

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

MAHARAJA HOSPITALITY, INC.,  
d/b/a QUALITY INN BY CHOICE HOTELS,

Defendant.

CIVIL ACTION NO.

COMPLAINT  
JURY TRIAL DEMANDED

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, female, and retaliation, and to provide appropriate relief to Charging Parties Naimah Carmichael, Jennifer Heckrote, and Kimberly Hicks, and a class of female employees, who were adversely affected by such practices. As articulated with greater particularity in paragraph 7 and 8 below, the Commission alleges that Ms. Carmichael, Ms. Heckrote, and Ms. Hicks, and a class of female employees were subjected to sexual harassment by a male co-worker, H. Singh, beginning in April 2004. Although the Charging Parties complained about the sexual harassment to Defendant's General Manager, no remedial action was taken, and the sexual harassment continued unabated.

In addition, the Commission alleges that because Defendant failed to take remedial action to stop the sexual harassment, Ms. Carmichael was constructively discharged on or about June 4, 2004. Furthermore, the Commission alleges that Ms. Heckrote and Ms. Hicks were terminated by Defendant in retaliation for their complaints of sexual harassment on June 4, and June 5, 2004, respectively.

As a result of the sexual harassment and retaliation, Ms. Carmichael, Ms. Heckrote, and Ms.

Hicks, as well as other female employees, incurred wage losses, as well as emotional distress damages.

#### 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 and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Pennsylvania.

#### 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) of Title VII, 42 U.S.C. § 2000(e)-5(f) (1) and (3).

4. At all relevant times, Defendant has continuously been and is now a Pennsylvania Corporation doing business in the State of Pennsylvania, and the City of Pottstown, and has continuously had at least fifteen (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, Charging Parties Carmichael, Heckrote and Hicks filed charges of discrimination 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 April 2004, Defendant Employer has engaged in unlawful employment practices at its Pottstown, Pennsylvania facility in violation of Section 703(a)(1) and 704(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by subjecting the Charging Parties and a class of female employees to a sexually hostile work environment, and to retaliation. The unlawful employment practices included, but are not limited to, the following:

(a) On November 25, 2002, Naimah Carmichael was hired by Defendant's predecessor, Travelodge, as a Front Desk Clerk. At all relevant times, Ms. Carmichael's performance was satisfactory.

(b) Beginning in May 2004, soon after Defendant took over management of the hotel, Ms. Carmichael began being subjected to sexual harassment in the form of constant unwelcome sexual advances, unwelcome touching, and offensive sexual comments by a male co-worker, Harcharan Singh, a relative of Defendant's owner who lived at the hotel. The harassment included, but was not limited to, blocking her way so that Ms. Carmichael would have to rub against his body when leaving a room, forcing her to reach over his lap to reach the cashier area, telling her he was "so hungry, he wanted to eat her", asking how frequently she had sex, and asking if when she was in bed, anyone "sucked her lips."

(c) Although Ms. Carmichael complained about the sexual harassment to Defendant's

General Manager, no remedial action was taken to stop the harassment. In response to her complaints, the General Manager advised Ms. Carmichael that H. Singh was "doing his job", and told her to "tell the girls to just ignore him because that's the way he is."

(d) In her capacity as Front Desk Clerk, Ms. Carmichael received complaints from other female staff that they were also being subjected to unwelcome sexual advances and offensive sexual comments by H. Singh, which she also communicated to Defendant's General Manager.

(e) On June 4, 2004, Charging Party Carmichael filed a police report with the Pottstown Police Department alleging that H. Singh had sexually harassed her, as well as other female employees. On that date, Ms. Carmichael was forced to resign from her employment because she could no longer tolerate the sexual harassment.

(f) On April 20, 2004, Jennifer Heckrote was hired by Defendant as a Housekeeper. At all relevant times, Ms. Heckrote's performance was satisfactory.

(g) Immediately after her hire, Ms. Heckrote began being subjected to sexual harassment by H. Singh in the form of unwelcome sexual advances, including, but not limited to, attempting to kiss her, exposing his chest hair to her and asking her to feel it, asking about her sexual activities with her boyfriend, telling her "how sexual things were in India", his country of origin, and asking repeatedly if she found any pornographic materials when cleaning the hotel rooms.

(h) Although Ms. Heckrote complained to Defendant's General Manager and Defendant's housekeeping Department Supervisor about the sexual harassment by H. Singh, no remedial action was taken by Defendant.

(i) On May 28, 2005, after H. Singh again made sexual advances and comments to her, Ms. Heckrote filed a police report with the Pottstown Police Department alleging that H. Singh had

subjected her and other female employees to sexual harassment. On that date as well, Ms. Heckrote advised Defendant's General Manager that if H. Singh continued to sexually harass her, she would retain an attorney to protect her rights.

