

Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

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 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 A. E. Sweeney Masonry, Inc. ("Defendant"), a Maryland corporation, has continuously been doing business in the State of Maryland and the City of Hagerstown, and has continuously had at least 15 employees.

5. At all relevant times, Defendant 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 the institution of this lawsuit, Lloyd Weedon and Kevin Morrison filed charges of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least April 2002, Defendant has engaged in unlawful employment practices at its Hagerstown, Maryland facility and at its job sites in violation of Section 703(a)(1) and (a)(2) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and (a)(2).

8. Beginning on or about April 2002 and persisting until on or about June 11, 2004, Defendant, its supervisors and employees subjected Lloyd Weedon to a continuing course of unwelcome and offensive harassment because of his race, Black, in violation of Title VII. Such harassment created a hostile work environment on the basis of race and culminated in tangible employment actions. Defendant also had actual and constructive notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

9. During the course of his employment Defendant subjected Lloyd Weedon to different terms and conditions of employment, such as more difficult and demanding job assignments than those given to White employees, because of his race, Black, in violation of Title VII.

10. On or about June 11, 2004, Defendant discharged Lloyd Weedon because of his race, Black, and in retaliation for engaging in conduct protected under Section 704(a) of Title VII, in violation of Title VII.

11. Beginning on or about June 2003 and persisting until on or about June 7, 2004, Defendant, its supervisors and employees subjected Kevin Morrison to a continuing course of unwelcome and offensive harassment because of his race, Black, in violation of Title VII. Such harassment created a hostile work environment on the basis of race and culminated in tangible employment actions. Defendant also had actual and constructive notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

10. During the course of his employment Defendant subjected Kevin Morrison to different terms and conditions of employment, such as involuntary transfer, because of his race,

Black, and in retaliation for engaging in conduct protected under Section 704(a) of Title VII, in violation of Title VII.

11. On or about June 7, 2004, Defendant discharged Kevin Morrison because of his race, Black, and in retaliation for engaging in conduct protected under Section 704(a) of Title VII, in violation of Title VII.

12. Since at least April 2002, Defendant, its supervisors and employees have subjected a class of presently unidentified aggrieved Black employees to a continuing course of unwelcome and offensive harassment because of their race, Black, in violation of Title VII. Such harassment created a hostile work environment on the basis of race. Defendant also had actual and constructive notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

13. The effect of the practices complained of in paragraphs 7-14, above, has been to deprive Lloyd Weedon, Kevin Morrison, and other presently unidentified, similarly-situated Black employees of equal employment opportunities and otherwise adversely affect their status as employees, because of their race.

14. The unlawful employment practices complained of in paragraphs 7-14, above, are part of a continuing course of race discrimination perpetrated Black employees by Defendant that has persisted since at least April 2002.

15. The unlawful employment practices complained of in paragraphs 7-14, above, were and are intentional.

18. The unlawful employment practices complained of in paragraphs 7-14, above, were and are done with malice or with reckless indifference to the federally protected rights of Lloyd

Weedon, Kevin Morrison, and other presently unidentified, similarly-situated Black employees.

PRAYER FOR RELIEF

Wherefore, the Commission 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 race discrimination, including racial harassment, discharge, imposition of different terms and conditions of employment, and any other employment practice which discriminates on the basis of race or because of conduct protected under Section 704(a) of Title VII.

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

C. Order Defendant to make whole Lloyd Weedon, Kevin Morrison, and other presently unidentified, similarly-situated Black 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 its unlawful employment practices, including but not limited to reinstatement and front pay in lieu thereof.

D. Order Defendant to make whole Lloyd Weedon, Kevin Morrison, and other presently unidentified, similarly-situated Black employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7-14, above, in amounts to be determined at trial.

E. Order Defendant to make whole Lloyd Weedon, Kevin Morrison, and other presently unidentified, similarly-situated Black employees by providing compensation for past and future non-

pecuniary losses resulting from the unlawful practices complained of in paragraphs 7-14, above, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, in amounts to be determined at trial.

F. Order Defendant to pay Lloyd Weedon, Kevin Morrison, and other presently unidentified, similarly-situated Black employees punitive damages for the malicious and reckless conduct described in paragraphs 7-14, above, in amounts to be determined at trial.

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

H. 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.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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