

JURISDICTION AND VENUE

2.

The jurisdiction of this court is conferred pursuant to 28 U.S.C. §1331, §1343 and 29 U.S.C. §621. Defendant is a foreign for-profit corporation doing business in the State of Georgia. The unlawful employment practices alleged were committed in the Northern District of Georgia.

3.

In addition to this EPA complaint plaintiff timely filed a charge of Title VII discrimination against the Defendant with the Equal Employment Opportunity Commission (hereinafter EEOC). The charge is currently being investigated by the EEOC. Upon receiving a right to sue letter, this complaint will be amended to include Title VII causes of action.

PARTIES

4.

Plaintiff Pamela Frazier ("Frazier") is a citizen of the State of Georgia and this Judicial District and Division entitled to bring actions of this kind and nature.

5.

Defendant Wurth Industry of North America, LLC ("Wurth"), is a foreign employer engaged in an industry affecting commerce, and employs in excess of 500 employees. Defendant may be served with process in accordance with Rule 4 of the

Federal Rules of Civil Procedure through its registered agent for service.

FACTUAL ALLEGATIONS

6.

Mrs. Frazier began her employment with Wurth in September, 2001 as a regional sales manager.

7.

Plaintiff's performance was exemplary, being named Wurth's Salesperson of the Year for 2005. She was selected for this award from 130 sales employees because of her outstanding performance.

8.

Despite her outstanding performance, Plaintiff was paid significantly less than other regional sales managers, all of whom were male. Once Plaintiff became aware of this inequity, she spoke with her supervisor Robert Juliana.

9.

After Mrs. Frazier's complaint, defendant took no steps to remedy those inconsistencies in pay. Instead, Wurth, took a retaliatory action against Plaintiff, accusing her of a minor violation, and terminated Mrs. Frazier, for her complaints

of pay discrimination.

10.

Mrs. Frazier was terminated for pretextual reasons due to her complaints of pay disparities. Defendant selectively enforced its policies in order to terminate Plaintiff in retaliation for her complaints of pay discrimination. Through information and belief no other employee has ever been terminated at Wurth for such an alleged minor violation of policy, especially for Plaintiff who was and continued to be a top performer for Wurth, up to the time of her termination.

**COUNT I: VIOLATIONS OF THE
EQUAL PAY ACT, 29 U.S.C. §206, et. seq.**

11.

Plaintiff incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

12.

Wurth has discriminated against Mrs. Frazier by paying her less than similarly situated males performing the same job functions. Defendant's actions in paying Plaintiff less than the similarly situated male employees violates the Equal Pay Act, 29 U.S.C. §206.

13.

As a direct and proximate result of Wurth's conduct, Frazier has been damaged and is entitled to the relief set forth in the Prayer for Relief below.

**COUNT IV: RETALIATION IN VIOLATION
OF THE EQUAL PAY ACT, 29 U.S.C. §206, et. seq.**

14.

Plaintiff incorporates by reference the preceding paragraphs of this Complaint as fully set forth herein.

15.

Defendant has discriminated against Mrs. Frazier by terminating her when she complained that she was being paid less than similarly situated males performing the same job functions. Wurth's action in terminating Plaintiff in retaliation for her complaints violates the Equal Pay Act, 29 U.S.C. §206.

16.


As a direct and proximate result of Wurth's conduct, Mrs. Frazier has been damaged and is entitled to the relief set forth in the Prayer for Relief below.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands a **TRIAL BY JURY** and the following relief be granted:

- i. That Plaintiff be awarded lost back pay taking into account all raises to which Mrs. Frazier would have been entitled, prejudgment interest, and all lost benefits resulting from Defendant's unlawful discrimination;
- ii. That Plaintiff be awarded all out of pocket expenses occasioned by her unlawful termination, including all sums expended to replace her health insurance and other employment benefits;
- iii. That Plaintiff be awarded liquidated damages in an amount equal to the lost back pay and benefits, including stock options, and stock benefits;
- iv. That Defendant be assessed all costs;
- v. That Plaintiff be awarded reasonable attorney's fees and expenses of litigation;
- vi. That a trial by jury is granted; and
- vii. That other and further relief as the Court deems just and proper should be granted to Plaintiff.

Respectfully submitted this 2nd day of May, 2008.

A handwritten signature in cursive script that reads "Jack Rosenberg". The signature is written in black ink and is positioned above a horizontal line.

Jack Rosenberg

State Bar No. 614475

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