

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Civil Action No. 1:06CV836

Plaintiff,)

C O M P L A I N T

v.)

JURY TRIAL DEMAND

MOLL INDUSTRIES, INC.)

Defendant)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female/pregnancy, and to provide appropriate relief to Jessica R. Dix who was adversely affected by such practices. The Commission alleges that Defendant, Moll Industries, Inc. discriminated against Ms. Dix by terminating her because of her pregnancy, as alleged with greater particularity herein.

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)(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. § 1981(A)(1).

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Middle District of North Carolina.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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), 42 U.S.C., Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Moll Industries, Inc. (“Defendant”), has continuously been a Delaware corporation doing business in the State of North Carolina and the County of Randolph, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Jessica Dix filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about October 7, 2005, Defendant engaged in an unlawful employment practice at its Seagrove, North Carolina facility, in violation of Section 703(a) of Title VII, 42 U.S.C. Section 2000e-2. Specifically, Defendant hired Jessica Dix to work at Defendant’s Seagrove facility through a staffing agency. When Ms. Dix reported for work on or about Oct. 7, 2005, she was approximately 29 weeks pregnant. Ms. Dix began work at the facility, but was discharged approximately one hour later due to her pregnancy. At the time of her termination, Ms. Dix was fully qualified and able to perform the duties of the job she was hired to perform.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Jessica Dix of equal employment opportunities and otherwise adversely affect her status as an employee based on her sex (female), specifically on the basis of her pregnancy.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were

done with malice or with reckless indifference to the federally protected rights of Ms. Dix.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex or pregnancy.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, which eliminate pregnancy-based discrimination, and which eradicate the effects of Defendant's past and present unlawful employment practices.

C. Order Defendant to make whole Jessica Dix by providing appropriate back pay with prejudgment interest, in amounts to be proven at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices described above.

D. Order Defendant to make whole Jessica Dix by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

E. Order Defendant to make whole Jessica Dix by providing compensation for non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including past and future emotional pain and suffering, humiliation, embarrassment, anxiety, inconvenience, loss of enjoyment of life, and loss of civil rights in amounts to be determined at trial.

F. Order Defendant to pay Jessica Dix punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised in the complaint.

Respectfully submitted,

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