

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

**EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff)
)
v.)
)
HILL BROTHERS CONSTRUCTION)
AND ENGINEERING COMPANY, INC.)
)
Defendant)
)
* * *)
)
SCOTT BEASLEY,)
)
Intervenor)**

DOCKET NO. 3:05-cv-122-M-A

COMPLAINT IN INTERVENTION

The intervenor Scott Beasley, by and through his attorneys Rutherford Calder and Branch, Thompson, Philhours & Warmath, P.A., and for his Complaint in Intervention, states:

A. Parties, Jurisdiction and Venue

1. The intervenor Scott Beasley (hereinafter “Beasley”) is an individual and a resident of Paragould, Arkansas.
2. The defendant Hill Brothers Construction and Engineering Company, Inc. (hereinafter “Hill Brothers”), is a corporation with its primary place of business in Mississippi, with more than 15 employees at all times relevant to this matter.

3. From 1999 to July 2002, Beasley was an employee of Hill Brothers in Faulkner, Mississippi.

4. This Court has jurisdiction over the parties and subject matter of this action, and venue is proper in this Court.

B. Factual Statement

5. As employee of Hill Brothers, Beasley's primary job duties involved driving trucks and transporting equipment and parts for Hill Brothers. Beasley's supervisor at Hill Brothers was Greg Witt.

6. During the period of Beasley's employment, Beasley was subjected to repeated and continued sexual harassment by Witt. Witt's actions included exposing his penis in the presence of Beasley, suggesting to Beasley that he engage in sexual activity with Witt, touching Beasley in a sexually provocative manner, and making repeated sexual comments to Beasley. None of Witt's actions were welcome or elicited by Beasley.

7. Beasley requested that Witt cease this conduct, and Witt refused. Shortly before Beasley left Hill Brothers, Witt summoned Beasley and two other employees to a hotel room to receive their paychecks. In the hotel room, Witt exposed his penis to the employees, touched Beasley and another male employee in a sexually provocative way, and touched a third male employee with his penis.

8. Beasley advised Witt this conduct was unwelcome, but it continued. Beasley also made a complaint to an employee at Hill Brothers named Tina

Robertson, who was designated to receive claims and concerns involving employment discrimination. This complaint was ignored.

9. Beasley's working conditions were so intolerable that a reasonable person similarly situated would have felt compelled to resign. Beasley did resign from Hill Brothers and moved to northeast Arkansas.

D. Claim for Relief

10. This Court should hold Hill Brothers liable to Beasley for sexual harassment pursuant to the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

11. Beasley filed a Charge of Discrimination with the Equal Employment Opportunity Commission within 90 days of his constructive termination from Hill Brothers. All administrative prerequisites to the filing of this lawsuit have been exhausted.

12. This Court should award Beasley the following relief: backpay, compensatory damages for emotional distress and humiliation, equitable relief including front pay, attorneys fees, and court costs.

13. The actions of Hill Brothers were intentional, willful, wanton, reckless, and malicious. This Court should award Beasley punitive damages.

E. Jury Trial Demand

14. Pursuant to Fed. R. Civ. P. 38, Beasley requests a jury trial on any and all issues so triable.

WHEREFORE, the plaintiff Scott Beasley prays that this Court grant all relief requested in this Complaint in Intervention; prays that this Court hold the defendant liable for violation of the Civil Rights Act of 1964; prays that this Court

award him backpay, compensatory damages for emotional distress and humiliation, equitable relief including front pay, and punitive damages; and prays that this Court award him attorneys fees, court costs and all other proper relief.

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and

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By: /s/ David L. Calder
David L. Calder (Mississippi Bar No. 7686)
Attorneys for intervenor Scott Beasley

CERTIFICATE OF SERVICE

I, David L. Calder, certify that I have served a copy of the foregoing by electronic filing and by posting a copy, postage prepaid, to the following addresses on this 4th day of November, 2005:

Valerie Hicks Poe, Senior Trial Attorney
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