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| ---------------------------------------------------------  SARAH LEWIS,  Plaintiff,   * against -   MOUNTAIN STATES CONSTRUCTION CO.,  Defendant.  --------------------------------------------------------- |  | )  ))))))))  ) |  | IN THE UNITED STATES DISTRICT COURT  FOR THE DISTRICT OF TRI-STATE  **COMPLAINT**  **Jury Trial Demanded** |

Plaintiff 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 d/b/a Mountain States Construction, 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**

1. Sarah Lewis is an adult individual who is a resident of Tri-State, who worked for Defendant, as a member of the construction crew during the times alleged in this Complaint.
2. At all times relevant to this action, Sarah Lewis resided in Mountain States, 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 of Tri-State and has its principal place of business in Mountain States.

**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 the 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 EEOC within 90 days of the filing of this Complaint.

**STATEMENT OF FACTS AND CLAIMS**

1. As the only female on her construction crew with Defendant, Plaintiff has been subjected to jokes about women and their bodies.
2. Plaintiff has further been subjected to the following by her male co-workers: hiding Plaintiff’s tools, disruption while trying to use the on-site bathroom, cat-call noises, and statements that Plaintiff should be at home cooking dinner for “her man”.
3. Plaintiff’s immediate supervisor, Jack Wolfgang, has asked Plaintiff out romantically numerous times, all of which Plaintiff denied and adamantly stated her disinterest.
4. Jack Wolfgang has also inappropriately touched Plaintiff’s back and buttocks on several occasions in the presence of Gordie Parker, bookkeeper for Mountain States.

**CAUSE OF ACTION**

**SEXUAL HARRASMENT**

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 is a woman and therefore belongs to a protected group.
3. Plaintiff was the subject of unwelcome sexual harassment, through the following scenarios: (1) jokes from her male co-workers about women and their bodies; (2) hiding of her tools by her male co-workers; (3) disruption while using the on-site bathroom; (3) cat-call noises from her co-workers; (4) statement’s by Plaintiff’s co-workers that she would be better suited in a domestic role; (5) her supervisor, Jack Wolfgang, has asked her out romantically on numerous occasions ; and (6) Jack Wolfgang has touched Plaintiff inappropriately in the presence of another Mountain States employee.
4. Plaintiff was the subject of such harassment on the basis that she was the only woman on a five-person construction crew.
5. The occurrence of harassment by Plaintiff’s co-workers and supervisor were sufficiently pervasive to effect the condition of her employment because their sexual harassment created a hostile work environment.
6. Tri-State Construction Company d/b/a Mountain States Construction Company knew or should have known about the harassment as her direct supervisor witnessed the harassment by the male construction crew members and Defendant’s bookkeeper witnessed Jack Wolfgang sexually harass Plaintiff through inappropriate touching.

**PRAYER FOR RELIEF**

Plaintiff is requesting relief for declaratory judgment; actual damages; compensatory and punitive damages; attorney’s fees and litigation expenses; and nay 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 this Complaint.

Kelli P. Rawlinson

January 28, 2019