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Attorney for Intervener
Jennifer Heckrote

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

EQUAL EMPLOYMENT OPPORTUNITY	:	
COMMISSION	:	
Plaintiff	:	
and	:	
	:	
KIMBERLY E. HICKS,	:	
NAIMAH N. CARMICHAEL, and	:	
JENNIFER HECKROTE	:	
	:	
Interveners	:	CIVIL ACTION NO.
	:	05-CV-6693
V.	:	
	:	
MAHARAJA HOSPITALITY, INC., D/B/A	:	
QUALITY INN BY CHOICE HOTELS	:	JURY TRIAL DEMANDED
	:	
Defendant	:	

COMPLAINT OF INTERVENER JENNIFER HECKROTE

Intervener Jennifer Heckrote files this intervention complaint under Rule 24(a) of the Federal Rules of Civil Procedure as permitted under Section 706(f)(1) of Title VII of the Civil Rights Act of 1964 (as amended) (42 U.S.C. § 2000e, et seq.) ("Title VII"), and in support thereof alleges as follows:

1. Intervener Jennifer Heckrote is an adult individual, residing at 121 West Sixth Street, Pottstown, Pennsylvania 19464,

which is within the Eastern District of Pennsylvania. Intervener Heckrote files this action to seek redress for Defendant's discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 (as amended) (42 U.S.C. § 2000e, et seq.) ("Title VII") and the Pennsylvania Human Relations Act ("PHRA").

2. Defendant, Maharaja Hospitality, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principle place of business at 61 W. King Street, Pottstown, PA 19464.

2.1. Defendant formerly did business as Travel Lodge at 61 W. King Street, Pottstown, PA 19464.

2.2. Defendant currently does business as Quality Inn of Pottstown at 61 W. King Street, Pottstown, PA 19464

3. At all times relevant, Defendant acted by and through its agents, servants and employees.

4. On information and belief, at all times relevant, Mr. Harcharan Singh was a principal and/or supervisory employee of Defendant.

JURISDICTION AND VENUE

5. Jurisdiction of this Court is invoked pursuant to 42 U.S.C. § 2000e, et seq. (as amended), 28 U.S.C. § 1331, 28 U.S.C. § 1343 as well as this Court's power to hear related state law claims under 28 U.S.C. § 1367.

6. At all times relevant, Defendant was an "employer" within the meaning of 42 U.S.C. § 2000e, et seq, 29 U.S.C. § 621, et

seq., and the Pennsylvania Human Relations Act.

7. Intervener Heckrote has duly complied with the requirements of Title VII (as amended), and the PHRA, and has performed any and all conditions precedent to the maintenance of this action.

7.1. Intervener Heckrote timely filed a charge of discrimination with the EEOC on or about August 30, 2004, alleging discrimination based on sex, and retaliation against her for engaging in protected conduct under Title VII and the PHRA.

7.2. Intervener Heckrote's charge was duly cross-filed with the PHRC.

7.3. Intervener Heckrote has timely filed this intervention complaint pursuant to Section 706(f) of Title VII.

8. Venue is proper under 28 U.S.C. § 1391(b), in that i) the Defendant resides within the Eastern District of Pennsylvania, ii) the events and/or omissions giving rise to Intervener Heckrote's claims occurred within the Eastern District of Pennsylvania, and iii) Intervener Heckrote resides within the Eastern District of Pennsylvania.

FACTS OF THE CASE

9. Ms. Heckrote was employed by Defendant as a member of the housekeeping staff from on or about April 20, 2004 until her unlawful termination on or about June 4, 2004.

10. Throughout the term of her employment with Defendant, Ms. Heckrote performed her work to the satisfaction of her employer.

Sexual Harassment

11. Beginning in or about April 2004 and continuing through the date of her termination, Ms. Heckrote was subjected to discrimination on the basis of her sex. The discrimination was in the form of unwanted sexual harassment that included, without limitation, the following:

11.1. Unwelcome advances by Mr. Harcharan Singh (hereinafter Ms. H. Singh).

11.2. Mr. H. Singh would make comments about, inter alia, how hairy his body was and how Indian men such as he were so sexual. Ms. Heckrote would tell Mr. Singh to leave her alone and stop.

11.3. Mr. H. Singh exposed his chest and back to Ms. Heckrote twice and told her how soft his body hair was. Ms. Heckrote would tell Mr. Singh to leave her alone and stop.

11.4. During the week of April 20, 2004, Mr. H. Singh attempted to kiss Ms. Heckrote in one of the hotel rooms she was cleaning.

11.5. Mr. H. Singh approached Ms. Heckrote while she was cleaning one of the hotel rooms and begged her to let him taste her.

