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Employment Law

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Assignment 2: A Troublesome Crew

1. This action is commenced by Sarah Lewis (hereafter “Plaintiff”) against Jack Wolfgang (hereafter “Defendant”), in order to remedy and seek relief for Defendant’s unlawful and discriminatory employment practices, in violation of: Title VII
2. Sarah Lewis is an adult individual who is a resident of Greensboro, North Carolina, who worked for Tri-State Construction Co., as a member of a construction crew during the times alleged in this Complaint.
3. At all times relevant to this action, Plaintiff resided in Greensboro, North Carolina, in this judicial district, which is the district where some or all of the Defendant’s wrongful acts as alleged occurred.
4. Defendant is incorporated in state of Delaware and has its principal place of business in North Carolina.
5. This Court has jurisdiction over Plaintiff’s claims under 28 U.S.C. Section 1331.
6. Venue is proper in this judicial district pursuant to, among other provisions, 28 U.S.C. Section 1391(b), because this is the judicial district in which a substantial part of the events giving rise to Plaintiff’s claims occurred, and Defendant resides here.
7. 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 the complaint.
8. The facts relevant to Plaintiff’s claims are alleged as follows:

In the course of working with the five-person construction crew, Plaintiff was privy to constant jokes about women and women’s bodies. Plaintiff was the only woman working with this crew. The men of the crew consistently hid Plaintiff’s tools during work. Plaintiff was subjected to “cat calling” and the men banging against the door of the bathroom as she used the on-site outhouse.

On one particular occasion, Plaintiff was told by one of the men that she did not belong on a construction site because she should be at home cooking “‘for [her] man.’” At multiple points during her employment, the Defendant, her crew boss, asked Plaintiff out on dates and was turned down each time. Plaintiff made clear she was not interested each time. During at least one instance, a witness, Gordie Parker, was present when Defendant asked Plaintiff out. Defendant on numerous occasions inappropriately and without consent touched Plaintiff on her back and buttocks.

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. Plaintiff claims that Defendant sexually harassed her in violation of Title VII.

Under Title VII, a plaintiff can establish a prima facie case of gender/sex discrimination under a theory of quid pro quo harassment by proving that: (1) she is a member of a protected class; (2) unwanted sexual advances were made; (3) the harassment was sexually motivated; (4) plaintiff’s reactions to unwanted sexual advances negatively affected employment; and (5) the harasser had authority over the harassed employee.

First, the Plaintiff is indisputably a member of a protected class under Title VII. Second, the Defendant made unwanted sexual advances numerous times in addition to overtures of forming romantic ties. All of these advances were rebuked and affirmatively turned down. Third, all of the harassment by the Defendant was sexually motivated, i.e., based on the Plaintiff’s sex. Fourth, at this time, based on the facts presented there needs to be more information on how the harassment affected the Plaintiff’s tangible employment, i.e., her ability to complete her job duties, etc. Facts showing that the Plaintiff’s day-to-day work was interrupted to the point of causing a lack of productivity, and that the Plaintiff’s ability to complete requisite projects because of the harassment would need to be looked into. However, due to the nature of the harassment alleged, it is likely the Defendant’s actions made the Plaintiff’s time working for Tri-State unbearable. Fifth, the Defendant was the Plaintiff’s boss, as well as the boss for the five-person crew she belonged to.