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(Dmc)

Civil Action No.

COMPLAINT AND  
JURY TRIAL DEMAND

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correct the discriminatory treatment. As a result of the sexual harassment, Ms. Hulahan suffered damages, including emotional distress.

### **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 § 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 § 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 District of New Jersey.

### **PARTIES**

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

4. At all relevant times mentioned herein, Defendant, James G. Kennedy & Co., Inc., has continuously been doing business in the State of New Jersey and the City of Jersey City 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 § 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, Jennifer Hulahan filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least December 2002, Defendant Employer has engaged in unlawful employment practices at its Jersey City, New Jersey location in violation of § 703(a)(1) of Title VII, 42 U.S.C. Section 2000c-2(a)(1) by discriminating against Jennifer Hulahan based on her sex, female. The unlawful employment practices included the following:

(a) Jennifer Hulahan began working for Defendant in August 1998. Throughout her employment, up to and including December 2002, Mr. Piccolomini subjected Ms. Hulahan to a sexually hostile work environment, including unwelcomed sexual advances, made requests for sexual favors, asked Ms. Hulahan to travel to Mexico with him for romance, and repeatedly referred to Ms. Hulahan as "honey" or "sweetheart."

(b) On three different occasions in December 2002, Jack Piccolomini physically grabbed Ms. Hulahan and tried to forcibly kiss her.

(c) On one occasion, while Ms. Hulahan was seated in Jack Piccolomini's office, Piccolomini came up behind Ms. Hulahan, wrapped his arms around her and pressed his face against hers, moving his lips towards hers.

(d) On December 6, 2002, Jack Piccolomini grabbed Ms. Hulahan's hand several times asking her that they enter a company Christmas Party as "a couple." On this occasion, Mr. Piccolomini crawled under the table where Ms. Hulahan was seated and ran his hand up her leg and under her skirt.

(e) On or about December 6, 2002, while seated next to Ms Hulahan in a vehicle she was driving, Jack Piccolomini reached over several times, pulled her coat open and "flipped" Ms. Hulahan's skirt open while pulling it to the side.

(f) On December 8, 2002, Ms. Hulahan complained about Jack Piccolomini's sexual advances to Defendant's Chief Operating Officer Nik Gambardella.

(g) On December 9, 2002, Defendant advised Ms. Hulahan that she was being placed on leave until further notice. On December 20, 2002, was notified she could return to work and she returned thereafter.

(h) On April 4, 2003, Defendant terminated Ms. Hulahan's employment as part of a downsizing.

8. The effect of the practices complained of in paragraphs 7 (a) through (h) above has been to deprive Jennifer Hulahan of equal employment opportunities and otherwise adversely affect her status as an employee on the basis of sex.

9. The unlawful employment practices complained of in paragraphs 7 (a) through (h) above, were intentional.

10. The unlawful employment practices complained of in paragraphs 7 (a) through (h), above, were done with malice or with reckless indifference to the federally protected rights of Jennifer Hulahan.

#### **PRAYER FOR RELIEF**

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice

that discriminates on the basis of sex.

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

C. Order Defendant to make whole Jennifer Hulan by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 (a) through (j) above.

D. Order Defendant to make whole Jennifer Hulan by providing compensation for past, present, and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 (a) through (h) above, including humiliation, emotional pain, suffering, anxiety, stress, loss of enjoyment of life, depression, and exacerbation of physical problems, in amounts to be determined at trial.

E. Order Defendant to pay Jennifer Hulan punitive damages for its malicious and reckless conduct, as described in paragraphs 7 (a) through (h) above, in amounts to be determined at trial.

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

G. Award the Commission its costs of this action.

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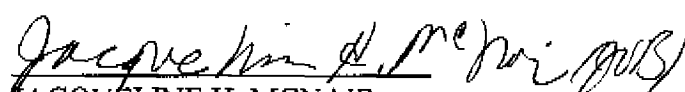
The Commission requests a jury trial on all questions of fact raised by its complaint.

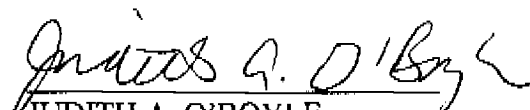
Respectfully submitted,


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