

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF BASTROP, LOUISIANA,

Defendant.

Civil Action No.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII").
2. This Court has jurisdiction over the action under 42 U.S.C. Section 2000e-5(f) and 28 U.S.C. Section 1345.
3. Defendant City of Bastrop, Louisiana (hereinafter referred to as "Bastrop" or "the City") is a political subdivision of the State of Louisiana created pursuant to Louisiana law.
4. Defendant City of Bastrop is a person within the meaning of 42 U.S.C. Section 2000e(a), and an employer within the meaning of 42 U.S.C. Section 2000e(b).
5. Defendant City of Bastrop has discriminated against Kimberly Mullins, a white female formerly employed as an operator in the City's Streets Department, because of her race, white, and her sex, female, in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a), among other ways, by:
 - a. subjecting Ms. Mullins to (1) racial harassment and (2) sexual harassment while she was employed in the City's Streets Department, which created an intimidating, hostile or offensive work environment and which adversely affected the terms, conditions and privileges of Ms. Mullins' employment;
 - b. failing or refusing to take appropriate action to remedy the effects of the discrimination against Ms. Mullins.
6. The Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Ms. Mullins (Charge No. 270-98-206) in which she alleged, inter alia, that Bastrop discriminated against her on the basis of her race and sex in violation of Title VII by subjecting her to racial harassment and sexual harassment.
7. Pursuant to Section 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section

2000e-5, the EEOC investigated the charge, found reasonable cause to believe that Ms. Mullins' allegations of racial harassment and sexual harassment were true, unsuccessfully attempted to achieve through conciliation a voluntary resolution of these matters, and subsequently referred the charge to the Department of Justice.

8. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays that this Court grant the following relief:

(a) Enjoin the City from failing or refusing to:

(i) provide sufficient remedial relief to make whole Kimberly Mullins for the loss she has suffered as a result of the discrimination against her as alleged in this complaint;

(ii) adopt a clear, meaningful, and well- publicized written policy prohibiting racial harassment against any City employee, which includes provisions describing responsibilities of all supervisors to report and respond to complaints of racial harassment and which establishes an effective mechanism for receiving and responding to complaints of racial harassment;

(iii) modify its existing sexual harassment policy to include clear, meaningful and well-publicized provisions describing responsibilities of all supervisors to report and respond to complaints of sexual harassment, and to establish an effective mechanism for receiving and responding to complaints of sexual harassment;

(iv) provide adequate training to all City employees, and to all City officials responsible for making determinations regarding complaints of sexual and racial harassment, with regard to workplace sexual and racial harassment prohibited by Title VII.

(v) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination.

(b) Award compensatory damages to Ms. Mullins for mental and/or physical injuries incurred as a result of the discrimination against her as alleged in this complaint, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

The plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

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