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U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

MICHELLE PETTERSON MILLER,)
)
Plaintiff,)
)
v.)
)
WIRELESS @ WORK INC.,)
)
Defendant.)

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CAUSE NO.

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff Michelle Petterson Miller ("Miller"), by counsel, files this Complaint and Demand for Jury Trial against her former employer, Wireless @ Work Inc. ("Wireless"), pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*

I. PARTIES, VENUE AND JURISDICTION

1. Miller, a female, works and resides in Indianapolis, Indiana.
2. Wireless is an Indiana Corporation. Its primary place of business is in Hamilton County, Indiana.
3. Wireless has approximately fifteen stores or sales centers throughout Indiana.
4. Miller was employed primarily at the Binford sales center, located at 7002 Lake Plaza Drive, Indianapolis, IN 46220.
5. Wireless is an "employer" for purposes of 42 U.S.C. § 2000e-(b).
6. Steve Unversaw ("Unversaw") and Matt Clarke ("Clarke") are the co-owners of Wireless.

7. At all times relevant to this Complaint, WIRELESS was an “employer” for purposes of 42 U.S.C. § 2000e-(f).

8. At all times relevant to this Complaint, Miller was an “employee” of Wireless for purposes of 42 U.S.C. § 2000e-(f).

9. This Court has personal jurisdiction over the Plaintiff and Defendant and venue is proper in this Court.

10. This Court has subject matter jurisdiction over this Complaint pursuant to 42 U.S.C. § 2000e-2.

11. Miller satisfied her requirement to exhaust administrative remedies by filing a Charge of Discrimination against Wireless with the Equal Employment Opportunity Commission (“EEOC”) on February 29, 2008, alleging continuing sex discrimination and retaliatory discharge, Charge No. 470-2008-01750.

12. On October 9, 2009, the EEOC issued a Determination to Miller, concluding that there was reasonable cause to believe that Miller and others were subjected to discriminatory comments based on race and sex, and that Miller’s objections to these comments were a factor in the decision made by Wireless to terminate her employment, in violation of Title VII.

13. On October 29, 2009, the EEOC issued Miller a Notice of Right to Sue related to Charge No. 470-2008-01750.

II. FACTUAL ALLEGATIONS

14. Miller hereby incorporates by reference all other paragraphs of this Complaint as if fully set forth here.

15. Miller began working for Wireless in February of 2007 as a Retail Sales Manager.

16. At the time of her termination, Miller was Wireless's Business Development Manager.

17. At the time of her termination, Miller managed fifteen branch locations for Wireless and was in charge of hiring, firing, and training new employees at those locations.

18. Throughout Miller's employment at Wireless, she reported to and was supervised by Unversaw and Clarke, the co-owners of Wireless.

19. Shortly after Miller began her employment with Wireless, Unversaw directed sexist and racist comments toward Miller and several other employees hired by Miller.

20. Throughout her employment with Wireless, Unversaw made inappropriate sexual comments to Miller about her body and attire.

21. Throughout her employment with Wireless, Unversaw made inappropriate sexual comments to and about other female employees in Miller's presence.

22. On multiple occasions, Miller observed Unversaw touching and pulling his crotch in the presence of female employees and/or while looking at female employees.

23. Unversaw repeatedly made racist comments about Miller's non-Caucasian hires, both to Miller and to other employees of Wireless, including but not limited to:

a. On at least one occasion, Unversaw said that African-Americans tended to be "thieves and con artists" and that his was not an equal opportunity company.

b. On at least one occasion, Unversaw called one of Wireless's African-American employees, Tasha Culp, "dirty" and "nasty."

c. On at least one occasion, Unversaw accused an African-American employee, O'Shea Barber, of stealing a phone and "acting his color."

d. Unversaw frequently referred to Wireless's business associates of Middle Eastern and/or Asian descent as "dot heads."

e. During her employment with Wireless, Unversaw complained to Miller that, by hiring African-American employees, she was not adequately protecting his company.

24. In December 2007, Miller complained to co-owner Matt Clarke about the sexist comments Unversaw made to an employee, Ashley Williamson.

25. On February 1, 2008, Miller complained about Unversaw's racist, sexist, and derogatory comments on Wireless's website, which allow employees to leave purportedly anonymous comments to co-owner Matt Clarke.

26. Three hours after posting her complaints on the Wireless website, Miller was fired by co-owner Matt Clarke.

27. Wireless retaliated against Miller as a result of her opposition to Unversaw's racial and sexual discrimination.

28. Wireless retaliated against Miller for her hiring practices, especially for hiring African-American employees.

29. Miller filed an EEOC Charge reporting the sexual harassment and retaliation on February 29, 2008.

III. LEGAL ALLEGATIONS

COUNT I

HOSTILE WORK ENVIRONMENT BASED ON SEX

30. Miller hereby incorporates all other allegations of this Complaint as if fully set forth herein.

31. Throughout her period of employment at Wireless, Miller was obliged to work in a hostile work environment based upon sex due to sexual comments and inappropriate physical touching directed at her and other employees.

32. The sexual harassment was based on Miller's gender and was sufficiently severe and pervasive to alter the terms and conditions of Miller's employment and create a working environment which was intimidating, insulting, hostile and abusive to female employees.

33. The work environment at Wireless was both objectively and subjectively hostile based upon sex.

34. As a result of the sexual harassment, Miller experienced severe emotional distress.

COUNT II

RETALIATION

35. Miller hereby incorporates all other allegations of this Complaint as if fully set forth herein.

36. On February 1, 2009, Miller posted complaints on Wireless's internal website about the discriminatory sexual comments made about Kim Monroe, another

Wireless employee. Just hours after posting her complaints in opposition to Unversaw's sexually discriminatory treatment, Miller's employment was involuntarily terminated.

37. Wireless retaliated against Miller for opposing its discriminatory employment practices.

38. Wireless also retaliated against Miller for hiring African-American employees.

IV. RELIEF REQUESTED

39. Miller requests the following relief:

- a. Compensatory damages, including but not limited to front pay and back pay;
- b. Compensation for her mental anguish, humiliation, and loss of the enjoyment of life suffered as a result of Wireless's unlawful actions;
- c. Punitive damages;
- d. All costs and reasonable attorney fees incurred in litigating this action;
- e. Pre-judgment and post-judgment interest; and
- f. Any and all other legal and/or equitable relief to which Miller is entitled.

Respectfully submitted,



Kathleen A. DeLaney (#18604-49)
Amanda Couture (#24838-53)
Attorneys for Plaintiff

JURY DEMAND

Plaintiff Michelle P. Miller, by counsel, respectfully requests a trial by jury on all issues so triable.

Respectfully submitted,



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