

7
ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

and

JENNIFER BOUDRIE,

Intervening Plaintiff

v.

METRO SPECIALTIES, INC.

Defendant.

Case No. 05-72516
Hon. Bernard A. Friedman

05 SEP 22 P 1:46

FILED

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION DETROIT DISTRICT OFFICE
Adele Rapport (P44833)
Regional Attorney

Robert K. Dawkins(P38289)
Supervisory Trial Attorney

Dale Price (P55578)
Trial Attorney
Counsel for Plaintiff EEOC
Patrick V. McNamara Bldg.
477 Michigan Avenue, Rm. 865
Detroit, Michigan 48226
Telephone: (313) 226-7808

ROY, SHECTER & VOCHT, P.C.
Lynn H. Shecter (P24845)
Brian P. Swanson (P53271)
Attorneys for Intervenor
36700 Woodward Ave. Ste. 205
Bloomfield Hills, MI 48304
(248) 540-7660

NEIL A. STREFLING, P.C.
Neil A. Strefling (P28453)
Attorney for Defendant
26153 John R. Road
Madison Heights, MI 48071
(248) 541-3320

INTERVENOR'S COMPLAINT AND JURY DEMAND

Intervenor, Jennifer Boudrie [Boudrie], represented by Roy, Shecter & Vocht, P.C., complains:

Jurisdiction, Venue and Parties

1. Boudrie, a female, is a resident of Monroe, Wayne County, Michigan.
2. Defendant, Metro Specialities, Inc. [Metro] is a Michigan corporation that maintains its principal place of business in Monroe, Wayne County, Michigan and is subject to the jurisdiction of this court.
3. More than thirty days prior to the institution of this lawsuit, Boudrie filed a charge of discrimination with the EEOC alleging violations of Title VII by Metro. All conditions precedent to the institution of this lawsuit have been fulfilled.
4. Jurisdiction is vested with this court pursuant to Title VII; 42 U.S.C. § 2000(e), and 28 U.S.C. § 1331 and 28 U.S.C. § 1367.

Common Allegations

5. Boudrie realleges the Jurisdictional Allegations as if set forth in full.
6. Boudrie began her employment with Metro in December 1998 as a laborer.
7. Between December 1998 and January 28, 2004, Boudrie competently performed her job duties and responsibilities.
8. During the course of her employment with Metro, Boudrie was subjected to unwelcome sexual harassment including, but not limited to the following:
 - a. Several of the defendant's employees and supervisors, created a sexually hostile work environment for Boudrie, by constantly subjecting her to unwelcome sexual comments.
 - b. From July 2003 onward, Boudrie was forced to listen to sex-based comments made by co-workers. Specifically, co-workers mimed masturbation, howled when she bent over, asked her to perform oral sex and described her with

terms like "lesbian," "bitch," "slut," "ho," and "puta." She also had to walk past pictures of naked women every day and found a crude cartoon of a naked woman named "Jeny [sic] Puta" in her work area.

- c. Supervisors also engaged in sexually hostile behavior, advising her co-workers that they could call her "bitch," calling the cartoon accurate, and passing out postcards of topless women to the male employees.

- 9. Boudrie found the sexual harassment to be offensive and hostile.
- 10. Boudrie complained about the sexual harassment that she was subjected to.
- 11. Metro failed to take prompt remedial action to address Boudrie's complaints of sexual harassment.
- 12. On January 28, 2004, Boudrie was constructively terminated.

Count I
Sex Discrimination - Hostile Work Environment
Title VII
42 U.S.C. § 2000e et. seq.

13. Boudrie realleges the Jurisdictional Allegations, and Common Allegations as if set forth in full.

14. Metro engaged in unlawful employment practices and policies in violation of 42 U.S.C. § 2000c et. seq., Title VII of the Civil Rights Act of 1964 [Title VII].

15. At all times relevant to this action, Boudrie was an employee and defendant Metro an employer within the meaning of Title VII, 42 U.S.C. § 2000c et. seq.

16. Title VII governs the conduct of defendant Metro and prohibits it, individually or in combination, from discriminating against Boudrie by subjecting her to verbal and physical communications of a sexual nature and from engaging in unwelcome and offensive touching, or other predatory conduct toward Boudrie.

17. Boudrie, a female, belongs to a protected class under Title VII.

18. At relevant times, Boudrie was subjected to unwelcome harassment based on her sex while employed at Metro.

19. The unwelcome sexual harassment to which Boudrie was subjected affected a term, condition, or privilege of employment.

