

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**MONIQUE NAVES, individually and )  
on behalf of all others similarly situated )**

**Plaintiff )**

**CIVIL ACTION NO.:**

**v. )**

**HARRIS VENTURES, INC., )  
d/b/a/ STAFF ZONE )**

**JURY TRIAL DEMANDED**

**Defendant. )**

**CLASS ACTION COMPLAINT**

NOW COMES PLAINTIFF, MONIQUE NAVES (hereinafter "Plaintiff" and/or "Naves"), individually, and on behalf of a class of similarly situated people, by and through her undersigned Counsel of Record, and for her Class Action Complaint against Defendant Harris Ventures, Inc. d/b/a Staff Zone (hereinafter "Defendant" and/or "Staff Zone"), states as follows:

**NATURE OF ACTION**

1. Plaintiff, Monique Naves, brings this Class Action Complaint against Staff Zone, seeking damages for its egregious sex discrimination and related illegal conduct constituting violations of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq., and 42 U.S.C. §1981a. Staff Zone provides temporary workers for commercial construction, industrial, and special events companies. It has branches

in several states (AL, CO, FL, GA, SC, NC, TN, TX and VA), and operates in many more states. The Plaintiff and other similarly situated persons applied for positions with Staff Zone. Instead of hiring Plaintiff and others similarly situated, Staff Zone hired less qualified and/or equally qualified male applicants.

2. Plaintiff, seeks a declaratory judgment that Staff Zones has engaged in intentional, willful, company-wide systemic sex discrimination, including, but not limited to, a pattern and practice of intentional discrimination which is unlawful under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. The Plaintiff, in her representative capacity, further seeks a permanent injunction and other equitable relief necessary to eliminate the effects of Staff Zone's past and present gender discrimination and to prevent such discrimination from continuing to effect their lives and employment opportunities in the future, including, but not limited to, affirmative restructuring of Staff Zone's selection procedures, implementation of equitable relief to include declaratory relief and injunctive relief, reimbursement of expenses incurred in prosecuting this action, and attorneys' fees. The Plaintiff also seeks back pay, front pay, compensatory damages and other equitable remedies and damages necessary to make her and members of the class whole.

**JURISDICTION AND VENUE**

3. The subject matter jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1332, 1343(3) and (4). This is a suit authorized and instituted pursuant to the Act of Congress known as "The Civil Rights Act of 1964," 42 U.S.C. § 2000 et seq., as amended by the "Civil Rights Act of 1991".

4. Upon information and belief, the amount in controversy in this action exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

5. Upon information and belief, at least one member of the Rule 23 Class is a citizen of a different state than that of Defendant.

6. Venue is proper in the Northern District of Alabama pursuant to 28 U.S.C. §1391(b) and (c). Defendant does business in the Northern District of Alabama and the Plaintiff is a resident of the Northern District of Alabama.

7. Staff Zone is subject to personal jurisdiction in the State of Alabama for the purposes of this lawsuit. All or a substantial part of the events or omissions giving rise to the claim occurred within this judicial district.

8. Plaintiff, in her class-wide claims, requests injunctive and declaratory relief and compensation for back pay, lost wages, front pay, lost benefits, emotional distress and punitive damages and/or any and all other damages permitted by applicable law, and attorneys' fees and costs.

### **THE PARTIES**

9. The representative Plaintiff, Monique Naves, is a resident of the city of Birmingham, Alabama and the county of Jefferson.

10. Upon information and belief, Defendant Harris Ventures, Inc. d/b/a/ Staff Zone is a Georgia corporation whose principal office is located at 2650 Holcomb Bridge Road, Suite 630, Alpharetta, GA 30022. Staff Zone maintains operations in the State of Alabama.

### **CLASS DEFINITION**

11. Plaintiff brings her claims under Title VII of the Civil Rights Act of 1964 individually, and as a class action pursuant to Federal Rules of Civil Procedure Rule 23. The Rule 23 Class is defined as:

“All current or former female applicants of the Defendant who were denied employment by Defendant because of their gender, female.”

#### **Numerosity**

12. The persons in the Rule 23 Class identified above are geographically diverse and so numerous that joinder of all members is impracticable. The precise number of such persons is unknown, and the calculation of that number is presently within the sole control of Defendant.

