

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
ELECTRONIC DATA SYSTEMS CORPORATION)
)
)
Defendant.)

03 - 71238
Civil Action No.

Honorable
PATRICK J. DUGGAN

MAGISTRATE JUDGE CARLSON
COMPLAINT
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 , Title I of the Civil Rights Act of 1991, and the Pregnancy Discrimination Act, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Tone Holland, who was adversely affected by such practices. As alleged with greater particularity in paragraph 7, the Equal Employment Opportunity Commission alleges that Defendant terminated Holland because she was pregnant.

FILED
 MAR 28 11:44
 U.S. DIST. COURT
 EAST DISTRICT
 OF MICHIGAN
 DETROIT

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) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern

Division.

PARTIES

3. Plaintiff, the 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, Electronic Data Systems, Inc., ("EDS"), has continuously been doing business in the State of Michigan, and has continuously had at least 15 employees.

5. At all relevant times, EDS 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, Holland filed a Charge of Discrimination with the Commission alleging violations of Title VII by EDS. All conditions precedent to the institution of this lawsuit respecting EDS have been fulfilled.

7. Since June, 2002, Defendant Employer has engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-(2) and the Pregnancy Discrimination Act. These practices include, but are not limited to, selecting Holland for termination as part of a reduction in force because she was pregnant.

8. The effect of the practice(s) complained of in paragraph 7 above has been to deprive Holland of equal employment opportunities and otherwise affect her status as an employee because

of her sex.

9. The unlawful employment practice(s) complained of in paragraph 7 above were intentional.

10. The unlawful employment practice(s) complained of in paragraph 7 above were done with malice and/or reckless indifference to the federally protected rights of Holland.

11. The effect of the unlawful employment practice(s) complained of in paragraph 7 above caused Holland to experience emotional distress.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Honorable Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from discriminating against individuals based upon sex and pregnancy.

B. ORDER Defendant Employer to make whole Holland, by providing appropriate back pay and other affirmative relief to eradicate the effect of its unlawful employment practices, including but not limited to, reinstating Holland to the position of Project Analyst-Advanced at Defendant Employer, restoring her seniority and fringe benefits accordingly, and providing compensation for pecuniary losses resulting from the unlawful employment practices complained of in paragraph 7.

C. ORDER Defendant Employer to provide training to its management employees regarding Title VII's prohibitions against discrimination.

D. ORDER Defendant Employer to make whole Holland, by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraph 7, including but not limited to, emotional pain, suffering, and loss of enjoyment of

life, in amounts to be determined at trial.

E. ORDER Defendant Employer to pay punitive damages for its malicious and/or reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

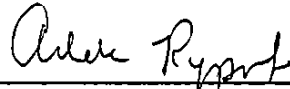
F. GRANT such further relief as the court deems necessary and proper in the public interest.

G. 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.

NICHOLAS INZEO
Acting Deputy General Counsel



ADELE RAPPORT (P44833)
Regional Attorney

Dated: March 28, 2003

ROBERT K. DAWKINS (P38289)
Supervisory Trial Attorney

TRINA R. MENGESHA (P59458)
Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
DETROIT DISTRICT OFFICE
Patrick V. McNamara Federal Building
477 Michigan Avenue, Room 865
Detroit, MI 48226
(313) 226-4620

United States District Court Eastern District of Michigan



Summons in a Civil Action and Return of Service Form

Plaintiff(s) Name

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff's attorney, address and telephone:

Trina R. Mengesha (P59458)
Equal Employment Opportunity Commission
865 Patrick V. McNamara Building
477 Michigan Avenue
Detroit, MI 48226 (313) 226-4620

To the defendant

Case Number and Judge Assignment (to be supplied by the Court)

Defendant(s) Name

ELECTRONIC DATA SYSTEMS
CORPORATION

vs.

Name and address of defendant being served:

Electronic Data Systems Corporation
c/o The Prentice-Hall Corporation Systems, Inc.
601 Abbott Road
East Lansing, MI 48823

This summons is notification that YOU ARE BEING SUED by the above named plaintiff(s).

1. You are required to serve upon the plaintiff's attorney, name and address above, an answer to the complaint within 20 days after receiving this summons, or take other actions that are permitted by the Federal Rules of Civil Procedure.
2. You must file the original and one copy of your answer within the time limits specified above with the Clerk of Court.
3. Failure to answer or take other action permitted by the Federal Rules of Civil Procedure may result in the issuance of a judgment by default against you for the relief demanded in the complaint.

David J. Weaver
Clerk of the Court

By: _____
Deputy Clerk

Date of issuance

RETURN OF SERVICE

A copy of the summons and complaint has been served upon the defendant in the manner indicated below:

Name of Defendant served: _____

Date of service: _____

Method of Service

Personally served at this address: _____

Left copies at the defendant's usual place of abode with (name of person): _____

At this address: _____

Other (please specify): _____

Service fees: Travel \$ _____ Service \$ _____ Total \$ _____

I declare under the penalty of perjury that the information contained in this Return of Service is true.

Date

Signature of server

Server's printed name

Server's address