**IN THE UNTIED STATES DISTRICT COURT FOR THE DISTRICT OF SOMEWHERE**

Ms. Sarah Lewis

**Plaintiff,**   **COMPLAINT**

**-against-**

Mountain States Construction Co. **Jury Trial Demanded**

**Defendant.**

Plaintiff, Ms. Sarah Lewis for her complaint against defendant alleges and averse as follows:

**NATURE OF THE ACTION**

1. This action is commenced by Ms. Sarah Lewis (hereafter “Plaintiff”) against Mountain States Construction Co. (hereafter “Defendant”), in order to remedy and seek relief for Defendant’s unlawful and discriminatory employment practices, in violation of: Gender Discrimination and Sexual Harassment.

**THE PARTIES**

**Plaintiff**

1. Ms. Sarah Lewis is an adult individual who is a resident of Somewhere, who worked for Mountain States Construction Co., as a construction worker during the times alleged in this Complaint.
2. 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**

1. Defendant is incorporated in state ofStateplaceand has its principal place of business in Somewhere.

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over Plaintiff’s claims under 28 U.S.C. §1331.
2. 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 events giving rise to Plaintiff’s claims occurred, and Defendant resides here.

**ADMINISTRATIVE EXHAUSTION**

1. Plaintiff timely filed a 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**

1. Sarah Lewis was born on November 25th, 1967. She lives at 101 s. Lewis Way.

Sarah has worked for Tri-State Construction Company for five years, specifically Mountain States Construction Company. She is the only female in her work environment, but has significant experience in the construction industry. She is a member of a five-man crew and there are 20 overall employees. Mountain State Construction Co. is located at 1 Park Ave.

Jack Wolfgang is the crew boss. Her male coworkers make sexually aggressive comments towards her; Wolfgang makes unwelcome advances towards Sarah. Wolfgang has asked her out over a dozen times with Sarah repeatedly refusing any advancements and stating to him she was not interested. Wolfgang increased his aggressive acts when he touched Sarah’s back and buttocks on several occasions. The mountain states’ bookkeeper, Gordie Parker, had been present when Wolfgang asked her out. Her male coworkers constantly make jokes about women and their body types to Sarah. The crewmen hide her tools. They bang on the bathroom door and make “cat call” noises. There was an incident where one of the male crew members told Sarah that she didn’t belong on the construction site and instead should be at home in the kitchen cooking for “her man.”

The dates of the harassment and discrimination continued from January 2011 to January 2016.

Sarah filed a charge of gender discrimination with the EEOC. There was a seventh month investigation period which led to the EEOC issuing a Notice of Right to Sue. The deadline to file the complaint was within 90 days and it was met.

**CAUSE OF ACTION**

1. Plaintiff re-alleges and incorporates by reference each and every allegation contained in each and every aforementioned paragraph as though fully set forth herein.
2. The Supreme Court has laid out the elements necessary for a plaintiff to prevail on a claim for hostile work environment sexual harassment under Title VII: 1) He or she was a member of a protected group; 2) He or she was subjected to unwelcome behavior; 3) This behavior was “because of . . . sex”; 4) The harassing conduct was “sufficiently severe or pervasive ‘to alter the conditions of [the victim’s] employment and create an abusive working environment’”; and 5) The employer should bear responsibility for the harassing conduct.

Here, Sarah is an employee of Mountain State Construction Co. and therefore is in protected group. The unwelcome behavior Plaintiff was subject to range from crude sexual comments, cat calls while she used the restroom, taking of her tools, physical touching in inappropriate areas of the body and quite literally when Lewis told Wolfgang his advances were unwelcome. This behavior occurred because of Lewis’s sex, in being the only female on the crew. She was told she did not belong on the construction site because of her sex. An abusive work environment was created here. Plaintiff was unable to do her daily activates because, for example, her tools were taken from her as an act to show she didn’t belong because she is female; she wasn’t even able to take a restroom break without more harassment occurring for all to witness; her boss made advances to her to such a severe point she had to seek relief from the EEOC. The employer of all crew members that sexually harassed and discriminated, based on gender, should bear the responsibility in providing relief to Ms. Sarah Lewis.

**PRAYER FOR RELIEF**

Plaintiff is requesting relief for declaratory judgement; actual damages; compensatory and punitive damages; attorneys’ fees and litigation expenses; and any other relief the Court deems proper and just.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all questions of fact raised by complaint.

/x/ Reed Kegel 1/29/19

**Questions/concerns:**

Where’s jurisdiction none was given?

Harassment against Jack and gender discrim against company?

Is the charge sexual harassment or gender discrimination; is one an element of the other?

Tristate workers diff than name of state co. workers?

Do we actually list the damages sought?