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U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
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LORETTA G. WHYTE
CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**
Plaintiff

CIVIL ACTION NO.

01-0419

DIVISION
JUDGE

SECT. N MAG. 3

v.

**PRODUCTION MANAGEMENT
INDUSTRIES, L.L.C. and
PRODUCTION MANAGEMENT
INDUSTRIES, INC.**

MAG. NO.
MAG.

Defendants

**COMPLAINT SEEKING MONETARY AND
INJUNCTIVE RELIEF WITH JURY DEMAND**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, the United States Equal Employment Opportunity Commission, and files its Complaint Seeking Monetary and Injunctive Relief with Jury Demand. Plaintiff respectfully avers as follows:

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Kris McGrew ("McGrew"), and any individuals

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in like or related situations, who were adversely affected by being harassed because of sex (female), and/or by being retaliatorily discharged by their employer, Defendant herein, for protesting or opposing practices made unlawful by Title VII.

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

2.

Venue is proper in this Court under 28 U.S.C. § 1391 and Section 706(f)(3) of Title VII, 42 U.S.C. § 2000e-5(f)(3). The unlawful actions which are the subject of the instant lawsuit occurred within the district of this Court.

PARTIES

3.

Plaintiff, the United States 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), (2), and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1), (2) and (3).

4.

Made Defendants herein are Production Management Industries, L.L.C. (“PMI”), a Louisiana limited liability company, and Production Management Industries, Inc. (“PMII”), a Louisiana corporation. At all relevant times, PMI and PMII have done business within the State of Louisiana and have had at least fifteen (15) employees.

5.

On information and belief, Plaintiff alleges that PMI is the successor entity to PMII, and PMI is jointly and severally liable for all actions of PMII which are complained of herein. PMI and PMII are sometimes hereinbelow referred to collectively as “Defendant.”

6.

At all relevant times, Defendant has 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

7.

At least as early as April of 1999, Defendant engaged in unlawful employment practices at its facility in Harvey, Louisiana, in violation of Section 703 and 704 of Title VII, 42 U.S.C. §§ 2000e-2 and 2000e-3.

8.

More than thirty (30) days prior to the institution of this lawsuit, McGrew filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

9.

McGrew is a female who worked for Defendant roughly from July 15, 1998 through June of 1999 as a shipping / receiving clerk.

10.

Beginning around July of 1998, and continuing to increasing degrees throughout the remainder of her employment with Defendant, McGrew was subjected to sexual harassment and a hostile working environment which was severe and pervasive.

11.

McGrew's co-workers made numerous and repeated unwanted and offensive remarks to, or knowingly in the presence and earshot of McGrew.

12.

The offensive sexual remarks to which McGrew was subjected occurred on a regular and consistent basis.

13.

Defendant officials with managerial and/or supervisory authority, who were “agents” of Defendant within the meaning of Title VII, were aware, or should have been aware, of the sexual harassment to which McGrew was being subjected, but failed to take prompt, effective, appropriate remedial measures in response.

14.

Defendant did not have an effective system in place during McGrew’s employment to prevent its employees from being subjected to sexual harassment.

15.

One of Defendant’s foremen admitted that he heard many of the above-referenced kinds of conduct on a routine basis but did not take effective action to end it.

16.

One of McGrew’s co-workers admitted that he himself often asked her if she wanted to see his penis, that he gave her a Playgirl magazine for her birthday, that he literally ripped his shirt off in her office and later tacked it to her wall with a note falsely stating that McGrew had ripped it off of him, that he often looked at pornographic magazines with other

co-workers, making such comments as those quoted above, and that he pulled his pants down on his final day of work to expose his penis to the office workers.

17.

Around the middle of June of 1999, on two occasions McGrew found a total of four unpackaged condoms in various places in her workstation, including her sweater pocket. McGrew then made a formal complaint, in addition to past notice to Defendant's management by virtue of the fact that much of the conduct described above had occurred in front of management employees.

18.

McGrew asked a co-worker to take a Polaroid photograph of the two condoms which she found on her desk on June 14, 1999, which he did. At least one of these two condoms was contaminated by a wet substance that appeared to be bodily fluid of some kind which left a residue on the paper to which the condom was stuck. The photographs show such residue. Mrs. McGrew was greatly disturbed at finding condoms on her desk which may have had bodily fluids on them.

