

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY))	
COMMISSION,))	
Plaintiff,))	Civil Action No.: 1:06cv731
v.))	<u>C O M P L A I N T</u>
CAROLYN FABRICS, INC.))	
Defendant.))	<u>JURY TRIAL DEMAND</u>
_____))	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Lisa Brooks and a class of similarly situated female employees, who were adversely affected by such practices. Plaintiff, the Equal Employment Opportunity Commission (“EEOC” or “the Commission”) alleges that a male employee of Carolyn Fabrics, Inc. (“Defendant”) sexually harassed Ms. Brooks and other similarly situated female employees because of their sex, female. The Commission further alleges that Defendant failed to take prompt and appropriate corrective action to stop the 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 § 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 Middle District of North Carolina.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission, is an 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), 42 U.S.C., § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been a North Carolina corporation doing business in the State of North Carolina, and the County of Guilford, and has continuously had at least fifteen 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, Lisa Brooks 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.

7. Since at least summer 2003, Defendant has engaged in unlawful employment practices at its High Point, North Carolina facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2. Specifically, Defendant subjected Lisa Brooks and a class of similarly situated female employees to sexual harassment by a male co-worker because of their sex, female. The sexual harassment included sexually offensive language, touching, sexual propositions, and sexual gestures by the male employee, which created a sexually hostile work

environment for Defendant's female employees. Defendant knew, or reasonably should have known about the unlawful harassment and failed to take prompt and appropriate corrective action to stop it.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Lisa Brooks and a class of similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees based on their sex.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Lisa Brooks and a class of similarly situated female 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 them, from engaging in any employment practices which discriminate on the basis of sex.

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

C. Order Defendant to adopt and enforce a sexual harassment policy designed to provide protection to women and to provide women equal employment opportunities.

D. Order Defendant to make whole Lisa Brooks and all similarly situated women by providing appropriate compensatory relief, in amounts to be proven at trial, and other affirmative

relief necessary to eradicate the effects of its unlawful employment practices alleged above.

E. Order Defendant to make whole Lisa Brooks and all similarly situated women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

F. Order Defendant to make whole Lisa Brooks and all similarly situated women by providing compensation for non-pecuniary losses resulting from the unlawful practices complained of above, including past and future emotional pain and suffering, humiliation, embarrassment, anxiety, inconvenience, loss of enjoyment of life and loss of civil rights, in amounts to be determined at trial.

G. Order Defendant to pay Lisa Brooks and all similarly situated women punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.

H. Grant such further relief as the Court deems necessary and proper.

I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

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

/s/ Lynette A. Barnes
LYNETTE A. BARNES
Regional Attorney
North Carolina Bar No. 19732

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Charlotte District Office
129 W. Trade Street, Suite 400
Charlotte, N.C. 28202

TRACY HUDSON SPICER
Supervisory Trial Attorney

/s/ Suzanne Lenahan Nyfeler
SUZANNE LENAHAN NYFELER
Senior Trial Attorney
Virginia Bar No. 40450

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Richmond Local Office
830 East Main Street, Suite 600
Richmond, Virginia 23219
Telephone: (804) 771-2215
Facsimile: (804) 771-2222