

FILED

APR 15 1999

David W. Daniel, Clerk
US District Court, EDNC

By TC Dep. Clerk

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

G-A MASONRY CORPORATION,)

Defendant.)
_____)

CIVIL ACTION NO. 5:99-CV-257-PD(j)

COMPLAINT

JURY TRIAL DEMAND

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 Diane Gill, Betsy Frasier, and a class of women, including Michelle Coleman, Adriane Henry, Willie Jones and Gladys Spinks, who were adversely affected by such practices. The Commission alleges that Defendant engaged in unlawful employment practices when it failed to hire women based on their sex into mason tender positions at its Fort Bragg, North Carolina job site.

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 Sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended,

42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6, and pursuant to 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 Eastern District of North Carolina, Western 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 Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6.

4. At all relevant times, Defendant G-A Masonry Corporation ("Defendant"), has continuously been a New York corporation doing business in the State of North Carolina and the City of Fort Bragg, 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 Sections 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, Diane Gill and Betsy Frasier filed charges 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 February 1996, and continuing, Defendant has engaged in unlawful employment practices at its Fort Bragg, North Carolina job site, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, Defendant failed to hire women into mason tender jobs at its Fort Bragg, NC, job site because of their sex.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Diane Gill, Betsy Frasier, and a class of women, including Michelle Coleman, Adriane Henry, Willie Jones and Gladys Spinks, of equal employment opportunities and otherwise adversely affect their status as applicants for employment because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above constitute a pattern or practice of unlawful gender-based discrimination, actionable pursuant to Section 707 of Title VII, 42 U.S.C. § 2000e-6.

10. The unlawful employment practices complained of in paragraph 7 above were intentional.

11. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Diane Gill, Betsy Frasier, and a class of women, including Michelle Coleman, Adriane Henry, Willie Jones and Gladys Spinks.

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 refusing to hire women based on their sex, and from any other employment practice which discriminates on the basis of sex.

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

C. Order Defendant to make whole Diane Gill, Betsy Frasier, and a class of women, including Michelle Coleman, Adriane Henry, Willie Jones and Gladys Spinks, by providing appropriate backpay 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 hiring, or front pay, as appropriate.

D. Order Defendant to make whole Diane Gill, Betsy Frasier, and a class of women, including Michelle Coleman, Adriane Henry, Willie Jones and Gladys Spinks, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to, job search expenses and medical expenses, in amounts to be

determined at trial.

E. Order Defendant to make whole Diane Gill, Betsy Frasier, and a class of women, including Michelle Coleman, Adriane Henry, Willie Jones and Gladys Spinks, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to determined at trial.

F. Order Defendant to pay Diane Gill, Betsy Frasier, and a class of women, including Michelle Coleman, Adriane Henry, Willie Jones and Gladys Spinks, punitive damages for its malicious and reckless conduct described in paragraph 7 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.

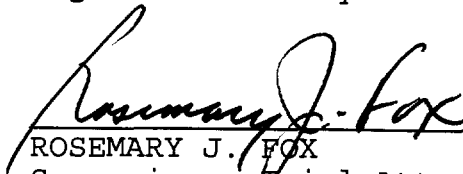
C. GREGORY STEWART
General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

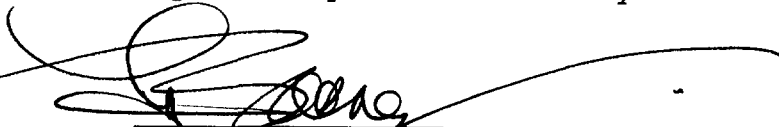
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 "L" Street, N.W.
Washington, D.C. 20507



MINDY E. WEINSTEIN
Regional Attorney



ROSEMARY J. FOX
Supervisory Trial Attorney



LYNETTE A. BARNES
Senior Trial Attorney
N.C. Bar No. 19732

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Charlotte District Office
129 W. Trade Street, Suite 400
Charlotte, NC 28202
Telephone: (704) 344-6887