

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOMEWHERE

Sarah Lewis,

Plaintiff

-against-

Tri-State Construction Company,

Defendant.

COMPLAINT

Jury Trial Demanded

Plaintiff, Sarah Lewis, for her complaint against defendant alleges and avers as follows:

NATURE OF THE ACTION

1. This action is commenced by Sarah Lewis (hereafter "Plaintiff") against Tri-State Construction Company (hereafter "Defendant"), in order to remedy and seek relief for Defendant's unlawful and discriminatory employment practices, in violation of Title VII.

THE PARTIES

Plaintiff

2. Sarah Lewis is an adult individual who is a resident of Somewhere who worked for Tri-State Construction Company, as a crew member during the times alleged in this Complaint.
3. At all times relevant to this action, Plaintiff resided in Somewhere, in this judicial district, which is the district where some or all of the Defendant's wrongful acts as alleged occurred.

Defendant

4. Defendant is incorporated in the state of Somewhere and has its principal place of business in Somewhere.

JURISDICTION AND VENUE

5. This Court has jurisdiction over Plaintiff's claim under 28 U.S.C. § 1331.
6. Venue is proper in this judicial district pursuant to, among other provisions, 28 U.S.C. § 1391(b), because this is the judicial district in which a substantial part of the events giving rise to Plaintiff's claim occurred, and Defendant resides here.

ADMINISTRATIVE EXHAUSTION

7. Plaintiff timely filed Charge of Discrimination with the EEOC office alleging claims of gender discrimination and sexual harassment and received her Notice of Right to Sue from the EEOC within 90 days of the filing of this Complaint.

STATEMENT OF FACTS AND CLAIMS

8. Plaintiff has worked for Tri-State Construction Company for five years as part of a five-person construction crew. She has significant experience in construction and enjoys her job. However, Plaintiff is the only woman on the five-person crew and has experienced sexual harassment while working for Mountain States.

While working, Plaintiff's male co-workers constantly made jokes about women and their bodies to her. The male co-workers enjoy banging on the outhouse bathroom door and making "cat call" noises while Plaintiff is using the facilities. On one occasion, a male co-

worker told Plaintiff that she did not belong at the construction site because she should be home cooking dinner for her man.

Not only has Plaintiff experienced harassment from her co-workers, she has also experienced unwelcomed advances from her crew boss, Jack Wolfgang. Mr. Wolfgang has asked Plaintiff on dates at least a dozen times, and each time she turns him down. Plaintiff has let Mr. Wolfgang know that she is not interested in him. Mr. Wolfgang has also made inappropriate contact with Plaintiff's back and buttocks on several occasions.

CAUSE OF ACTION

SEXUAL HARASSMENT

9. Plaintiff re-alleges and incorporates by reference each and every allegation contained in each and every aforementioned paragraph as though fully set forth herein.
10. Plaintiff is a member of protected group because she is a woman. Plaintiff was subject to the unwelcomed behavior when her co-workers "cat call" her and when her boss repeatedly asked her out, touched her back and buttock. This behavior was based on sex because Plaintiff was a woman working in a male dominated industry. This harassing conduct made the Plaintiff uncomfortable in this verbal and physical abusive working environment. Thus, the employer should bear the responsibility for the harassing conduct created by their male employees in which one holds a superior role over the Plaintiff.

PRAYER FOR RELIEF

Plaintiff is requesting relief for declaratory judgment; actual damages; compensatory and punitive damages; attorney's fees and litigation expenses; and other relief the Court deems proper and just.

/s/Sarah Lewis 1/29/19

Concerns

I am concerned with the fact that the document that we have been given does not state whether Plaintiff had made any complaints to the company about the behavior of her male co-workers and her boss. I would like to know if Plaintiff reported this harassment and what the Defendant's response was. This will help support our claim that the Defendant should be held responsible for its employee's behavior.

I also have a concern with the issue of proving that these events occurred. More likely than not the male workers are going to deny that anything occurred. Though Plaintiff said that she told her boss that she was not interested in him in front of the bookkeeper, this may not be enough. The bookkeeper may not remember the event, or the bookkeeper may remember it differently. I would need to talk to the bookkeeper.