

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

Case No.

vs.

Honorable

CROOKED CREEK INVESTMENT COMPANY
d/b/a Crooked Creek & Creekside Bar & Grille,

COMPLAINT
AND JURY DEMAND

Defendant.

_____ /

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 an unlawful employment practice on the basis of pregnancy and to provide appropriate relief to Arin Kline who was adversely affected by this practice. The Equal Employment Opportunity Commission (the "Commission") alleges that Defendant, Crooked Creek Investment Company d/b/a Crooked Creek & Creekside Bar & Grille, discriminated against Kline on the basis of her sex by refusing to hire her as a food server because she was pregnant at the time of her application.

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 Sections 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 pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practice alleged to be unlawful was committed within the jurisdiction of the United States District Court, Eastern District of Michigan, Northern Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “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 Employer (“the Employer”) has continuously been doing business in the state of Michigan and the city of Saginaw, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer 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).

ADMINISTRATIVE PROCEDURES

6. More than thirty (30) days prior to the institution of this lawsuit, Kline filed a charge with the Commission alleging violations of Title VII by Defendant Employer.

7. On August 29, 2014, the Commission issued to Defendant

Employer a Letter of Determination finding reasonable cause to believe that Title VII was violated and inviting Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

8. On September 16, 2014, the Commission issued to Defendant Employer a Notice of Failure of Conciliation advising Defendant that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

9. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

10. On or about February 20, 2013, Defendant Employer engaged in an unlawful employment practice in violation of Section 701 of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a)(1), by discriminating against Kline on the basis of her sex by refusing to hire her as a food server because she was pregnant at the time of her application.

11. The effect of the conduct complained of in paragraph 10 has been to deprive Kline of equal employment opportunities and otherwise adversely affect her status as an employee.

12. The unlawful employment practice complained of in paragraph 10 was intentional.

13. The unlawful employment practice complained of in paragraph 10

was done with malice or with reckless indifference to the federally protected rights of Kline.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sex discrimination and in particular discrimination based on pregnancy by refusing to hire pregnant applicants.

B. ORDER Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for all of its job applicants, including pregnant applicants, and which eradicate the effects of its past and present unlawful employment practices.

C. ORDER Defendant Employer to make whole Kline by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial.

D. ORDER Defendant to make whole Kline by providing compensation for any past and future non-pecuniary losses resulting from the unlawful practice complained of in paragraph 10, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

E. ORDER Defendant Employer to pay punitive damages for its

malicious or reckless conduct described in paragraph 10 in amounts to be proven at trial.

F. GRANT such further relief as the Court deems necessary and proper in the public interest.

G. AWARD the Commission its costs for this action.

JURY TRIAL DEMAND

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Respectfully submitted,

s/Omar Weaver
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