

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

V.

HOME IMPROVEMENT FINANCIAL
SERVICES, INC.,

Defendant.

CIVIL ACTION NO.
1:05-CV-1731-GET

JURY TRIAL DEMANDED

AMENDED COMPLAINT

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 race and retaliation, and to provide appropriate relief to the Charging Party, Mr. Rod Freeman, and other similarly situated black employees, who were adversely affected by such practices. As alleged with greater particularity below, the Commission alleges that Mr. Freeman, a black male, and other similarly situated black employees, were on a regular basis racially harassed by the owner of Home Improvement Financial Services, Inc., and after complaining directly to Defendant's owner about the harassment, Mr. Freeman was retaliated against by being discharged by Defendant.

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. Section 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 Northern District of Georgia, Atlanta 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Home Improvement Financial Services, Inc. (the "Employer"), has continuously been a Georgia corporation doing business in the State of Georgia and the City of Stone Mountain, 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, Mr. Freeman filed a charge 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 October 2002, Defendant Employer has engaged in unlawful employment practices at its Stone Mountain, Georgia facilities (among other cities), in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by racially harassing Mr. Freeman, and other similarly situated black employees, and by discharging Mr. Freeman in retaliation for opposing practices made unlawful by Section 704 (a) of Title VII, 42 U.S.C. § 2000e-3(a).

8. The effects of the practices complained of above has been to deprive Mr. Freeman and other similarly situated black employees of equal employment opportunities and otherwise adversely affect their status as employees, because of their race, and because Mr. Freeman engaged in protected activity.

9. The unlawful employment practices complained of above were intentional.

10. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Mr. Freeman and the other members of the protected class.

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 racial harassment and retaliation and any other employment practice which discriminates on the basis of race or on the basis of activity protected by Title VII.

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

C. Order Defendant Employer to make whole Mr. Freeman, and the other similarly situated black employees by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative

relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement and/or front pay of Mr. Freeman.

D. Order Defendant Employer to make whole Mr. Freeman by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including job search expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Mr. Freeman, and other similarly situated black employees, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain and suffering, inconvenience, loss of enjoyment of life, anxiety, stress, depression and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Mr. Freeman, and other similarly situated black employees, punitive damages for its malicious and reckless conduct described in paragraphs above, in amounts to be determined at trial.

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

H. 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.

ERIC DREIBAND
General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

/S/
A.VICTORIA JOHNSON
Trial Attorney
Ga. Bar Number 392210

S. ROBERT ROYAL
Regional Attorney
Ga. Bar Number 617505

U. S. Equal Employment Opportunity
Commission - Atlanta District Office
100 Alabama St., SW, Suite 4R30
Atlanta, Georgia 30303
Telephone: (404) 562-6820 (general)
Telephone: (404) 562-6812 (direct)
Facsimile: (404) 562-6905