

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

EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
CARMIKE CINEMAS, INC.,)
)
Defendant.)
_____)

CIVIL ACTION NO. 5:04-CV-673-BC
(11)

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 employees who were adversely affected by the practices. The Commission alleges that Defendant Carmike Cinemas, Inc., discriminated against Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr., Jonathan Smith, Jr. and other similarly situated male employees by subjecting them to sexual harassment and a sexually hostile work environment because of their sex.

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) ("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 Eastern District of North Carolina.

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 of the Civil Rights Act and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Carmike Cinemas, Inc. ("Defendant") has continuously been a Delaware corporation doing business in the State of North Carolina and the City of Raleigh 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 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, Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr. and Jonathan Smith, Jr. 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. From around February 2003 until around October 2003, Defendant engaged in unlawful employment practices at one of its movie theaters located in Raleigh, North Carolina, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). Specifically, Defendant subjected Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr., Jonathan Smith, Jr. and other similarly situated male employees to discrimination

based on their sex by subjecting them to sexual harassment that created a sexually hostile work environment. The sexual harassment was perpetrated by an adult male supervisor in the direct line of authority over the aggrieved individuals, most of whom were teenagers. The sexual harassment included unwelcome sexual touching, egregious sexual comments, sexual advances and requests for sexual favors. Although Defendant received complaints from some of the aggrieved individuals and otherwise knew about the sexual harassment of its male employees by their male supervisor, Defendant failed to take reasonable steps to prevent or correct the sexual harassment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr., Jonathan Smith, Jr. and other similarly situated male employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, male.

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 Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr., Jonathan Smith, Jr. and other similarly situated male 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 maintaining a sexually hostile work environment and from any other employment practice that discriminates on the basis of sex.

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

C. Order Defendant to make whole Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr., Jonathan Smith, Jr. and other similarly situated male employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices complained of in paragraph 7 above, including medical expenses, in amounts to be determined at trial.

D. Order Defendant to make whole Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr., Jonathan Smith, Jr. and other similarly situated male employees by providing compensation for past and future non-pecuniary 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, humiliation, loss of self-esteem, and loss of civil rights, in amounts to be determined at trial.

E. Order Defendant to pay Samuel Baxter, Matthew Cullingsford, Travorous Green, Jordan Holley, David Jeffreys, Leonard Lewis, Jr., Jonathan Smith, Jr. and other similarly situated male employees punitive damages for its malicious and reckless conduct, as described 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.

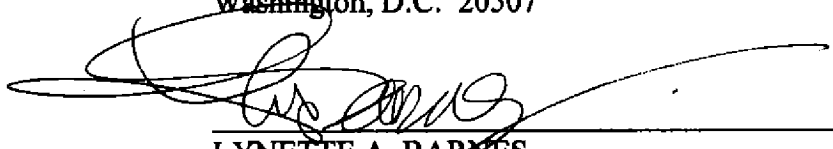
DATED this the 16th day of September 2004.

Respectfully submitted,

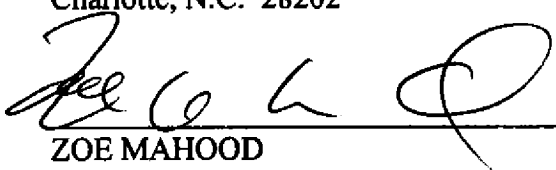
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