20. Defendant Metro discriminated against Boudrie by requiring her to endure unwelcome sexual harassment after she complained about such mistreatment.

21. Under the totality of the circumstances, defendant's conduct was pervasive, and sufficiently severe that it created an intimidating, hostile and offensive work environment for Boudrie to endure.

22. The unlawful employment practices as described above were and are done with malice or with reckless indifference to the federally protected rights of Boudrie.

23. As a result of Metro's unlawful activities, Boudrie suffered damages, including lost salary, benefits, the loss of career, and suffered humiliation, embarrassment, and that emotional distress which normally flows from being a victim of discrimination.

Request for Relief

Plaintiff requests a judgment in an amount that will compensate her fully for her damages, including costs, interest and attorney fees and whatever other equitable relief the court may deem in its discretion to award.

Count II
Sex Discrimination-Hostile Work Environment
The Elliott-Larsen Civil Rights Act
M.C.L.A. § 37.2201 et. seq.

24. Boudrie realleges the Jurisdictional Allegations, Common Allegations, and Count I as if set forth in full.

25. Defendant Metro engaged in unlawful employment practices and policies in violation of Elliott-Larsen, M.C.L.A. 37.2201 et. seq

26. M.C.L.A. 37.2201 defines an employer as a person who has 1 or more employees, and includes an agent of that person. Defendant is an employer exerting employment decisions as contemplated by Elliott-Larsen.

27. Boudrie is a person, pursuant to M.C.L.A. 37.2103, subject to the protection of Elliott- Larsen.

28. Elliott-Larsen, MCLA 37.2101 et. seq., governs the conduct of defendant and prohibits it, individually or in combination, from discriminating against Boudrie by subjecting her to verbal and physical communications of a sexual nature and from engaging in unwelcome and offensive touching, or other predatory conduct toward Boudrie.

29. Boudrie, a female, belongs to a protected group under Elliott-Larsen.

30. At relevant times, Boudrie was subjected to unwelcome harassment based on her sex while employed at Metro.

31. The unwelcome sexual harassment to which Boudrie was subjected affected a term, condition, or privilege of employment.

32. Defendant Metro discriminated against Boudrie by requiring her to endure unwelcome sexual harassment after she complained about such mistreatment.

33. Under the totality of the circumstances, defendant's conduct was pervasive, and sufficiently severe that it created an intimidating, hostile and offensive work environment for Boudrie to endure.

34. As a result of Metro's unlawful activities, Boudrie suffered damages, including lost salary, benefits, the loss of career, and suffered humiliation, embarrassment, and that emotional distress

which normally flows from being a victim of discrimination.

Request for Relief

Plaintiff requests a judgment in an amount that will compensate her fully for her damages, including costs, interest and attorney fees and whatever other equitable relief the court may deem in its discretion to award.

Count III
Retaliation
The Elliott-Larsen Civil Rights Act
M.C.L.A. § 37.2201 et. seq.

35. Boudrie realleges the Jurisdictional Allegations, Common Allegations, Count I, and Count II as if set forth in full.

36. Boudrie objected to and protested discrimination and acts constituting violations of the anti-discrimination laws.

37. Metro retaliated against Boudrie, in material part, for exercising her rights under Elliott-Larsen.

38. Metro's retaliation violated Elliott-Larsen.

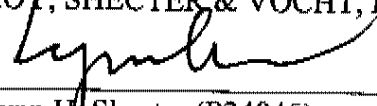
39. As a result of Metro's retaliation, Boudrie was damaged.

40. Boudrie lost salary, benefits, the loss of career, and suffered humiliation, embarrassment, and that emotional distress which normally flows from being a victim of retaliation.

Request for Relief

Plaintiff requests a judgment in an amount that will compensate her fully for her damages, including costs, interest and attorney fees and whatever other equitable relief the court may deem in its discretion to award.

ROY, SHECTER & VOCHT, P.C.



Lynn H. Shecter (P24845)

Brian P. Swanson (P53271)

Attorneys for Intervening Plaintiff

Dated: September 15, 2005

Jury Demand

Plaintiff, represented by Roy, Shecter & Vocht, P.C. relies upon the jury demand of the Equal Employment Opportunity Commission and requests trial by jury of all issues triable by jury.

ROY, SHECTER & VOCHT, P.C.



Lynn H. Shecter (P24845)

Brian P. Swanson (P53271)

Attorneys for intervening plaintiff

Dated: September 15, 2005