

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

FILED

JAN 5 1998

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION and LISA FLAHERTY,

1997 DEC - 1 A 8: 19
THOMAS C. CAVER, CLK
U. S. DISTRICT COURT
MIDDLE DISTRICT ALA

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

Plaintiffs,

v.

CASE NO. CV-97-T-1453-E

MACON COUNTY GREYHOUND PARK
d/b/a VICTORYLAND,

Defendant.

COMPLAINT IN INTERVENTION

This is a civil action for injunctive relief, declaratory judgment, damages and other appropriate relief to protect and redress the deprivation of rights, privileges, and immunities secured under Title VII of the Civil Rights Act of 1964, as amended, §701 et seq., §701(k), 42 U.S.C. §2000e et seq., 2000e(k), the Civil Rights Act of 1991, and 42 U.S.C. §1981a. Mary A. Goldthwaite represents Plaintiff Lisa Flaherty ("Ms. Flaherty") and brings this action on her behalf.

JURISDICTION

1. Ms. Flaherty alleges that Federal question jurisdiction exists pursuant to 28 U.S.C. §§1331, 1343 and 2201 and that there exists a justiciable controversy between her and Victoryland. Defendant Victoryland has continuously employed at least fifteen employees and engages in an industry affecting interstate commerce.

2. Ms. Flaherty asserts that she has exhausted her administrative remedies by filing a Charge of Discrimination with the EEOC. Subsequently thereto, the EEOC timely

brought the underlying case based on said Charge of Discrimination.

VENUE

3. Ms. Flaherty is over the age of nineteen (19) years and is a resident of Autauga County, Alabama.

4. Defendant Victoryland has been an Alabama corporation doing business in the State of Alabama in Shorter, Macon County, Alabama at all times relevant to this complaint.

FACTS

5. Defendant Victoryland has engaged in a pattern of intentional abuse, pregnancy discrimination and retaliation against the Plaintiff. As a result of the Defendant's actions, Ms. Flaherty has been denied her rights of equal employment opportunities on the basis of her sex.

6. Once Ms. Flaherty's immediate supervisor, Libby Fralic, learned about her pregnancy she began acting in a hostile and malicious manner toward her. Ms. Fralic's behavior included, but was not limited to, asking Ms. Flaherty if she was going to quit working at Victoryland and threatening to transfer Ms. Flaherty downstairs to the first floor to work in an area which was dirty and unprofitable. Ms. Flaherty became increasingly upset over Ms. Fralic's threats and hostile attitude toward her pregnancy and complained about the same to Ms. Fralic's immediate supervisor Mr. Scott Graef without success.

7. Ms. Flaherty later spoke with two of Victoryland's racing commissioners one of whom advised her that he was aware of her complaints and that he had already spoken to the head of the racing commission about the negative treatment she was

receiving because of her pregnancy. In addition, Ms. Flaherty made concerted efforts to report her complaints to Victoryland's General Manager Monty Russell and Milton McGregor.

8. Ms. Flaherty was permanently transferred from the clubhouse to work on the first floor of the race track. Although Ms. Flaherty was not, according to her pregnancy work-related limitations permitted to work in a poorly ventilated area such as the first floor and the working conditions on the first floor were causing her to experience physical problems, no efforts were made to transfer Ms. Flaherty elsewhere. Before Ms. Flaherty became pregnant, she had worked on the first floor very few times during her employment with Victoryland.

9. In light of the foregoing and in light of all the other malicious actions and hostile attitude that Ms. Flaherty had to endure from her supervisors because of her pregnancy and because of the conduct she complained about that she believed was unlawful, Ms. Flaherty's working conditions became so intolerable that she had no choice but to resign.

10. Ms. Flaherty was harassed, discriminated against, subjected to a hostile working environment, and constructively discharged, in violation of Title VII, as amended and as a result has suffered damages including but not limited to pain and suffering, mental anguish, humiliation and loss of income.

WHEREFORE, Ms. Flaherty requests that the Court grant the following relief:

- (a) Declare Defendant Victoryland's unfair and unequal practices in violation of the Federal Law;
- (b) Enjoin Defendant Victoryland from further violations of the employment

rights of individuals similarly situated;

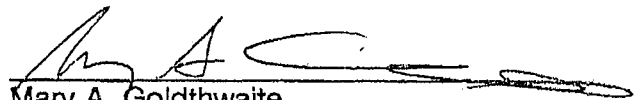
- (c) Grant Ms. Flaherty such relief as it finds her entitled, including reinstatement, back pay, monetary damages, punitive damages, interest, Court costs, and reasonable attorney's fees.

Ms. Flaherty demands a trial by a struck jury on all issues so triable.

RESPECTFULLY SUBMITTED this 15th day of December 1997.

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following via U.S. Mail with postage, pre-paid this 15th day of December 1997.

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