

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

FILED

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EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

ALADAN/ LONDON INTERNATIONAL )  
GROUP, LLC, etc. )

Defendants. )

CLERK  
U. S. DISTRICT COURT  
MIDDLE DIST. OF ALA.

Civil Action Number: 99-T-1089-N  
JURY TRIAL DEMANDED

**COMPLAINT-IN-INTERVENTION**

COME NOW the Plaintiff-Intervenors, Loretta Johnson ("Johnson"),  
Molinda Jacobs ("Jacobs"), Mary Culver ("Culver"), Joann Ford ("Ford"), Alicia  
Green ("Green"), Barbara Streeter ("Streeter"), Teresa Manderville ("Manderville"), and  
Jacqueline Massey ("Massey") (hereinafter sometimes referred to collectively as  
"Plaintiff-Intervenors"), and bring the present action against the defendant by stating as  
follows:

**I. JURISDICTION**

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331,  
1343(4), 2201, 2202, 42 U.S.C. § 2000e et seq., and 42 U.S.C. Section 1981, as  
amended. This is a suit authorized and instituted pursuant to Title VII of the Act of  
Congress known as the "Civil Rights Act of 1964," as amended, including the "Civil  
Rights Act of 1991" and 42 U.S.C. Section 1981, as amended. The jurisdiction of this  
court is invoked to secure protection of and redress deprivation of rights secured by 42

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U.S.C. § 2000e et seq. and 42 U.S.C. Section 1981, providing for injunctive and other relief against race discrimination, sexual and racial harassment and retaliation.

2. The Plaintiff-Intervenors have fulfilled all conditions precedent to the institution of this action under Title VII of the Act of Congress known as the "Civil Rights Act of 1964," as amended by the "Civil Rights Act of 1991", 42 U.S.C. § 2000e et seq. All Plaintiff-Intervenors, except Massey and Manderville, timely filed charges of discrimination alleging racially and sexually hostile work environments, racially disparate treatment, sex harassment and retaliation within 180 days of the last discriminatory act. Intervenor-Plaintiffs Manderville and Massey rely upon the EEOC charges filed by the other plaintiffs and plaintiff-intervenors under the "Single-File Rule." Plaintiff-Intervenor Streeter has received her Right to Sue from the EEOC and filed her original lawsuit within 90 days from her receipt thereof. The EEOC filed the present suit on behalf of Plaintiff-Intervenors Johnson, Ford, Green, Jacobs and Culver based upon their EEOC charges. Therefore, no Right-to Sue letters have been issued to those plaintiff-intervenors.

## II. PARTIES

3. All plaintiff-intervenors are female African-Americans who were employed by the defendant at its Eufaula, Alabama facility at all times relevant hereto.

4. Defendant, London International Group, L.L.C. formally known as Schmid Laboratories, LLC., is subject to suit under Title VII of the Act of Congress known as the "Civil Rights Act of 1964," as amended by the "Civil Rights Act of 1991", 42 U.S.C. Section 2000(e) et seq., and 42 U.S.C. § 1981. At all times relevant hereto the

defendant was the employer of the plaintiff-intervenors. The defendant employs at least (15) persons.

### III. CAUSES OF ACTION

#### A. Hostile Environment

5. The plaintiff-intervenors reallege and incorporate by reference paragraphs 1-4 above with the same force and effect as if fully set out in specific detail herein below.

6. There existed at all times relevant hereto, at the Eufaula location of the defendant, a racially and sexually hostile work environment which effected minorities and females. This hostile environment included, but was not limited to, the prevention of blacks from receiving promotions; the dissemination of racially and sexually explicit flyers and cartoons over a period of time; sexual harassment by male co-workers and supervisors; racially insensitive and derogatory remarks made by white supervisors and other male employees; writing up and/or disciplining blacks for conduct which would not result in discipline for white employees; requiring black employees to take written tests to transfer to identical jobs on a different shift; refusal to appropriately respond or to take corrective action when complaints were made concerning all of the above actions; and finally a policy of retaliating against any employee who complained about the above-described actions.

