

F#9676

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff

v.

**HILL BROTHERS CONSTRUCTION
AND ENGINEERING COMPANY, INC.**

Defendant

*** * ***

JOEL GRAVES,

Intervenor

DOCKET NO. 3:05-cv-122-M-A

COMPLAINT IN INTERVENTION

The intervenor, Joel Graves, by and through his attorneys Branch, Thompson, Philhours & Warmath, P.A., and for his Complaint in Intervention, states:

A. Parties, Jurisdiction and Venue

1. The Intervenor Joel Graves (hereinafter "Graves") is an individual and a resident of Ripley, Mississippi.

2. The Defendant Hill Brothers Construction and Engineering Company, Inc. (hereinafter "Hill Brothers"), is a corporation with its primary place of business in Mississippi, with more than 15 employees at all times relevant to this matter.

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3. From 2000 to July 2002, Graves was an employee of Hill Brothers in Faulkner, Mississippi.

4. This Court has jurisdiction over the parties and subject matter of this action, and venue is proper in this Court.

B. Factual Statement

5. As an employee of Hill Brothers, Graves' primary job duties involved driving trucks and transporting equipment and parts for Hill Brothers. Graves' supervisor was Greg Witt.

6. During the period of Graves employment, Graves was subjected to repeated and continued sexual harassment by Witt. Witt's actions included exposing his penis in the presence of Graves, suggesting to Graves that he engage in sexual activity with Witt, touching Graves in a sexually provocative manner, and making repeated sexual comments to Graves. None of Witt's actions were welcome or elicited by Graves.

7. Graves requested that Witt cease this conduct, and Witt refused. Shortly before Graves left Hill Brothers, Witt summoned Graves and three other employees to a hotel room to receive their paychecks, often exposing himself.

8. Graves advised Witt this conduct was unwelcome, but it continued.

9. Graves working conditions were so intolerable that a reasonable person similarly situated would have felt compelled to resign. Graves did resign from Hill Brothers.

D. Claim for Relief

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10. This Court should hold Hill Brothers liable to Graves for sexual harassment pursuant to the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

11. Graves filed a Charge of Discrimination with the Equal Employment Opportunity Commission within 90 days of his constructive termination from Hill Brothers. All administrative prerequisites to the filing of this lawsuit have been exhausted.

12. This Court should award Graves the following relief: backpay, compensatory damages for emotional distress and humiliation, equitable relief including front pay, attorneys fees, and court costs.

13. The actions of Hill Brothers were intentional, willful, wanton, reckless, and malicious. This Court should award Graves punitive damages.

E. Jury Trial Demand

14. Pursuant to Fed. R. Civ. P. 38, Graves requests a jury trial on any and all issues so triable.

WHEREFORE, the Plaintiff, Joel Graves prays that this Court grant all relief requested in this Complaint in Intervention; prays that this Court hold the Defendant liable for violation of the Civil Rights Act of 1964; prays that this Court award him back-pay, compensatory damages for emotional distress and humiliation, equitable relief including front pay, and punitive damages; prays that this Court award him attorneys fees, court costs and all other proper relief.

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Certificate of Service

I, Kimberly B. Dale, certify that I have served a copy of the foregoing by through the ECF system and via first class mail on this ____9th____ day of January 2008:

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