

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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U.S. DIST. OF N.C.

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
HR AMERICA, INC. and)
SUMMIT HOSPITALITY GROUP, LTD.,)
)
Defendants.)
_____)

CIVIL ACTION NO.
3:01cv554-H

COMPLAINT
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex (male), and retaliation, and to provide appropriate relief to Thomas R. Page and other similarly situated current and former employees who were adversely affected by such practices. Specifically, the Equal Employment Opportunity Commission (the "Commission") contends that Thomas R. Page and other similarly situated male employees were sexually harassed while working for HR America, Inc. and Summit Hospitality Group, LTD (collectively "Defendants"). Additionally, the Commission contends that Defendants discharged Thomas R. Page in retaliation for his complaints of sexual harassment.

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 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 were committed within the jurisdiction of the United States District Court for the Western District of North Carolina.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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 HR America, Inc. (“HR America”), has been a North Carolina corporation doing business in the state of North Carolina and the city of Charlotte, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Summit Hospitality Group, Ltd. (“Summit Hospitality”), has been a North Carolina corporation doing business in the state of North Carolina and the city of Charlotte, and has continuously had at least fifteen (15) employees.

6. At all relevant times, Defendant HR America has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

7. At all relevant times, Defendant Summit Hospitality has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Thomas R. Page filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least July 2000, Defendants engaged in unlawful employment practices at the Monticello Restaurant located in the Dunhill Hotel, in violation of Section 703(a)(1) and Section 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and 2000e-3(a). The unlawful practices include:

- a. subjecting Thomas R. Page and other similarly situated male employees to sexual harassment, including unwelcome touching, sexual advances and sexual comments; and
- b. discharging Thomas R. Page in retaliation for his opposition to practices declared unlawful by Title VII of the Civil Rights Act of 1964, as amended.

10. The effect of the practices complained of in paragraph 9 above has been to deprive Thomas R. Page and other similarly situated male employees of equal employment opportunities and otherwise adversely affect their status as employees, because of their sex.

11. The effect of the practices complained of in paragraph 9 above has been to deprive Thomas R. Page and other similarly situated male employees of equal employment opportunities and otherwise adversely affect his status as an employee, because of his opposition to employment practices declared unlawful by Title VII.

12. The unlawful employment practices complained of in paragraph 9 above were intentional.

13. The unlawful employment practices complained of in paragraph 9 above were done with malice or with reckless indifference to the federally protected rights of Thomas R. Page and

other similarly situated current and former male employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex.

B. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from discriminating against current or former employees based on their opposition to unlawful employment practices and/or their participation in investigations, proceedings or hearings under Title VII.

C. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for men, and which eradicate the effects of their past and present unlawful employment practices.

D. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees who have opposed unlawful employment practices and/or participated in investigations, proceedings or hearings under Title VII.

E. Order Defendants to make whole Thomas R. Page and other similarly situated current and former male employees by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described in paragraph 9 above, including but not limited to reinstatement or front pay.

F. Order Defendants to make whole Thomas R. Page and other similarly situated current

and former male employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 9 above, including but not limited to medical expenses and job search expenses, in amounts to be determined at trial.

G. Order Defendants to make whole Thomas R. Page and other similarly situated current and former male employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraph 9 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

H. Order Defendants to pay Thomas R. Page and other similarly situated current and former male employees punitive damages for their malicious and reckless conduct described in paragraph 9 above, in amounts to be determined at trial.

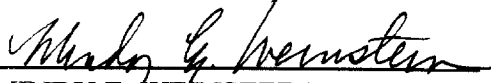
I. Grant such further relief as the Court deems necessary and proper in the public interest.

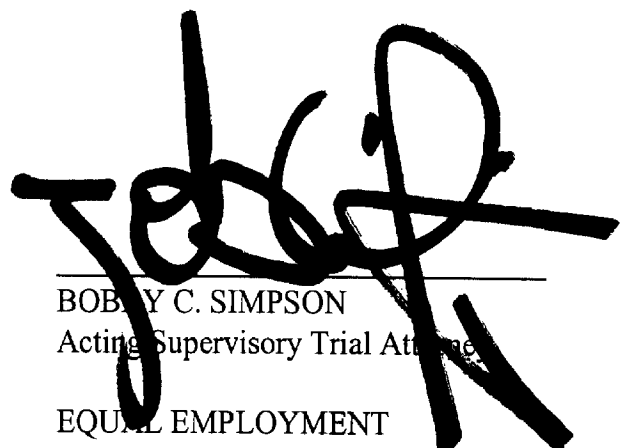
J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

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