

**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

SEP 28 2005

Arlene B. Coyle, Clerk  
By *[Signature]* Deputy

EQUAL EMPLOYMENT OPPORTUNITY ]  
COMMISSION, ]

Plaintiff, ]

vs. ]

HILL BROTHERS CONSTRUCTION ]  
AND ENGINEERING COMPANY INC., ]

Defendant. ]

CIVIL ACTION # *3:05CV122-M-A*

**COMPLAINT**  
**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action brought under Title VII of the Civil Rights Act of 1964, as amended, to correct unlawful employment practices on the basis of sex, and to make whole Scott Beasley, Joel Graves and Douglas Smith who were adversely affected by the unlawful practices, as alleged with greater particularity in below.

The Defendant discriminated against James Scott Beasley, Joel Graves and Douglas Smith by subjecting them to sexual harassment. This harassment became so intolerable that they were compelled to resign.

**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 Sections 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 herein were committed within the jurisdiction of the United States District Court for the Southern District of Mississippi, Western Division.

### **PARTIES**

3. The Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is an 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 § 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, the Defendant, Hill Brothers Construction and Engineering Company, Inc., (the "Employer"), has continuously been a corporation doing business in the State of Mississippi, and has continuously had at least fifteen employees.

5. At all relevant times, the Defendant Employer has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of §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, Scott Beasley, Douglas Smith, and Joel Graves filed charges with the Commission alleging violations of Title VII by the Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From about February 2001, and continuing until July, 2002, the Defendant Employer subjected Beasley, Graves and Smith to an atmosphere of sexual harassment through the conduct of its foreman, Greg Witt.

8. Witt's conduct included:

The use of sexually explicit and provocative language;

Suggestions that Beasley, Graves and Smith engage in sexual conduct; and

The unwelcome sexual touching of them by Witt.

9. Beasley, Graves, and Smith told Foreman Witt that his conduct was offensive and objectionable.

10. The conduct continued despite the objections.

11. Defendant Employer knew or should have known of the extent of the sexually harassing atmosphere and failed to take adequate steps to correct it.

12. This atmosphere of sexual harassment was so severe and pervasive that it altered Beasley's, Graves', and Smith's conditions of employment and created an abusive working environment.

13. As a consequence, Beasley, Graves and Smith were compelled to resign.

14. The conditions were so intolerable that a reasonable person, situated as Beasley, Graves, and Smith, would have felt compelled to resign.

15. The effect of the practices complained of above has been to deprive the above named individuals of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, male.

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

17. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Scott Beasley, Joel Graves, and Douglas Smith.

### **PRAYER FOR RELIEF**

**WHEREFORE**, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant employer, its owners, officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practices which discriminate against male employees by subjecting them to a sexually hostile environment.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant Employer to make any affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole the aggrieved former employees by providing compensation for past and future pecuniary losses, resulting from the unlawful employment practices complained of above, in amounts to be determined at trial.

E. Order Defendant Employer to make whole the aggrieved former employees, by providing compensation for non-pecuniary losses, resulting from the unlawful employment practices complained of above, including emotional pain,

suffering, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order the Defendant to pay the aggrieved former employees punitive damages for its malicious and reckless conduct described in an amount to be determined a trial.

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

H. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised in this complaint involving intentional violations of Title VII.

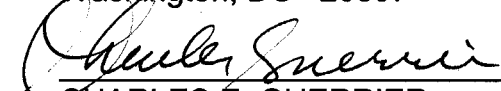
Respectfully submitted,

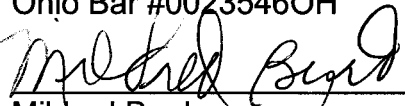
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