19.

McGrew reported and complained about finding the condoms on June 14, 1999, and June 21, 1999. Respondent discharged McGrew three days later on June 24, 1999, allegedly due to a lack of work. However, prior to having hand surgery on June 9, 1999, McGrew

spoke with her immediate supervisor about her situation, specifically asking if there was any chance of being laid off. McGrew was informed that she would not be laid off. A sworn affidavit from the foreman, Randy Tassin, states that he overheard McGrew's immediate supervisor tell her that she would not be laid off.

20.

McGrew was subjected to sexual harassment by Defendant so as (a) to materially alter the terms and conditions of her employment, and/or (b) to impede her ability to perform her job.

21.

Defendant discharged McGrew in retaliation for complaining of sexual harassment and/or for otherwise engaging in activity protected under Title VII, thereby further violating the statute.

22.

Defendant either knew or should have known of the illegal actions of the individuals who harassed McGrew.

23.

Defendant did not take appropriate reasonable steps to prevent McGrew from being subjected to illegal harassment.

24.

The unlawful practices of Defendant complained of herein have deprived McGrew, and any individuals in like or related situations, of equal employment opportunities and have otherwise adversely affected the conditions of their employment, and their status as employees, because of their sex (female).

25.

The unlawful employment practices complained of herein were intentional.

26.

The unlawful employment practices complained of herein caused McGrew, and any other similarly situated female employees, to suffer economic injuries, including but not limited to lost wages, as well as nonpecuniary injuries.

27.

Defendant engaged in the unlawful employment practices complained of herein with malice and/or with reckless indifference to McGrew's federally protected rights and those of persons in like or related circumstances.

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 harassment against employees because of their sex and from engaging in any other employment practice which discriminates on the basis of sex or which effectuates retaliation against any person for having engaged in activity protected by Title VII;
- B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for female persons, and which eradicate the effects of its past and present unlawful employment practices, including but not limited to an effective anti-harassment policy;
- C. Order Defendant to make whole McGrew, and any individuals in like or related situations, by reinstating them to their former positions without the loss of seniority or any benefit of employment, and/or by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including but not limited to lost wages, in amounts to be determined in the course of the proceedings;
- D. Order Defendant to make whole McGrew, and any individuals in like or related situations, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of herein, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined in the course of the proceedings;
- E. Order Defendant to pay punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial;
- F. Award the Commission its costs of this action; and
- G. Grant any and all other relief, legal or equitable, which the Court deems necessary and proper in the public interest.

JURY TRIAL DEMAND

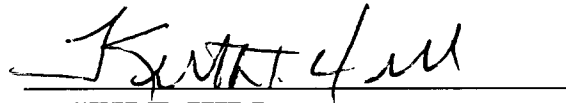
In accordance with Rules 38 and 39 of the Federal Rules of Civil Procedure, the Commission hereby requests a jury on all issues raised in the instant Complaint which may be tried by jury.

Respectfully submitted,

GWENDOLYN YOUNG REAMS

Associate General Counsel

No Bar Roll Number Assigned



KEITH T. HILL

Regional Attorney

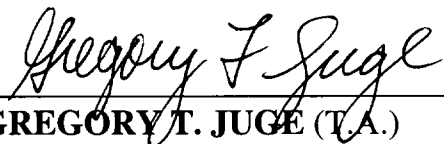
E.D. Bar Roll No. 15200000



JEFFREY T. AGUILAR

Supervisory Trial Attorney

La. Bar Roll No. 2355



GREGORY T. JUGE (T.A.)

Senior Trial Attorney

La. Bar Roll No. 20890

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

New Orleans District Office

701 Loyola Avenue

Suite 600

New Orleans, LA 70113

Tel: (504) 589-3844 (Hill)

(504) 589-6950 (Aguilar)

(504) 589-2663 (Juge)

Fax: (504) 589-2805

**COUNSEL FOR PLAINTIFF,
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

REGISTERED AGENT FOR
SERVICE OF PROCESS FOR

PRODUCTION MANAGEMENT INDUSTRIES, INC.
and
PRODUCTION MANAGEMENT INDUSTRIES, L.L.C.:

ROBERT S. TAYLOR, 1105 PETERS RD., HARVEY, LA 70058