

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

CIVIL ACTION NO.
5:00CV156-H

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION ,)

Plaintiff,)

and)

CHRYSTAL BRADSHAW,)

Intervenor,)

v.)

NATIONWIDE ELECTRICAL)
CONTRACTING, INC., DOUGLAS)
ELECTRICAL CONTRACTING, INC.,)
MARY F. BLACK and FRANKLIN D.)
BLACK, JR.,)

Defendants.)

AMENDED COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

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 sex, female, and to provide appropriate relief to Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females who were adversely affected by such practices. Specifically, Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females, were subjected to sexual harassment while working for Defendants Douglas Electrical Contracting, Inc. ("DECI"); its successor; Nationwide Electrical Contracting, Inc. ("NECI"); and both DECI's and NECI's alter egos, Mary F. Black and Franklin D. Black, Jr. In addition, Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females were forced to resign because of the harassment.

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 ("Title VII"), as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to 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 Western District of North Carolina, Statesville 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, DECI has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Statesville, and has continuously had at least fifteen (15) employees.

5. At all relevant times, NECI has continuously been a North Carolina corporation doing business in the State of North Carolina and the City of Statesville, and has continuously had at least fifteen (15) employees.

6. At all relevant times, DECI has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

7. At all relevant times, NECI has continuously been an employer engaged in an industry

affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

8. At all relevant times, Defendants Mary F. Black and Franklin D. Black, Jr. have been “alter egos” of Defendants DECI and NECI. As a result, Mary F. Black and Franklin D. Black, Jr. have been joined as individual defendants in this action.

STATEMENT OF CLAIMS

9. More than thirty days prior to the institution of this lawsuit, Chrystal Moose Bradshaw and Janie L. Young filed separate charges with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

10. From around September 1996 through around April 1998, Defendants engaged in unlawful employment practices at their Statesville, North Carolina facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). The unlawful practices included:

- a) subjecting Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females to a sexually hostile work environment, including unwelcome touching, sexual advances, and sexual comments. Such conduct included, but is not limited to, Defendants’ male owner making repeated sexual advances to Chrystal Moose Bradshaw and Janie L. Young. The conduct also included repeated sexual advances made to Janie L. Young by one of Defendants’ male supervisors;
- b) constructively discharging Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females.

11. The effect of the practices complained of in paragraph 10 above have been to deprive Chrystal Moose Bradshaw, Janie L. Young, and other similarly-situated females of equal employment opportunities and otherwise adversely affect their status as employees, because of their sex.

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

13. The unlawful employment practices complained of in paragraph 10 above were done with malice or with reckless indifference to the federally protected rights of Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Mary F. Black, Franklin D. Black, Jr., DECI, NECI and their officers, successors, assigns, and all persons in active concert or participation with them, from subjecting individuals to sexual harassment and engaging in any other employment practice which discriminates on the basis of sex.

B. Order Mary F. Black, Franklin D. Black, Jr., DECI and NECI to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Mary F. Black, Franklin D. Black, Jr., DECI and NECI to make whole Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females, by providing appropriate affirmative relief necessary to eradicate the effects of its unlawful employment practices, including appropriate backpay with prejudgement interest, in amounts to be determined at trial.

D. Order Mary F. Black, Franklin D. Black, Jr., DECI and NECI to make whole Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 10 above, including but not limited to medical expenses, in

amounts to be determined at trial.

E. Order Mary F. Black, Franklin D. Black, Jr., DECI and NECI to make whole Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 10 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation and deprivation of civil rights, in amounts to be determined at trial.

F. Order Mary F. Black, Franklin D. Black, Jr., DECI and NECI to pay Chrystal Moose Bradshaw, Janie L. Young and other similarly-situated females punitive damages for its malicious and reckless conduct, as described in paragraph 10 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.

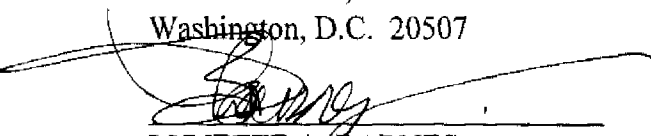
JURY TRIAL DEMAND

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

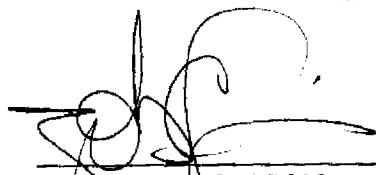
Dated this ____ day of November, 2001.

GWENDOLYN YOUNG REAMS
Associate General Counsel

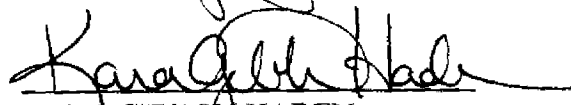
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Amended Complaint* was this date served upon all counsel of record by placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address as follows:

Defendant Douglas Electrical Contracting, Inc.

**DOUGLAS ELECTRICAL
CONTRACTING, INC.**

c/o Mary F. Black, President
9216 Westmoreland Road, Suite A
Cornelius, NC 28031

Defendant Nationwide Electrical Contracting, Inc.

**NATIONWIDE ELECTRICAL
CONTRACTING, INC.**


c/o Mary F. Black, President
9216 Westmoreland Road, Suite A
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Counsel for Intervenor

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1001 Elizabeth Avenue, Suite 1-D
Charlotte, NC 28204-2234

This the 8th day of November, 2001.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

By: 
KARA GIBBON HADEN
Trial Attorney