11.6. Mr. H. Singh asked Ms. Heckrote if she had sex with her boyfriend and if he hurt her during sex.

11.7. Mr. H. Singh told Ms. Heckrote that he could be her boyfriend and that it was OK to cheat on her existing boyfriend.

11.8. Mr. H. Singh told Ms. Heckrote that everything is sexual in India (his country of origin), and told her that he could take her there to show her how sexual everything is.

11.9. Mr. H. Singh asked Ms. Heckrote to massage his back because it was sore.

11.10. Again on May 28, 2004, Mr. H. Singh tried to kiss Ms. Heckrote, by placing his hands on her face and attempting to pull her toward him. Ms. Heckrote pulled away from Mr. H. Singh, and told him to stop. Upon leaving work, she contacted the police.

11.11. On June 4, 2004, Mr. H. Singh again followed Ms. Heckrote around, offering to help her and upon finding her in the stock room, asked her if she had found any pornographic magazines left in the rooms for him to look at.

12. At or about the same time as Ms. Heckrote was being subjected to the foregoing harassment, Ms. Heckrote was aware that Mr. H. Singh was subjecting the other female house keeping staff members to sexual harassment.

13. Ms. Heckrote reported Mr. H. Singh's conduct to management, including, without limitation, immediate supervisor Ms. Sylvia Missimer, Defendant's General Manager, but Defendant failed to take prompt or appropriate action to end the harassment.

14. On Friday June 4, 2004, Ms. Heckrote and her co-workers decided that they could no longer tolerate Mr. H. Singh's sexually harassing behavior, and went to the Pottstown Police Department to report the harassment.

15. Later on June 4, 2004 and on the morning of June 5, 2004, Ms. Heckrote called General Manager Sylvia Missimer and told her that Mr. H. Singh had continued to harass her and that she knew her civil rights and that she would get a lawyer if necessary. On June 5, 2004, Ms. Missimer informed Ms. Heckrote that she was not to come to work that day. Later that day, Ms. Heckrote learned that she was fired.

16. Ms. Heckrote was fired in retaliation for her complaints of sexual harassment.

COUNT I

(Discrimination in Violation of Title VII)

17. Intervener Heckrote incorporates herein by reference all of the allegations set forth in paragraphs 1 through 17 above.

18. Defendant discriminated against Ms. Heckrote with respect to the terms, conditions and privileges of employment on the basis of her sex, in violation of Title VII of the Civil Rights Act of 1964 (as amended).

19. Defendant also discharged Ms. Heckrote without cause, on the basis of her sex, in violation of Title VII of the Civil Rights Act of 1964 (as amended).

20. The acts and omissions of Defendant as set forth above were discriminatory, offensive, intimidating and unwelcome, created a hostile and offensive work environment, and imposed intolerable working conditions on Ms. Heckrote.

21. Defendant knew and/or should have known of the sexual harassment of Ms. Heckrote, and failed to take any prompt or effective action to remedy the retaliation, thereby furthering the harassment.

22. The sexual harassment of Ms. Heckrote was severe and pervasive, altered the terms, conditions and privileges of her employment, and created a hostile working environment, all in violation of Ms. Heckrote's civil rights.

23. As a result of the foregoing, Ms. Heckrote has suffered damages including, without limitation, embarrassment, humiliation, fear, mental anguish, emotional distress, loss of self esteem, lost wages and benefits, and financial hardship.

24. Defendant is liable to Ms. Heckrote for any and all lost wages and benefits, compensatory damages, reasonable attorneys fees and costs, and such other relief as this Court deems just and appropriate under 42 U.S.C. § 2000e, et seq., the Pennsylvania Human Relations Act and 42 U.S.C. § 1981a.

25. Additionally, Defendant acted willfully, intentionally, maliciously and/or with reckless indifference to Ms. Heckrote's rights in denying her equal employment opportunities and otherwise discriminating against her on the basis of her sex, and for such conduct, Defendant is liable to Ms. Heckrote for compensatory and punitive damages under 42 U.S.C. §1981a.

WHEREFORE, Intervener Jennifer Heckrote, respectfully demands Judgment in her favor and against Defendant, Maharaja Hospitality, Inc., as follows:

1. Providing such relief as would place her in the position she would have been in absent Defendant's unlawful, discriminatory conduct, and making her whole;

2. Prohibiting Defendant from continuing to engage in discriminatory conduct in violation of Title VII;

3. Awarding her back pay, front pay, overtime, other lost wages and benefits, and compensatory damages in an amount in excess of \$150,000.00;

4. Awarding her punitive and/or liquidated damages in an amount appropriate to punish Defendant for its willful, deliberate, reckless and/or outrageous conduct, and to deter

Defendant from similar civil rights violations in the future;

5. Awarding her attorneys fees, costs, pre-judgment interest, and post judgment interest; and,

6. Awarding such other legal and/or equitable relief as this Court deems just and appropriate.

COUNT II

(Discrimination in Violation of the PHRA)

26. Plaintiff incorporates herein by reference all of the allegations set forth in paragraphs 1 through 26 above.

27. At all times relevant, Defendant was an "employer" within the meaning of 43 Pa.C.S.A. § 951, et seq.

28. Defendant discriminated against Ms. Heckrote with respect to the terms, conditions and privileges of employment on the basis of her sex, in violation of the Pennsylvania Human Relations Act.

