

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	
TACO BELL CORPORATION,)	<u>COMPLAINT</u>
)	<u>JURY TRIAL DEMAND</u>
Defendant.)	<u>INJUNCTIVE RELIEF SOUGHT</u>
_____)	

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, and to provide appropriate relief to Brookes Allen Stanley (“Stanley”) who was adversely affected by such practices. The Commission alleges that Defendant, Taco Bell Corporation, discriminated against Brookes Stanley by allowing him to be sexually harassed by his female supervisor. The harassment was sufficiently severe and pervasive to constitute a hostile and intimidating work environment.

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, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”), and 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 Middle District of Florida, Tampa Division.

PARTIES

3. Plaintiff, the United States 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, Defendant, Taco Bell Corporation (the “Employer”), has continuously been a California corporation doing business in the State of Florida and the cities of Lakeland and Mulberry, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Brookes Stanley 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. Since at least April of 2004, the Defendant Employer engaged in unlawful employment practices at its Lakeland, Florida and Mulberry, Florida restaurants, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

a. Brookes Stanley was subjected to sexual harassment by his female supervisor in the form of unwelcome physical and verbal conduct of a sexual nature, which was

sufficiently severe and pervasive to constitute an intimidating, hostile and offensive work environment. The harassment included, but was not limited to: making numerous sexually explicit comments to Mr. Stanley about wanting to have sex with him, repeatedly rubbing her body against Mr. Stanley, rubbing his shoulders, trying to hug him from behind, and staring at his crotch.

b. Both Mr. Stanley and his mother reported the harassment to Defendant's management officials; however Mr. Stanley's supervisor continued to harass him on a regular basis. As a result of the ongoing harassment and Defendant's failure to address the problem, Mr. Stanley felt compelled to leave his employment with Defendant on August 8, 2004.

9. The effect of the practices complained of in paragraph 7 has been to deprive Mr. Stanley of equal employment opportunities and otherwise adversely affect his status as an employee, based on his sex.

10. The unlawful employment practices complained of in paragraph 7 were willful.

11. The unlawful employment practices complained of in paragraph 7 above were committed with malice or with reckless indifference to the federally protected rights of Brookes Stanley.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and any other employment practices which discriminate on the basis of sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for males, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Brookes Stanley by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Brookes Stanley by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to, out of pocket losses, and medical expenses in amounts to be determined at trial.

E. Order Defendant Employer to make whole Brookes Stanley by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to, past and future emotional pain, suffering, inconvenience, anxiety, humiliation and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employer to pay Brookes Stanley punitive damages for its malicious and reckless conduct described in paragraph 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.

Respectfully Submitted,

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