

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SPARTANBURG COUNTY, SOUTH
CAROLINA,

Defendant.

Civil Action No.

Jury Trial Demanded

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, Spartanburg County ("County"), is a corporate, governmental body and political subdivision of the State of South Carolina, established pursuant to the laws of the State of South Carolina.
4. Defendant County 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 County has discriminated against Jennifer Fowler on the basis of her sex, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by:

- (a) subjecting Ms. Fowler to sexual harassment thereby creating a hostile work environment 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. The Equal Employment Opportunity Commission ("EEOC") received a timely charge (Charge No. 146-2004-01418) filed by Ms. Fowler on or about April 16, 2004, alleging that she had been discriminated against on the basis of sex when she was subjected to sexual harassment while employed in Defendant County's Department of Roads and Bridges as a Senior Sign Technician. 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. Fowler's allegations of sexual harassment were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge and subsequently referred the matter to the Department of Justice.

7. 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 County from failing or refusing to provide sufficient remedial relief to Jennifer Fowler to make her whole for the losses she has suffered as a result of the discrimination against her as alleged in this Complaint;

- (b) Enjoin Defendant County from failing or refusing to develop and implement appropriate and effective policies to address and prevent sexual harassment;
- (c) Award compensatory damages to Ms. Fowler to fully compensate her for the injuries caused by Defendant County's discriminatory 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.

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