

FEB 4 2005

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

1:05CV0194

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

Chris's Café, Inc.,

Defendant.

CIVIL ACTION NO.

JUDGE GAUGHAN

COMPLAINT AND
JURY TRIAL DEMAND

MAG. JUDGE PERELMAN

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000e, et seq), ("Title VII") and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, female and to make whole Brittany

Blevins and similarly situated employees who were adversely affected by Defendant's unlawful practices.

During the month of November, 2003, Defendant subjected its employee, Brittany Blevins, a minor, aged 16 years old, to a pattern of severe and pervasive sexual harassment resulting in the creation of a sexually hostile environment and the subsequent constructive discharge of Ms. Blevins.

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 Section 706(f) (1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3), 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 Northern District of Ohio, Eastern Division.

PARTIES

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

4. At all relevant times, Defendant, Chris's Café, Inc. ("Employer") has continuously been a corporation doing business in the State of Ohio and the City of Mansfield and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer

engaged in an industry affecting commerce within the meaning of Section 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 institution of this lawsuit, Brittany Blevins filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this suit have been fulfilled.

7. During the month of November 2003, Defendant Employer engaged in unlawful employment practices in Mansfield, Ohio, in violation of Section 703 of Title VII, 42 U.S.C. §2000e-2, as follows:

- a) Defendant Employer created and maintained a workplace permeated with severe and pervasive harassment based on sex, female;
- b) Defendant Employer subjected Brittany Blevins and similarly situated employees to a pattern of severe and pervasive sexual harassment during her/their employment;
- c) Defendant Employer failed to exercise reasonable care to prevent and eradicate the aforementioned sexual harassment;
- d) Defendant Employer failed to take prompt and effective remedial action reasonably calculated to eradicate the aforementioned harassment.
- e) The aforementioned actions of Defendant caused Brittany Blevins to suffer a constructive discharge from her employment.

8. The effect of the practice(s) complained of deprived Brittany Blevins of equal employment opportunities and adversely affected her status as an employee due to impermissible considerations of sex.

9. The unlawful practices complained of above were intentional.

10. The unlawful employment practices complained of above were undertaken with malice and/or reckless indifference to the federally protected rights of Brittany Blevins.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from discriminating against individuals by the implementation of practices and policies which discriminate on the basis of sex.

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

C. Order Defendant Employer to make whole Brittany Blevins 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.

D. Order Defendant Employer to make whole Brittany Blevins by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, backpay and front pay in amounts to be proven at trial.

E. Order Defendant Employer to make whole Brittany Blevins by providing compensation for past and future pecuniary losses, in amounts to be proven at trial.

F. Order Defendant Employer to make whole Brittany Blevins by providing compensation for past and future non-pecuniary losses in amounts to be proven at trial.

G. Grant an order assessing punitive damages against Defendant Employer for its malicious and reckless conduct described herein above in amounts to be determined at trial.

H. Grant such further relief as the Court deems necessary and proper in the public interest.

I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

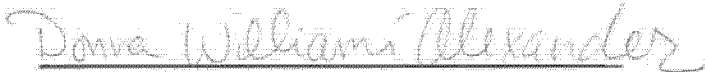
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