7. Systematic discrimination existed at the defendant company against both minorities and females as a result of the policies and procedures being followed and

implemented at the defendant company. The defendant did not act in good faith in response to any complaints about discriminatory behavior. In fact, the defendant failed and refused on numerous occasions to investigate or take disciplinary action against persons it knew were engaging in the types of behavior described above.

8. The above-described actions on the part of the defendant constitute a violation of Title VII of the Act of Congress known as the "Civil Rights Act of 1964," as amended, including the "Civil Rights Act of 1991", 42 U.S.C. §2000(e) et seq., and 42 U.S.C. § 1981, as amended. In addition, the effect of Defendant's discrimination as outlined above has been to deprive the plaintiff-intervenors of the same right to make and enforce contracts as is enjoyed by similarly situated white persons in violation of 42 U.S.C. § 1981, as amended.

9. The Plaintiff-Intervenors have suffered embarrassment, humiliation, financial hardship, mental distress, emotional pain and anguish as a consequence of the defendant's unlawful discriminatory conduct.

10. The wrongful conduct of Defendant described above was carried out with malice and/or reckless indifference to the federally protected rights of Plaintiff-Intervenors, thereby entitling Plaintiff-Intervenors to punitive damages.

#### **B. Sexual Harassment**

11. The plaintiff-intervenors reallege and incorporate by reference paragraphs 1-10 above with the same force and effect as if fully set out in specific detail herein below.

12. Plaintiff-Intervenors Ford, Massey, Green, Johnson and Culver were subjected to sexual harassment during their employment by, among others, Roger Hall ("Hall"), a white male supervisor.

13. Hall had a history of sexual harassment toward female employees and the defendant was on notice of Hall's behavior. Hall had been found by the defendant to have violated both its sex and racial harassment policies prior to the harassment against the above-named plaintiff-intervenors. Hall was known, among other things, to have dated subordinates; rub his penis against female employees; distribute sexually graphic cartoons in the workplace; and distribute racially offensive cartoons in the workplace. By its own admission, the defendant should have terminated Hall, yet did not even suspend or counsel Hall as their so-called "harassment policy" required. Instead, they gave Hall a raise and he moved to another shift and began sexually harassing a new group of employees, including the plaintiff-intervenors referenced above. Hall eventually left the employ of the defendant voluntarily and is eligible for rehire.

14. Said Plaintiff-Intervenors have suffered embarrassment, humiliation, financial hardship, mental distress, emotional pain and anguish as a consequence of the defendant's unlawful conduct.

15. The wrongful conduct of Defendant described above was carried out with malice and/or reckless indifference to the federally protected rights of Plaintiff-Intervenors, thereby entitling Plaintiff-Intervenors to punitive damages.

### **C. Retaliation**

16. The plaintiff-intervenors reallege and incorporate by reference paragraphs 1-15 above with the same force and effect as if fully set out in specific detail herein below.

17. The defendant engaged in a pattern and practice of retaliating against any employee who complained about any discriminatory or harassing behavior. In fact, the plant manager at the Eufaula facility, Lou Pasqueriello, called a series of meetings with all plant employees and informed them that he did not want to hear any further complaints of race discrimination unless the person making such a complaint could prove to him that the discrimination had occurred. If the employee could not "prove" the allegation then the employee would be terminated.

18. Every plaintiff-intervenor, except Manderville, was terminated after complaining about various forms of discrimination or harassment.

19. The terminations of all such plaintiff-intervenors were in retaliation for making good faith complaints of discrimination and harassment, and any proffered reasons to the contrary are pretextual.

20. The wrongful conduct of Defendant described above was carried out with malice and/or reckless indifference to the federally protected rights of Plaintiff-Intervenors, thereby entitling Plaintiff-Intervenors to punitive damages

21. Said Plaintiff-Intervenors have suffered embarrassment, humiliation, financial hardship, mental distress, emotional pain and anguish as a consequence of the defendant's unlawful discriminatory conduct.

#### **D. Disparate Treatment**

22. The plaintiff-intervenors reallege and incorporate by reference paragraphs 1-21 above with the same force and effect as if fully set out in specific detail herein below.

