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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE DISTRICT OF ARIZONA  
10 PHOENIX DIVISION

12 EQUAL EMPLOYMENT OPPORTUNITY )  
13 COMMISSION, ) Case No.:  
14 Pl aintiff, ) COMPLAINT  
15 vs. ) (JURY TRIAL DEMANDED)  
16 MRS ASSOCIATES, )  
17 Defendant. )

19 **NATURE OF THE ACTION**

21 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the  
22 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex,  
23 female, and provide appropriate relief due to Lisa Kradel and a class of women as a result  
24 of such unlawful practices. It is also an action under the Equal Pay Act of 1963 to  
25 restrain the unlawful payment of wages to female employees at rates less than the rates  
26 paid to male employees, and to provide appropriate relief due to Lisa Kradel as a result of  
27 such unlawful practices. The Commission alleges that MRS Associates (hereinafter  
28 “Defendant”) discriminated against Lisa Kradel and a class of women by subjecting them

1 to a sexually hostile work environment. The Commission further alleges that Defendant  
2 discriminated against Ms. Kradel by terminating her for complaining about the sexually  
3 hostile work environment. The Commission further alleges that Defendant discriminated  
4 against Ms. Kradel by paying her at a wage rate less than the rate paid to her male  
5 successor, who performed substantially equal work.

### 6 **JURISDICTION AND VENUE**

7 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,  
8 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section  
9 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §  
10 2000e-5(f)(1) and (3) ("Title VII") and pursuant to Section 102 of the Civil Rights Act of  
11 1991, 42 U.S.C. § 1981a; and pursuant to Sections 16(c) and 17 of the Fair Labor  
12 Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217, to  
13 enforce the requirements of the Equal Pay Act of 1963, codified as Section 6(d) of the  
14 FLSA, 29 U.S.C. § 206(d).

15 2. The employment practices alleged to be unlawful were committed within  
16 the jurisdiction of the United States District Court for the District of Arizona, Phoenix  
17 Division.

### 18 **PARTIES**

19 3. Plaintiff, the Equal Employment Opportunity Commission (the  
20 "Commission"), is the agency of the United States of America charged with the  
21 administration, interpretation and enforcement of Title VII and the Equal Pay Act, and is  
22 expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42  
23 U.S.C. § 2000e-5(f)(1); and (3) Sections 16(c) and 17 of the FLSA, 29 U.S.C. §§ 216(c)  
24 and 217, as amended by Section 1 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781,  
25 and Public Law 98-532 (1984), 98 Stat. 2705.

26 4. At all relevant times, Defendant MRS Associates has continuously been a  
27 New Jersey corporation doing business in the State of Arizona and has continuously had  
28 at least 15 employees.



1 11. Since at least August 22, 2003, Defendant Employer has engaged in  
2 unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. §  
3 2000e-3, by retaliating against Ms. Kradel by discharging her from her employment after  
4 she made complaints about the hostile work environment.

5 12. The effect of the practice(s) complained of in paragraphs 9 through 11 has  
6 been to deprive Lisa Kradel and a class of women of equal employment opportunities and  
7 otherwise adversely affect their status as employees, because of their sex, female.

8 13. The unlawful employment practices complained of in paragraphs 9 through  
9 11 were intentional.

10 14. The unlawful employment practices complained of in paragraph 9 through  
11 11 were done with malice or with reckless indifference to the federally protected rights of  
12 Ms. Kradel and a class of women.

#### 13 **STATEMENT OF EPA CLAIMS**

14 15. Since at least August 1, 2003, Defendant Employer has violated Sections  
15 6(d)(1) and 15(a)(2) of the FLSA, 29 U.S.C. §§ 206(d)(1) and 215(a)(2), by paying  
16 wages to Lisa Kradel, a regional vice president, at a rate less than the rate paid to her  
17 male successor for substantially equal work in a position performed under similar  
18 working conditions at the same establishment.

19 16. As a result of the acts complained of above, Defendant Employer  
20 unlawfully has withheld and is continuing to withhold the payment of wages due to Lisa  
21 Kradel.

22 17. The unlawful employment practice complained of in paragraph 15 was  
23 willful.

#### 24 **PRAYER FOR RELIEF**

25 Wherefore, the Commission requests that this Court:

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

3 B. Grant a permanent injunction enjoining Defendant, its officers, successors,  
4 assigns and all persons in active concert or participation with it, from discriminating  
5 between employees on the basis of sex, by paying wages to employees of one sex at rates  
6 less than the rates at which it pays wages to employees of the opposite sex for  
7 substantially equal work on jobs the performance of which requires equal skill, effort,  
8 and responsibility, and which are performed under similar working conditions.

9 C. Grant a permanent injunction enjoining Defendant, its officers, successors,  
10 assigns and all persons in active concert or participation with it, from engaging in any  
11 employment practice which discriminates or retaliates against any individual because of  
12 the individual's opposition to perceived unlawful employment practices and/or because  
13 the individual filed a charge, testified, assisted or participated in an investigation or  
14 proceeding under Title VII or the Equal Pay Act.

15 D. Order Defendant to make whole Lisa Kradel by providing backpay with  
16 prejudgment interest, in amounts to be proved at trial, and other affirmative relief  
17 necessary to eradicate the effects of its unlawful employment practices, including, but not  
18 limited to, rightful place reinstatement.

19 E. Order Defendant to make whole Lisa Kradel and a class of women by  
20 providing compensation for past and future pecuniary losses resulting from the unlawful  
21 practices described in paragraph 9 above, and make whole Lisa Kradel by providing  
22 compensation for past and future pecuniary losses resulting from the unlawful practices  
23 described in paragraphs 10 and 11, in amounts to be determined at trial.

24 F. Order Defendant Employer to make whole Lisa Kradel and a class of  
25 women by providing compensation for past and future nonpecuniary losses resulting  
26 from the unlawful practices complained of in paragraph 9 above, and make whole Lisa  
27 Kradel by providing compensation for past and future pecuniary losses resulting from the  
28 unlawful practices described in paragraphs 10 and 11, including but not limited to

1 emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life,  
2 in amounts to be determined at trial.

3 G. Order Defendant Employer to pay Lisa Kradel and a class of women  
4 punitive damages for its malicious and/or reckless conduct described in paragraph 9  
5 above, and pay Lisa Kradel punitive damages for its malicious and/or reckless conduct  
6 described in paragraphs 10 and 11, in an amount to be determined at trial.

7 H. Grant a judgment requiring Defendant Employer to pay appropriate back  
8 wages in amounts to be determined at trial, an equal sum as liquidated damages, and  
9 prejudgment interest to Lisa Kradel, whose wages are being unlawfully withheld as a  
10 result of the acts complained of above.

11 I. Grant such further relief as this Court deems necessary and proper in the  
12 public interest.

13 J. Award the Commission its costs of this action.

14 **JURY TRIAL DEMAND**

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

17 Respectfully submitted this 31st day of August, 2006.

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