

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

PRODESIGN, LLC)

Defendants.)
_____)

CIVIL ACTION NO.

3:04cv623 RM

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 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 Robbie Caldwell, Janice Patrick, and a class of similarly situated employees who were adversely affected by such practices. The Commission alleges that Defendant subjected Robbie Caldwell, Janice Patrick, and a class of similarly situated females to sexual harassment by a male co-worker and allowed the hostile environment to interfere with the work performance of other employees.

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) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000 e-5(f)(1) and (3) and 2000e-6 ("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 Court for the Northern District of Indiana, South Bend 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) and 707 of Title VII, 42 U.S.C. § 2000e-5 (f) (1) and (3) and 2000e-6.

4. At all relevant times, Defendant, Prodesign, LLC (the "Employer"), has continuously been an Indiana corporations, doing business in the State of Indiana and the City of Elkhart, 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 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, Robbie Caldwell and Janice Patrick filed charges 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 January 2000, Defendant Employer has engaged in unlawful employment practices at its Elkhart, Indiana facility, in violation of Section 703(a) (1) of Title VII, 42 U.S.C. §§ 2000e-2(a) (1). The unlawful practices include subjecting Robbie Caldwell and Janice Patrick, and a class of similarly situated females to hostile environment sexual

harassment by a male co-worker and allowing the hostile environment to interfere with the work performance of other employees.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Robbie Caldwell, Janice Patrick, and a class of similarly situated females and other employees of equal employment opportunities and otherwise adversely affect their status as employees, because of 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 Robbie Caldwell, Janice Patrick, and a class of similarly situated females and other employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment, and any other employment practice which 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 women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Robbie Caldwell, Janice Patrick, and a class of similarly situated females and other employees 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 out of pocket expenses, and medical expenses, plus prejudgment interest, in amounts to be determined at trial.

D. Order Defendant Employer to make whole Robbie Caldwell, Janice Patrick, and a class of similarly situated females and other employees 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 physical and emotional pain and suffering, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order Defendant Employer to pay Robbie Caldwell, Janice Patrick, and a class of similarly situated females and other employees punitive damages for their malicious and reckless conduct described in paragraph 7 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.

JURY TRIAL DEMAND

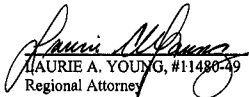
The Commission requests a jury trial on all questions of fact raised by its complaint.

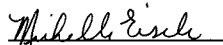
Respectfully Submitted,


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