(j) On June 4, 2003, when Ms. Heckrote called in to obtain her schedule, she was advised by Defendant's General Manager that she was fired.

(h) On May 2, 2004, Kimberly Hicks was hired by Defendant as a Housekeeper. At all relevant times, Ms. Hicks' performance was satisfactory.

(i) Beginning on May 20, 2004, Ms. Hicks began being subjected to sexual harassment by H. Singh, including, but not limited to, making comments about her buttocks while rubbing his crotch, telling her his body was "sore" and he needed someone to "rub it", blocking her way when she was attempting to leave a room so that she would have to rub against his body to leave, and asking what the Housekeeping Department did with condoms left behind in any hotel rooms by guests.

(j) Although Ms. Hicks complained about the sexual harassment to Defendant's General Manager, no remedial action was taken.

(k) On June 4, 2004, Ms. Hicks filed a police report with the Pottstown Police Department, alleging that she and other female employees were subjected to sexual harassment by H. Singh, and that Defendant had failed to take any remedial action. On that date, Ms. Hicks advised Defendant's General Manager that she had filed a police report that day about the sexual harassment.

(l) On June 5, 2004, Ms. Hicks was advised by Defendant's General Manager that she was fired.

(h) Both Ms. Heckrote and Ms. Hicks were terminated in retaliation for their complaints of

sexual harassment.

(i) Upon information and belief, other female employees of Defendant were also subjected to sexual harassment by H. Singh during their employment, of which Defendant had knowledge, and failed to take any action to eliminate.

8. The effect of the practices complained of in paragraph 7 above has been to deprive the Charging Parties and other female class members of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and retaliation.

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 Naimah Carmichael, Jennifer Heckrote, Kimberly Hicks and a class of female employees..

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and retaliation, and any other employment practice which discriminates on the basis of sex or retaliation.

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



C. Order Defendant Employer to institute and carry out anti-discrimination, anti- sexual harassment policies and complaint procedures, and anti-retaliation policies.

D. Order Defendant Employer to institute and carry out complaint procedures which encourage employees to come forward with complaints regarding violations of its policies against discrimination, harassment and retaliation.

E. Order Defendant Employer to institute and carry out a training program which shall promote supervisor accountability imposing on all managers and supervisory personnel a duty to actively monitor their work areas to ensure compliance with policies on non-discrimination and anti-harassment; and requiring all managers and supervisors to report any incidents and/or complaints of harassment and/or retaliation of which they become aware to the department charged with handling such complaints.

F. Order Defendant Employer to make whole Naimah Carmichael, Jennifer Heckrote, Kimberly Hicks and a class of female employees by providing appropriate back pay and front pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

G. Order Defendant Employer to make whole Naimah Carmichael, Jennifer Heckrote, Kimberly Hicks and a class of female 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 losses, in amounts to be determined at trial.

H. Order Defendant Employer to make whole Naimah Carmichael, Jennifer Heckrote, Kimberly Hicks and a class of female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including

pain and suffering, humiliation, embarrassment, loss of life's enjoyment and pleasures, depression, anxiety and inconvenience, in amounts to be determined at trial.

I. Order Defendant Employer to pay Naimah Carmichael, Jennifer Heckrote, Kimberly Hicks and a class of female employees punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

J. Grant such further relief as the Court deems necessary and proper in the public interest.

K. Award the Commission its costs of this action.



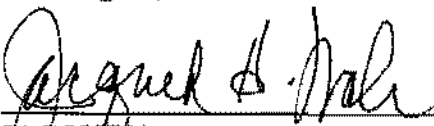
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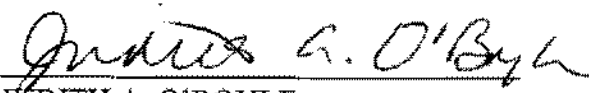
The Commission requests a jury trial on all questions of fact raised by its complaint.

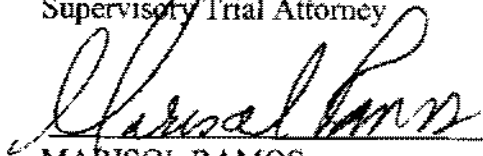
James L. Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel

Equal Employment Opportunity  
Commission  
Washington, D.C. 20507

  
JACQUELINE H. McNAIR  
Regional Attorney

  
JUDITH A. O'BOYLE  
Supervisory Trial Attorney

  
MARISOL RAMOS  
Trial Attorney  
EEOC  
21 S. 5th Street, Suite 400  
Philadelphia, PA 19106  
(215) 440-2619