29. Defendant also discharged Ms. Heckrote without cause, on the basis of her sex, in violation of the Pennsylvania Human Relations Act.

30. As a result of Defendant's conduct, Ms. Heckrote is entitled to compensation for any and all lost wages and benefits, compensatory damages, pre and post judgment interest and costs.

WHEREFORE, Intervener Jennifer Heckrote, respectfully demands Judgment in her favor and against Defendant, Maharaja Hospitality, Inc., as follows:

1. Providing such relief as would place her in the

position she would have been in absent Defendant's unlawful, discriminatory conduct, and making her whole;

2. Prohibiting Defendant from continuing to engage in discriminatory and retaliatory conduct in violation of the PHRA.

3. Awarding her back pay, front pay, overtime, other lost wages and benefits, and compensatory damages in an amount in excess of \$150,000.00;

4. Awarding her attorneys fees, costs, pre-judgment interest, and post judgment interest; and,

5. Awarding such other legal and/or equitable relief as this Court deems just and appropriate.

COUNT III

(Unlawful Retaliation)

31. Plaintiff incorporates herein by reference all of the allegations set forth in paragraphs 1 through 30 above.

32. Under Title VII and the PHRA, it is unlawful to discriminate against an employee because she has "opposed any practice made an unlawful employment practice" thereunder.

33. By addressing her concerns to management about the Defendant's discriminatory employment practices, and reporting the sexual harassment to the Pottstown Police, Ms. Heckrote opposed unlawful discrimination.

34. Once Ms. Heckrote's opposition to Defendant's unlawful discrimination became known to Defendant, Defendant terminated her employment.

35. The Defendant terminated Ms. Heckrote' employment in retaliation for Ms. Heckrote' opposing unlawful discrimination and otherwise engaging in activity protected under Title VII and the PHRA, and the Defendant's alleged bases therefor were pretextual.

36. Defendant's unlawful conduct has violated and continues to violate Ms. Heckrote' civil rights as guaranteed by law.

37. Defendant's retaliatory acts were and continue to be willful and intentional.

38. Defendant has engaged in the above retaliatory acts with malice, and/or with reckless indifference to Ms. Heckrote' rights.

39. As a result of the foregoing, Ms. Heckrote has suffered damages including, without limitation, embarrassment, humiliation, fear, mental anguish, emotional distress, loss of self esteem, illness, lost wages and benefits, and financial hardship.

40. Defendant is liable to Ms. Heckrote for any and all lost wages and benefits, compensatory damages, reasonable attorneys fees and costs, and such other relief as this Court deems just and appropriate under 42 U.S.C. § 2000e, et seq., and the Pennsylvania Human Relations Act.

WHEREFORE, Intervener Jennifer Heckrote, respectfully demands Judgment in her favor and against Defendant as follows:

1. Providing such relief as would place her in the position she would have been in absent Defendant's unlawful,

discriminatory and retaliatory conduct, and making her whole;

2. Prohibiting Defendant from continuing to engage in discriminatory and retaliatory conduct in violation of Title VII and the PHRA.

3. Awarding her back pay, front pay, overtime, other lost wages and benefits, and compensatory damages in an amount in excess of \$150,000.00;

4. Awarding her punitive damages in an amount appropriate to punish Defendant for its willful, deliberate, reckless and/or outrageous conduct, and to deter Defendant from similar civil rights violations in the future.

5. Awarding her attorneys fees, costs, pre-judgment interest, and post judgment interest; and,

6. Awarding such other legal and/or equitable relief as this Court deems just and appropriate.

HIRSCH & HIRSCH

Date: February 10, 2006 BY: _____

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	:	
Defendant	:	

Certificate of Service

I hereby certify that on this date I served a true and correct copy of the foregoing Motion to Intervene upon the following via first class mail, postage prepaid:

Marisol Ramos, Esq.
EEOC
21 S. 5th Street
Suite 400
Philadelphia, PA 19106

Patrick M. McHugh, Esq.
8040 Roosevelt Boulevard, Suite 214
Philadelphia, Pennsylvania 19142
Attorney for Maharaja Hospitality, Inc.

Date: February 10, 2006

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