

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

FILED
CHARLOTTE, N.C.

2004 SEP -9 AM 10:07

U.S. DISTRICT COURT
W. DIST. OF N.C.

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

FIRESTONE FIBERS & TEXTILES
COMPANY, a Division of BFS Diversified
Products; BFS DIVERSIFIED PRODUCTS,
LLC; and BRIDGESTONE AMERICAS
HOLDING, INC.,

Defendants.

CIVIL ACTION NO. W. DIST. OF N.C.

38 04 CV 467

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of religion, and to provide appropriate relief to David Wise, who was adversely affected by such practices. Specifically, the U.S. Equal Employment Opportunity Commission (the "Commission") contends that Defendants Firestone Fibers & Textiles Company, a division of BFS Diversified Products, LLC, BFS Diversified Products, LLC, and Bridgestone Americas Holding, Inc. (collectively "Defendants") failed to accommodate Mr. Wise's religious beliefs and discharged him because of his religion, Christian (Living Church of God).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of North Carolina.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Firestone Fibers & Textiles Company has been a division of Defendant BFS Diversified Products, LLC, a Delaware limited liability corporation, doing business in the State of North Carolina and the Cities of Kings Mountain and Gastonia, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant BFS Diversified Products, LLC, a subsidiary of Defendant Bridgestone Americas Holding, Inc., has been a Delaware limited liability corporation doing business in the State of North Carolina and the Cities of Kings Mountain and Gastonia, and has continuously had at least fifteen (15) employees.

6. At all relevant times, Defendant Bridgestone Americas Holding, Inc. has been a Nevada corporation doing business in the State of North Carolina and the Cities of Kings Mountain and Gastonia, and has continuously had at least fifteen (15) employees.

7. At all relevant times, Defendant Firestone Fibers & Textiles has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

8. At all relevant times, Defendant BFS Diversified Products, LLC has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

9. At all relevant times Defendant Bridgestone Americas Holdings, Inc. has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

10. More than thirty days prior to the institution of this lawsuit, David Wise filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. From around February 15, 2002 until around September 23, 2002, Defendants engaged in unlawful employment practices at their facilities located in the cities of Kings Mountain and Gastonia, North Carolina, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by failing to provide Mr. Wise a reasonable accommodation of his religious beliefs and discharging him because of his religious beliefs and practices. Specifically, Mr. Wise, who is a member of the Living Church of God, holds a sincere religious belief that he should not work on his Sabbath, from sundown Friday through sundown Saturday. Around February 15, 2002, Mr. Wise informed Defendants of this sincerely held religious belief, and requested as a reasonable accommodation that he be excused from work during his Sabbath. Despite Mr. Wise's request, Defendants failed to provide a reasonable religious accommodation that would resolve the conflict between Mr. Wise's religious beliefs and his work schedule in such a way that Mr. Wise could continue to work for Defendants. As a result, Defendants discharged Mr. Wise around September 23, 2002 because of his religious beliefs and practices, specifically because of time he took off for his Sabbath and religious observances.

12. The effect of the practices complained of in paragraph 11 above has been to deprive Mr. Wise of equal employment opportunities and otherwise adversely affect his status as an employee because of his religion, Christian (Living Church of God).

13. The unlawful employment practices complained of in paragraph 11 above were intentional.

14. The unlawful employment practices complained of in paragraph 11 above were done with malice or with reckless indifference to the federally protected rights of Mr. Wise.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from discriminating against current or future employees based on their religious beliefs.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees who require religious accommodation for their sincerely held religious beliefs, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendants, jointly and severally, to make whole David Wise by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described in paragraph 11 above, including but not limited to reinstatement or front pay.

D. Order Defendants, jointly and severally, to make whole David Wise by providing compensation for past and future pecuniary losses resulting from the unlawful employment

practices described in paragraph 11 above, including but not limited to medical expenses and job search expenses, in amounts to be determined at trial.

E. Order Defendants, jointly and severally, to make whole David Wise by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraph 11 above, including but not limited to emotional pain, suffering, inconvenience, loss of civil rights, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants, jointly and severally, to pay David Wise punitive damages for their malicious and reckless conduct described in paragraph 11 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this the 9th day of September 2004.

Respectfully submitted,

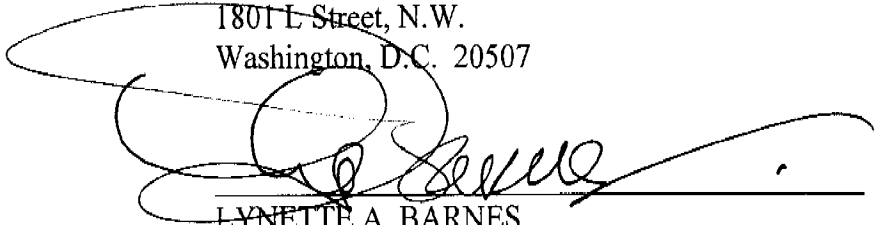
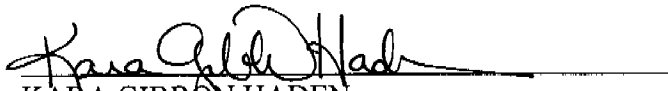
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