

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JANE DOE III, :  
c/o O'Donoghue & O'Donoghue :  
4748 Wisconsin Avenue, N.W. :  
Washington, D.C. 20016 :  
Plaintiff, :

Civil Action No. 02-2340 (RMU)

UNITED STATES OF AMERICA, :  
Plaintiff-Intervenor, :

v. :

DISTRICT OF COLUMBIA, et al., :  
Defendants. :

**COMPLAINT IN INTERVENTION**

Plaintiff-Intervenor, United States of America ("United States"), alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* ("Title VII").
2. This Court has jurisdiction over this action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant District of Columbia is a governmental entity within the United States.
4. Defendant District of Columbia is a person within the meaning of Section 701(a) of Title VII, 42 U.S.C. § 2000e(a), and an employer within the meaning of Section 701(b) of Title VII, 42 U.S.C. § 2000e(b).
5. Defendant District of Columbia has discriminated against Jane Doe III, and other females

similarly situated, with respect to hiring into and employment in emergency medical technician (“EMT”) positions with the District of Columbia Fire and Emergency Medical Services Department (“FEMSD”) because of their sex in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), and Section 701 of Title VII, 42 U.S.C. § 2000e(k), by, among other ways:

- a. subjecting her and other female applicants for EMT positions in the District’s FEMSD to a pre-hiring pregnancy test;
- b. conditioning an offer of employment to her and other female applicants for EMT positions in the District’s FEMSD upon a negative result of the pregnancy test;
- c. subjecting her and other female EMTs in the District’s FEMSD to discrimination based on their sex during their employment, which adversely affected the terms, conditions and privileges of their employment and included advising them (explicitly and implicitly) through a management official or officials of the defendant District that, if during their probationary periods they were or became pregnant, they were at risk of losing their jobs; and
- d. failing or refusing to take appropriate action to remedy the effects of the discrimination.

6. As a result of defendant District of Columbia’s discrimination as alleged in Paragraph 5, *supra*, Jane Doe III and other females similarly situated who became pregnant during their probationary periods as EMTs felt compelled to, and did, terminate their pregnancies by abortions in order not to risk losing their jobs.

7. The Equal Employment Opportunity Commission (“EEOC”) received a timely charge of discrimination filed by Jane Doe III, in which she alleged, *inter alia*, that the District of

Columbia discriminated against her, on the basis of her sex, in violation of Title VII.

7. The United States Department of Justice subsequently issued a notice of right-to-sue on Jane Doe III's charge. Having received such notice of right-to-sue, plaintiff Jane Doe III alleges, *inter alia*, violations by defendant District of Columbia of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), and Section 701 of Title VII, 42 U.S.C. § 2000e(k), in her complaint.

8. The Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, by delegation from the Attorney General of the United States, has certified under Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1), that the above-captioned case is of general public importance. *See* attachment hereto.

9. All conditions precedent to the filing of this complaint in intervention have been performed or have occurred.

WHEREFORE, plaintiff-intervenor United States prays that this Court:

- a. enter an order enjoining defendant District of Columbia from failing or refusing to provide remedial relief sufficient to make whole Jane Doe III, and other females similarly situated, for the loss they have suffered as a result of the discrimination against them as alleged in this complaint in intervention; and
- b. award compensatory damages to Jane Doe III, and other females similarly situated, for mental and/or physical injuries incurred as a result of the discrimination against them as alleged in this complaint in intervention, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

The United States prays for such additional relief as justice may require, together with its

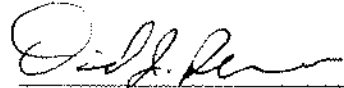
costs and disbursements in this action.

**JURY DEMAND**

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

R. ALEXANDER ACOSTA  
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By:



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