

APR 24 2008

JAMES N. HATTEN, Clerk

By: *[Signature]*
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Elsie Long-Hall)	
)	
Plaintiff,)	CIVIL ACTION FILE
)	
vs.)	NO. 1 08-CV-1546
)	
USA Ready Mix and)	
Jonathan Crawford,)	
)	
Defendants.)	
)	

CAP

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

COMES NOW Elsie Long-Hall, Plaintiff herein, and hereby files this Complaint for Injunctive Relief and Damages, showing the Court the following:

Jurisdiction and Venue

1.

This is an action arising under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, et seq. and Georgia state law. The jurisdiction of the Court is conferred pursuant to 28 U.S.C. §1331, and 28 U.S.C. §1367 for Plaintiff's state law claims.

2.

Plaintiff timely filed an EEOC charge (No. 410-2007-03927) of sexual harassment and received a right to sue letter. Therefore, she has exhausted her administrative remedies and the instant action is timely. Venue is proper in this court under 42 U.S.C. 2000e-(f)(3).

The Parties

3.

Plaintiff is female and was employed by Ready Mix USA (hereinafter referred to as "Ready Mix"). Mrs. Long-Hall is and was at all times herein a citizen and resident of the State of Georgia and entitled to bring actions of this kind and nature.

4.

Defendant Ready Mix is an Alabama Corporation doing business in the Northern District of Georgia, and is an "employer" within the meaning of Title VII of the Civil Rights Act of 1964.

Defendant Jonathan Crawford (hereinafter referred to as "Crawford") is an individual residing in the Northern District of Georgia, and an employee with Ready Mix.

Defendants may be served with process pursuant to Rule 4 of the Federal Rules of Civil Procedure.

Facts

5.

Plaintiff was employed by Ready Mix as a truck driver beginning in March 2007. Crawford was assigned to train Plaintiff.

6.

Crawford engaged in various acts of sexual harassment and sexual battery against Plaintiff. Crawford constantly made sexual comments and vulgar gestures to Plaintiff, and touched her private areas. Crawford threatened to assault Mrs. Long-Hall if she didn't do what he wanted.

7.

Plaintiff repeatedly told Crawford to stop the harassment, that it was unwelcome, upsetting, and that she didn't want to hear such comments or be subjected to such vulgar gestures and touching. This created a sexually hostile work environment for the Plaintiff.

8.

Mrs. Long-Hall reported the harassment to Crawford's supervisors, but the sexual harassment continued. In fact Crawford retaliated against Plaintiff and began to subject her to even more harassment, creating a more hostile environment.

9.

Plaintiff suffered emotional distress because of the actions of Crawford and the failure of Ready Mix officials to

stop the harassment. On August 20, 2007, Plaintiff filed EEOC Charge No. 410-2007-03927.

On November 14, 2007, Mrs. Long-Hall was terminated by Ready Mix for pretextual reasons. Plaintiff timely filed EEOC Charge No. 410-2008-00775 for the retaliatory termination of her employment. That charge is still being investigated by the EEOC.

Count One: Gender Discrimination

10.

Plaintiff realleges and incorporates herein all preceding paragraphs of this Complaint.

11.

Defendants' actions, by and through its employees, constitute unlawful discrimination in the terms and conditions of Plaintiff's employment on the basis of her gender, in violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. 2000e, et seq.

12.

As a direct and proximate result of Defendants' violation of Title VII, Plaintiff has been damaged and is entitled to the relief set forth in her Prayer for Relief.

Count Two: Sexual Harassment

13.

Plaintiff realleges and incorporates herein all preceding paragraphs of this Complaint.

14.

Defendants' actions, by and through its employees, constitute sexual harassment and creation of a sexually hostile work environment, in violation of Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991, 42 U.S.C. 2000e, et seq.

15.

As a direct and proximate result of Defendants' violation of Title VII, Plaintiff has been damaged and is entitled to the relief set forth in her Prayer for Relief.

Count Three: Intentional Infliction of Emotional Distress

16.

Plaintiff realleges and incorporates herein all preceding paragraphs of this Complaint.

17.

Defendants' actions as outlined above, by and through its employees, constitute intentional infliction of emotional distress so as to entitle Plaintiff to damages, including

punitive, against Defendants, as specified in her Prayer for Relief.

18.

As a direct and proximate result of Defendants' intentional infliction of emotional distress on Plaintiff, she has been damaged and are entitled to the relief set forth in their Prayer for Relief.

Count Four: Negligent Hiring and Retention

19.

Plaintiff realleges and incorporates herein all preceding paragraphs of this Complaint.

20.

Defendants had notice of and knew that Crawford had sexually harassed and discriminated against female employees and committed other acts against women other than Plaintiff. Its negligence in hiring Crawford and failure to terminate Crawford's employment before he could harass and/or continue to harass Plaintiff and other women constitutes negligent hiring and retention as defined by Georgia law.

21.

As a direct and proximate result of Defendants' negligent hiring and retention of Crawford, Plaintiff has been damaged

and is entitled to the relief set forth in her Prayer for Relief.

Count Five: Sexual Battery

22.

Plaintiff realleges and incorporates herein all preceding paragraphs of this Complaint.

23.

Crawford's actions in touching, grabbing, and groping Plaintiff in her private areas constitute sexual battery as defined by Georgia law.

24.

As a direct and proximate result of the sexual battery of Plaintiff by Crawford, she has been damaged and is entitled to the relief set forth in the Prayer for Relief.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays:

(a) for trial by jury;

(b) that she recover from Defendants pay, benefits, and interest due and payable;

(c) that she recover from Defendants an amount of damages to compensate her for the emotional pain and suffering she has endured as a result of Defendants' discriminatory, retaliatory, and tortious acts;

(d) that she recover from Defendants punitive damages under state and federal law in an amount sufficient to punish Defendants for their actions and to deter Defendants from discriminating, retaliating, and committing tortious acts against its employees in the future;

(e) that she be granted special damages including medical bills;

(f) that she be granted declaratory relief;

(g) that she be awarded injunctive relief to prevent Defendants from engaging in such discriminatory, retaliatory, and tortious conduct in the future;

(h) that she recover from Defendants the costs incurred in bringing this action, including her attorney's fees and expenses of litigation;

(i) that she be awarded prejudgment interest;

(j) that she have such other and further relief as the Court deems necessary.

Respectfully submitted this 24th day of April, 2008.



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