CLAIM FOR RELIEF UNDER THE
NJLAD AGAINST FAST BOLT FOR UNLAWFUL
DISCRIMINATION AND TERMINATION**

41. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

42. By and through their course of conduct as alleged above, Fast Bolt and its agents willfully violated the NJLAD by harassing Plaintiff, denying her equal terms and conditions of employment, and terminating Plaintiff based on her pregnancy.

43. As a consequence thereof, Plaintiff has been caused to suffer injuries and damages in amounts to be determined at trial.

**AS AND FOR PLAINTIFF'S FOURTH CLAIM FOR RELIEF
UNDER THE NJLAD AGAINST FAST BOLT FOR RETALIATION**

44. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

45. By and through their course of conduct as alleged above, Fast Bolt and its agents willfully violated the NJLAD by terminating Plaintiff and harassing the Plaintiff in retaliation for her opposition to being denied equal terms and conditions of employment based on her pregnancy.

46. As a consequence thereof, Plaintiff has been caused to suffer injuries and damages in amounts to be determined at trial.

**AS AND FOR PLAINTIFF'S FIFTH CLAIM FOR RELIEF UNDER
THE NJLAD AGAINST LICHT FOR AIDING AND
ABETTING UNLAWFUL DISCRIMINATION**

47. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

48. By and through his course of conduct as alleged above, Licht willfully violated the NJLAD by aiding and abetting the unlawful discrimination against the Plaintiff based on her pregnancy.

49. As a consequence thereof, Plaintiff has been caused to suffer injuries and damages in amounts to be determined at trial.

**AS AND FOR PLAINTIFF'S SIXTH CLAIM FOR RELIEF
UNDER THE NJLAD AGAINST LICHT FOR RETALIATION**

50. Plaintiff incorporates the preceding paragraphs as if fully set forth herein.

51. By and through his course of conduct as alleged above, Licht willfully violated the NJLAD by terminating Plaintiff and harassing the Plaintiff in retaliation for her opposition to being denied equal terms and conditions of employment based on her pregnancy.

52. As a consequence thereof, Plaintiff has been caused to suffer injuries and damages in amounts to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that this Court:

- (a) accepts jurisdiction over this matter;
- (b) impanels and charges a jury with respect to the claims for relief;
and
- (c) awards the following damages against Defendants:

- i. Back pay, front pay, and all benefits along with pre and post judgment interest in amounts to determined at trial;
- ii. Punitive, liquidated and compensatory damages including, but not limited to, damages for pain and suffering, anxiety, humiliation, physical injuries and emotional distress in order to compensate her for the injuries she has suffered and to signal to other employers that discrimination in employment is repulsive to legislative enactments in amounts to be determined at trial,
- iii. Attorney's fees, costs and expenses as provided for by the applicable statutes;
- iv. Require Defendants to offer and, if accepted by Plaintiff, to reinstate her to the same position from which they discriminatorily terminated her; and,
- v. Any other relief which this Court deems just and equitable.

Dated: Hackensack, New Jersey
October 11, 2005

Respectfully submitted,

HALSBAND & GINSBERG, LLP

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Jyoti Mistry Halsband (JH-9171)
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CERTIFICATION PURSUANT TO LOCAL RULE 11.2

I hereby certify that to the best of my information, knowledge and belief that the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration proceeding or administrative proceeding.

HALSBAND & GINSBERG, LLP

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