

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LISA M. WHITE,

Plaintiff,

v.

CIVIL ACTION NO. WMN 04cv3038

RG'S FOOD SHOPS OF PENNSYLVANIA,
INC.,

and

BEDFORD VALLEY PETROLEUM
CORPORATION,

Defendants.

COMPLAINT OF LISA M. WHITE

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, ("Title VII") 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 Charging Party Lisa M. White who was adversely affected by such practices. As alleged with greater particularity in paragraph 8 below, plaintiff alleges that Defendants RG's Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation ("Defendants") have committed sex discrimination in violation of Title VII by subjecting Lisa M. White to sexual harassment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(l) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(l) and (3), (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

PARTIES

3. Plaintiff, Lisa M. White, is a resident of the State of West Virginia and is authorized to bring this action by Section 706(f)(l) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(l).

4. At all times relevant hereto, Defendants RG’s Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation, both Pennsylvania corporations, have continuously been doing business in the State of Maryland and the County of Allegheny, and have continuously had at least 15 employees.

5. At all times relevant hereto, Defendants RG’s Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation have continuously been employers engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Section 2000e(b), (g) and (h).

6. At all times relevant hereto, Defendants RG's Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation have operated in conjunction with one another as an integrated enterprise/single "employer" within the meaning of Title VII. At all relevant times, Defendants have maintained interrelated operations, common management and directors, centralized control of labor relations and personnel, and common ownership and financial control.

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Lisa White filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging violations of Title VII by Defendant RG's Food Shops of Pennsylvania, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Beginning on or about September 2001 and persisting until on or about March 20, 2002, Lisa White was subjected to a continuing course of unwelcome and offensive harassment because of her sex, female, by Defendants through the conduct of employee William Brant. Such harassment created a hostile work environment on the basis of sex. Defendants had both actual and constructive notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

9. The effect of the practices complained of in paragraph 8 has been to deprive Lisa

White of equal employment opportunities and otherwise adversely affected her status as an employee because of her sex.

10. The employment practices complained of in paragraph 8 were and are intentional.

11. The unlawful employment practices complained of in paragraph 8 were done with malice or with reckless indifference to the federally protected rights of Lisa White.

PRAYER FOR RELIEF

Wherefore, the Plaintiff respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns and all persons in active concert or participation with them, from engaging in sex discrimination, including sexual harassment and any other employment practice which discriminates on the basis of sex.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for female persons, and which eradicate the effects of their past and present unlawful employment practices, including but not limited to implementation of a policy prohibiting sexual harassment that comports with the requirements of Title VII, conducting employee training regarding such policy, and effective, reasonably diligent enforcement of such policy.

C. Order the Defendants to make whole Lisa White by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8, above, in amounts to be determined at trial.

D. Order the Defendants to make whole Lisa White by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 8, above, in amounts to be determined at trial.

E. Order the Defendants to pay Lisa White punitive damages for the malicious and reckless conduct described in paragraph 8, 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 Plaintiff her costs and attorney's fees.

JURY TRIAL DEMAND

The Plaintiff requests a jury trial on all questions of fact raised by her complaint.

Respectfully submitted,

LISA M. WHITE
By Counsel

HARRY P. WADDELL
300 West Martin Street
Martinsburg, West Virginia 25401
(304) 263-4988
(304) 262-2498 (fax)
Bar No. 25919

