

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2 - 11 - CV - ____ ()

UNITED STATES OF AMERICA,)
)
Plaintiff;)
)
v.)
)
HERTFORD COUNTY PUBLIC)
HEALTH AUTHORITY,)
)

Defendant)

Civil Action No. _____

COMPLAINT

Plaintiff, the 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. § 2000e, *et seq.* ("Title VII").

JURISDICTION AND VENUE

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f), 28 U.S.C. § 1331 and 28 U.S.C. § 1345.

3. Defendant Hertford County Public Health Authority ("Defendant") is a body politic and a municipal corporation of the State of North Carolina that was created pursuant to the laws of the State of North Carolina.

4. Defendant is a "person" within the meaning of 42 U.S.C. § 2000e(a) and an "employer" within the meaning of 42 U.S.C. § 2000e(b).

5. The Equal Employment Opportunity Commission ("EEOC") received a timely charge (Charge No. 437-2007-00289) filed by Kimberly Sathoff against Defendant on or about December 27, 2006, in which she alleged, *inter alia*, that she had been discriminated against on

the basis of sex when Defendant, through its then Health Director, Curtis Dickson, rescinded an offer of employment to Kimberly Sathoff because she was pregnant. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe, *inter alia*, that Kimberly Sathoff was subjected to pregnancy discrimination in violation of Title VII of the Civil Rights Act of 1964, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the matter to the Department of Justice.

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

CAUSE OF ACTION

7. On or about August 21, 2006, Kimberly Sathoff interviewed for a Health Educator Specialist position with Defendant. Kimberly Sathoff was interviewed by then Health Director Curtis Dickson ("Health Director Dickson"), then Nursing Director Diane McLawhorn, and then Personnel Officer Wanda Vaughan ("Personnel Officer Vaughan").

8. On or about August 25, 2006, at Health Director Dickson's instruction, Personnel Officer Vaughan extended an offer of employment to Kimberly Sathoff. The offer of employment was extended by Defendant to Kimberly Sathoff both verbally and in writing.

9. On August 28, 2006, Kimberly Sathoff sent by facsimile a signed acceptance of Defendant's offer of employment. Kimberly Sathoff also sent an email to Personnel Officer Vaughan informing Vaughan of her pregnancy.

10. Personnel Officer Vaughan forwarded Kimberly Sathoff's email to Health Director Dickson. Within hours of being notified that Kimberly Sathoff was pregnant, Health

Director Dickson instructed Personnel Officer Vaughan to contact Kimberly Sathoff and inform Sathoff that the offer of employment extended to her was rescinded.

11. As instructed by Health Director Dickson, on August 28, 2006, Personnel Officer Vaughan contacted Kimberly Sathoff and informed her that the offer of employment extended to Sathoff by Defendant was rescinded. Vaughan informed Kimberly Sathoff that Health Director Dickson decided to rescind the offer because of Sathoff's pregnancy.

12. Defendant has discriminated against Kimberly Sathoff on the basis of her sex, female, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by subjecting her to pregnancy discrimination.

13. The pregnancy discrimination to which the Defendant subjected Kimberly Sathoff consisted of, among other actions:

- (a) Rescinding an offer of employment extended to Kimberly Sathoff because of her pregnancy; and
- (b) Refusing to hire Kimberly Sathoff for a Health Educator Specialist position because of her pregnancy.

14. On or about August 28, 2006, Kimberly Sathoff protested to Personnel Officer Vaughan against the pregnancy discrimination to which Kimberly Sathoff had been subjected by the Defendant, and Vaughn failed to take appropriate action, including failing to notify the Defendant's Board of the discriminatory actions taken by Health Director Dickson.

15. The Defendant failed and refused to take appropriate action to prevent and correct promptly the pregnancy discrimination by, among other ways:

- (a) Failing or refusing to prevent Health Director Dickson from subjecting Kimberly Sathoff to pregnancy discrimination; and
- (b) Failing or refusing to correct promptly Health Director Dickson's discriminatory treatment of Kimberly Sathoff; and
- (c) Failing or refusing to maintain adequate policies and training procedures with respect to employment discrimination, including pregnancy discrimination.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- (a) Enjoin Defendant from subjecting employees and applicants for employment to discrimination on the basis of sex, including pregnancy discrimination;
- (b) Order Defendant to develop and implement appropriate and effective policies designed to prevent and correct promptly any pregnancy discrimination that occurs;
- (c) Award make-whole remedial relief to Kimberly Sathoff, including backpay with interest, to compensate her for the loss she suffered as a result of Defendant's discriminatory conduct as alleged in this Complaint.
- (d) Award compensatory damages to Kimberly Sathoff to fully compensate her for the injuries caused by Defendant's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and
- (e) Award such additional relief as justice may require, together with Plaintiff's 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. § 1981(a).

This 15th day of March, 2011

Respectfully Submitted,

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