

FILED

OCT 01 1997

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

1997 OCT -1 A 72

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

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EQUAL EMPLOYMENT OPPORTUNITIES COMMISSION,
Plaintiff,
vs.
MACON COUNTY GREYHOUND PARK
d/b/a VICTORYLAND,
Defendant.

THOMAS C. CAVER, CLK
U. S. DISTRICT COURT
MIDDLE DISTRICT ALA
CIVIL ACTION #: ~~97-1453-E~~
97-T-1453-E

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended and the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex and retaliation. The Commission alleges that the Defendant Macon County Greyhound Park d/b/a Victoryland ("Victoryland") discriminated against Lisa D. Flaherty by transferring her because of her pregnancy and because she complained of conduct she believed to be unlawful under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"). The Commission further alleges that Lisa D. Flaherty, a female, was constructively discharged by Victoryland because of her pregnancy.

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) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981A.

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

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), is an agency of the United States of America and is 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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Victoryland (hereinafter referred to as the Employer), has been an Alabama corporation doing business in the State of Alabama and City of Shorter, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Employer has been and is now 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. Section 2000e (b), (g) and (h).

STATEMENT OF CLAIM

6. On October 26, 1993, more than thirty (30) days prior to the institution of this lawsuit, Lisa D. Flaherty filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about May 1993, and continuing thereafter, Defendant Employer engaged in unlawful employment practices at its Shorter, Alabama, facility, in violation of Sections 701(k), 703(a) and 704(a) of Title VII, 42 U.S.C. Sections 2000e(k) 2000e-2(a) and 2000e-3(a). Its practices include transferring Lisa D. Flaherty because of her pregnancy and because she complained of conduct she believed to be unlawful under Title VII and constructively discharging Lisa D. Flaherty because of her sex, female, (condition of pregnancy) and/or in retaliation for complaining of conduct believed to be unlawful under Title VII.

8. The effect of the practices complained of in paragraph 7 above, has been to deprive Lisa D. Flaherty of equal employment opportunities and otherwise adversely affect her status as an employee, because of her sex and in retaliation against her for having opposed practices made unlawful by Title VII.

9. As a direct and proximate result of these violations of her rights under Title VII, Lisa D. Flaherty has suffered damages in the form of emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation.

10. The unlawful employment practices complained of above were intentional.

11. The unlawful employment practices complained of above were done with malice and/or with reckless indifference to the federally protected rights of Lisa D. Flaherty.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, agents, employees, 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 and/or in retaliation for opposing practices made unlawful by Title VII.

B. Order Defendant Employer to institute and carry out policies, practices and programs which eradicate the effects of its unlawful employment practices.

C. Order Defendant Employer to make whole Lisa D. Flaherty by providing appropriate back pay (including all employment related benefits) with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful-place reinstatement of the aggrieved individual.

D. Order Defendant Employer to make whole Lisa D. Flaherty by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices complained of in paragraph 7 above.

E. Order Defendant Employer to make whole Lisa D. Flaherty by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including losses for emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in an amount to be determined at trial.

F. Order Defendant Employer to pay Lisa D. Flaherty punitive damages for its malicious and/or reckless conduct described above, in an amount 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.

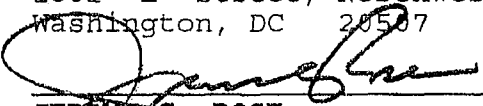
JURY TRIAL DEMAND

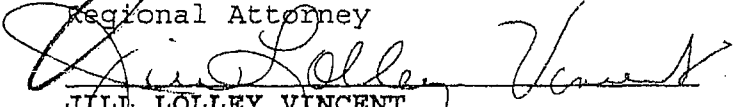
The Commission requests a jury trial on all questions of fact raised by its complaint.

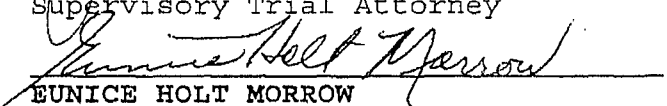
Respectfully submitted,

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