

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
10 S. Howard Street
Third Floor
Baltimore, Maryland 21201

Plaintiff,

Civil Action No.

v.

COMPLAINT

L04CV3127

WORTHINGTON, MOORE & JACOBS,
INC.
10316 Baltimore National Pike,
Suite B
Ellicott City, MD 21042

JURY TRIAL DEMAND

Defendant.

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964 "Title VII" , as amended, 42 U.S.C. Section 2000e, et seq., and Title I of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A, to correct unlawful employment practices based on sex and retaliation and to make whole Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas, Nancy Guzman, Lynne Gears, Diana Bantom, and other female employees of Defendant Worthington, Moore & Jacobs. As is discussed in more detail below, the aforementioned female employees were subjected to sexual harassment by Defendant. They also suffered retaliation including economic reprisal and discharge, for complaining about the harassment

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f) (1) and (3) of Title VII, 42 U.S.C. Section 2000e-5(f) (1), (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

3. Plaintiff, the Equal Employment Opportunity Commission ("the Commission") is an 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. Section 2000e-5(f) (1) and (3)

4. At all relevant times, Defendant Worthington, Moore & Jacobs "Defendant" has continuously been and is now a Delaware corporation doing business in the State of Maryland and the City of Ellicott City, and has had at least fifteen employees

5. At all relevant times, Defendant Worthington, Moore & Jacobs has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h)

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas, and Nancy Guzman filed charges with the Commission alleging violations of Title VII by Defendant Worthington, Moore & Jacobs. All conditions precedent to the institution of this lawsuit have been fulfilled

7 Since at least July 1999, Defendant Worthington, Moore & Jacobs has engaged in unlawful employment practices at Ellicott City, Maryland, and Dover, Delaware, offices in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Section 2000e-2(1) and 2000e-3(a). The practices include following:

a. Subjecting Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas, Nancy Guzman, Lynne Gears, Diana Bantom, and other female employees to unwelcome and objectively offensive verbal and physical conduct of a sexual nature by Sam Muffoletto the company president. President Muffoletto's sex-based conduct towards the above-named women created a hostile working environment and culminated in tangible employment actions, such as reduction of compensation, removal of significant job duties, and discharge

b. Subjecting Melanie Sandy and other female employees to unwelcome and objectively offensive verbal and

physical conduct of a sexual nature by Robert Muffoletto, a company officer Robert Muffoletto's sex-based conduct towards Ms Sandy created a hostile working environment.

c. Subjecting Melanie Sandy and other female employees to unwelcome and objectively offensive verbal and physical conduct of a sexual nature by Mark Muffoletto, then a company manager. Mark Muffoletto's sex-based conduct towards Ms Sandy created a hostile working environment

d. Retaliating against Elizabeth Ford, Jill Hennen, Laura Thomas, Lynne Gears, and other female employees for their complaints about sexual harassment by taking adverse actions that resulted in a loss of income

e. Retaliating against Nancy Guzman and other female employees for their complaints about sexual harassment by removing significant job duties.

Retaliating against Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas Nancy Guzman, and other female employees for their complaints about sexual harassment by terminating their employment or by deliberately creating intolerable working conditions to effectuate a constructive discharge

8 The unlawful employment practices complained of in paragraph 7 were intentional

9 The unlawful employment practices complained of in

paragraph 13 were done with malice or with reckless indifference to the federally protected rights of Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas, Nancy Guzman, Lynne Gears, Diana Bantom, and other female employees

WHEREFORE, the Commission respectfully requests that this Court

A Grant a permanent injunction enjoining Defendant Worthington, Moore & Jacobs, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

B Order Defendant Worthington, Moore & Jacobs to institute and carry out policies, practices, and programs which eradicate sexual harassment and retaliation, and prevent sexual harassment and retaliation from occurring in the future, and which eradicate the effects of past and present sexual harassment and retaliation;

C. Order Defendant Worthington, Moore & Jacobs to make whole Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas, Nancy Guzman, Lynne Gears, Diana Bantom, and other female employees by providing appropriate backpay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of

its unlawful employment practices;

D. Order Defendant Worthington, Moore & Jacobs to make whole Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas, Nancy Guzman, Lynne Gears, Diana Bantom, and other female employees, by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering anxiety, depression, embarrassment, degradation, and humiliation;

E. Order Defendant Worthington, Moore & Jacobs to pay to Elizabeth Ford, Jill Hennen, Melanie Sandy, Laura Thomas, Nancy Guzman, Lynne Gears, Diana Bantom, and other female employees punitive damages for its callous indifference to their federally protected right to be free from sexual harassment and retaliation in the workplace;

F. Grant such further relief as the Court deems proper;
and

G Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by the Complaint.

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

Gerald S. Kiel by GSK

GERALD S. KIEL
Regional Attorney

Debra M. Lawrence

DEBRA M. LAWRENCE
Supervisory Trial Attorney

Maria Luisa Morocco

MARIA LUISA MOROCCO
Trial Attorney
Federal Bar No. 24357

Maria Salacuse

MARIA SALACUSE
Trial Attorney
Federal Bar. No. 15562

UNITED STATES
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
10 S. Howard Street
3rd Floor
Baltimore, Maryland 21201
Phone: (410) 962-4260
Fax: (410) 962-4270