

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ESCAMBIA COUNTY BOARD OF  
EDUCATION,

Defendant.

Civil Action No. 05-125

**COMPLAINT AND DEMAND FOR JURY TRIAL**

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States to enforce 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 of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant, the Escambia County Board of Education ("Escambia Board"), is a governmental body created pursuant to the laws of the state of Alabama.
4. Defendant Escambia Board is a "person" within the meaning of 42 U.S.C. § 2000e(a) and an "employer" within the meaning of 42 U.S.C. § 2000e(b).
5. Defendant Escambia Board has discriminated against Betty J. Hooks on the basis of her sex, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

(a) subjecting Ms. Hooks to sexual harassment during her employment with the Escambia Board that adversely affected the terms, conditions and privileges of her employment; and

(b) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment.

6. Defendant Escambia Board has retaliated against Betty J. Hooks in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), among other ways, by:

(a) discharging Ms. Hooks for opposing conduct that she reasonably believed to be unlawful under Title VII; and

(b) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment.

7. The U.S. Equal Employment Opportunity Commission ("EEOC") received a timely charge (Charge No. 130-2003-00347) filed by Ms. Hooks on or about October 7, 2002, alleging that she had been discriminated against on the basis of sex when she was subjected to sexual harassment while employed as a custodian by the Defendant Escambia Board. The charge also alleged that Ms. Hooks was terminated in retaliation for complaining about the sexual harassment. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that Ms. Hooks' allegations of sexual harassment and retaliation were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge and subsequently referred the matter to the Department of Justice.

8. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, Plaintiff prays that the Court grant the following relief:

(a) Enjoin Defendant Escambia Board from failing or refusing to provide sufficient

remedial relief to Betty J. Hooks to make her whole for the losses she has suffered as a result of the discrimination and retaliation against her as alleged in this Complaint;

(b) Enjoin Defendant Escambia Board from failing or refusing to develop and implement appropriate and effective policies to address and prevent sexual harassment;

(c) Enjoin Defendant from retaliating against employees who protest what they reasonably believe to be unlawful discrimination under Title VII;

(d) Award compensatory damages to Betty J. Hooks to fully compensate her for the injuries caused by Defendant Escambia Board's discriminatory and retaliatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

(e) Award such additional relief as justice may require, together with Plaintiff's costs and disbursements in this action.

**JURY DEMAND**

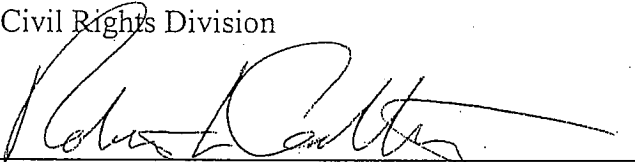
The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

R. ALEXANDER ACOSTA  
Assistant Attorney General  
Civil Rights Division

By:



DAVID J. PALMER (Bar No. DC 417834)  
Chief  
Employment Litigation Section  
Civil Rights Division



WILLIAM B. FENTON (Bar No. DC 414990)  
Deputy Section Chief

DIANA EMBREY (Bar No. DC 457470)

ROBERT L. GALBREATH (Bar No. DC 460389)

Trial Attorneys

United States Department of Justice  
Employment Litigation Section, PHB  
Civil Rights Division

950 Constitution Avenue, NW

Washington, DC 20530

(202) 353-9731

(202) 353-8961 (fax)

CHARLES BAER (Bar No. ASB6865-5553B)

Assistant United States Attorney

Southern District of Alabama

Riverview Plaza

63 South Royal Street, Suite 600

Mobile, AL 36602

(251) 441-5845