23. Plaintiff-Intervenors, including Manderville, also allege that there terminations were carried out in a discriminatory manner in that even had they engaged in the conduct attributed to them by the defendant, which they deny, similarly situated white employees were not terminated for the same or similar conduct.

24. The wrongful conduct of Defendant described above was carried out with malice and/or reckless indifference to the federally protected rights of Plaintiff-Intervenors, thereby entitling Plaintiff-Intervenors to punitive damages.

25. Plaintiff-Intervenors have suffered embarrassment, humiliation, financial hardship, mental distress, emotional pain and anguish as a consequence of the defendant's unlawful discriminatory conduct.

#### **IV. PRAYER FOR RELIEF**

WHEREFORE, the plaintiff-intervenors respectfully pray that this Court assume jurisdiction of this action and after trial:

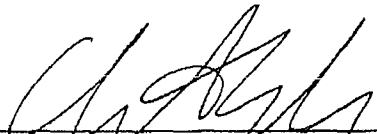
(A) Issue a declaratory judgment that the employment policies and practices, conditions, and customs of the defendant are violative of the rights of the plaintiff-intervenors as secured by Title VII of the Act of Congress known as the "Civil Rights Act of 1964," as amended, including the "Civil Rights Act of 1991", 42 U.S.C. §2000(e) et

seq., 42 U.S.C. Section 1981, as amended.

(B) Grant the plaintiff-intervenors a permanent injunction enjoining the defendant, its agents, successors, employees, attorneys and those acting in concert with the defendant and at the defendant's request from continuing to violate Title VII of the Act of Congress known as the "Civil Rights Act of 1964," as amended, including the "Civil Rights Act of 1991", 42 U.S.C. §2000(e) et seq., and 42 U.S.C. Section 1981, as amended.

(C) Enter an Order requiring the defendant to make the plaintiff-intervenors whole by awarding them the position they would have occupied in the absence of race discrimination, back-pay (plus interest), declaratory and injunctive relief, nominal damages, compensatory and punitive damages, lost seniority and benefits.

(D) The plaintiff-intervenors further pray for such other relief and benefits as the cause of justice may require, including, but not limited to, an award of costs, attorney's fees and expenses.

  
CHRISTIAN E. ROBERSON (ROB086)  
Alabama State I.D. #: 416-13-6581  
Attorney for Plaintiff-Intervenors

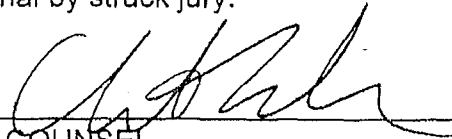
OF COUNSEL:

ROBERSON & ROBERSON  
LAKEVIEW SCHOOL BUILDING  
808 29TH STREET SOUTH  
SUITE 300  
BIRMINGHAM, AL 35205  
(205) 939-5410



**JURY DEMAND**

Plaintiff-Intervenors hereby demand trial by struck jury.

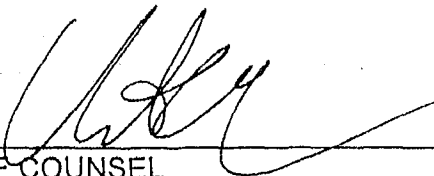
  
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OF COUNSEL

**CERTIFICATE OF SERVICE**

I hereby certify that I have served counsel for all parties to this action with a copy of the foregoing document by depositing same in the United States mail, properly addressed with postage thereon pre-paid, on this the 16th day of March, 2000.

Jerome C. Rose, Esquire  
Jill Lolley Vincent, Esquire  
Pamela K. Agee, Esquire  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1900 Third Avenue North  
Birmingham, Alabama 35203-2397  
Telephone: (205) 731-1299

R. David Proctor, Esquire  
M. Terry Price, Esquire  
Steven M. Stastny, Esquire  
LEHR, MIDDLEBROOKS, PRICE & PROCTOR, P.C.  
Post Office Box 370463  
Birmingham, Alabama 35237

  
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OF COUNSEL