### **Commonality**

13. There are numerous questions of law and fact common to the Rule 23 Class that predominate over any questions affecting only individual members. The questions of law and fact common to this Rule 23 Class that predominate over any question solely affecting individual members of the Rule 23 Class include, but are not limited to, the following:

- (a) Whether Defendant discriminated against female applicants in the hiring and selection process, as compared to male applicants;
- (b) Whether Defendant devised, implemented and enforced selection criteria which was either gender biased or applied in a sexually discriminatory manner and which had an adverse and/or disparate impact on the selection of female applicants;
- (c) Whether the Defendant is an “employer” within the meaning of Title VII of the Civil Rights Act of 1964;
- (d) Whether Defendant’s actions as alleged herein violate Title VII of the Civil Rights Act of 1964;
- (e) Whether Defendant’s actions as alleged herein violate the Civil Rights Act of 1964;
- (f) Whether Defendant's actions were willful, knowing, and with disregard for the Plaintiff, the Class and federal law;
- (g) Whether Defendant treats female applicants differently in terms of employment opportunities and selection as opposed to male applicants; and
- (h) Whether Defendant fails to hire female applicants because of their sex.

**Typicality**

14. The claims of the Representative Plaintiff are typical of the Rule 23 Class. Plaintiff is a member of the Class she seeks to represent, and has suffered harm and may continue to suffer harm due to the discriminatory conduct and practices of Defendant directed to Plaintiff and the Class as alleged herein.

**Adequacy**

15. Representative Plaintiff will fairly and adequately represent the interests of the Rule 23 Class.

**Superiority**

16. A class action is superior to other available methods for the fair and efficient adjudication of the controversy – particularly in the context of wage/back pay litigation, where individual class members lack the financial resources to vigorously prosecute separate lawsuits in Federal Court against large corporations like Defendant (the discriminatory behavior has adversely impacted the Rule 23 Classes ability to bring individual actions).

17. A class action is superior to other available methods for the fair and efficient adjudication of the controversy – particularly in the context of this litigation where no individual applicant can justify the commitment of the large financial resources to vigorously prosecute a lawsuit in Federal Court against the corporate

Defendant.

18. The Defendant has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

19. The pursuit of separate actions by individual members of the Class would create a risk of:

A. Inconsistent or varying adjudication with respect to individual members of the Class which would establish incompatible standards of conduct for the party opposing the Classes; or

B. Adjudications with respect to individual members of the Class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

### **PROCEDURAL HISTORY**

19. Plaintiff Monique Naves filed a “Charge of Discrimination” with the Equal Employment Opportunity Commission on or about August 15, 2016, alleging violations of Title VII of the Civil Rights Act of 1964 on a class-wide basis. [Ex. A-EEOC Charge].

20. The commission issued a “Notice of Right to Sue” dated March 10, 2017 [Ex. B-Right to Sue].

21. Plaintiff is filing this lawsuit within ninety (90) days from the date of receipt of the Notice of Right to Sue.

### **COMMON ALLEGATIONS**

22. During all relevant times herein, Defendant was and is an employer as defined by Title VII.

23. During all relevant times herein, Representative Plaintiff and the Rule 23 Class are/were applicants of Defendant as defined by Title VII.

24. Plaintiff is a female.

25. Plaintiff was an applicant for employment of Defendant commencing her application process on or around August 4, 2016.

26. On or about August 4, 2016, the Plaintiff responded to an employment advertisement Defendant had placed on Craig’s List for prospective employees.

27. Plaintiff was informed by the Defendant that jobs were available, but that the Defendant hired for construction sites and did not have jobs for women.

28. Plaintiff explained that she was willing to perform all of the duties and responsibilities outlined in the job description. The Defendant still refused to consider Plaintiff for any positions it had available.



29. Plaintiff was a qualified, competent, and dedicated applicant that was discriminated against on the basis of her gender, female.

30. Upon information and belief, during this time period numerous males were hired instead of the Plaintiff.

31. Plaintiff and others similarly situated were not hired by Defendant.

32. Plaintiff and others similarly situated were as qualified or more qualified than the male applicants that were eventually hired by Defendant.

33. The failure to hire Plaintiff and other similarly situated applicants was based on the unlawful consideration of gender.

## **COUNTS**

### **COUNT I**

#### **(DISCRIMINATION IN VIOLATION OF TITLE VII CIVIL RIGHTS ACT OF 1964, 42 U.S.C. §2000e, et seq. – DISPARATE TREATMENT)**

34. Plaintiff re-alleges and incorporates by reference all preceding paragraphs, as if fully set forth herein.

35. All conditions precedent to the institution of Plaintiff's claims under Count I have been satisfied.

36. Plaintiff and the Rule 23 Class are/were applicants of the Defendant.

37. Plaintiff and the Rule 23 Class are female applicants.

38. Plaintiff and the Rule 23 Class have suffered adverse job actions, in that they have been denied employment opportunities and hire because of their gender [female].

39. Defendant treated similarly situated male employees more favorably than the Plaintiff and the Rule 23 Class were treated, as alleged herein. Defendant intended to, knowingly engaged in, condoned and/or ratified severe gender discrimination and failure to hire, as alleged herein.

40. The actions of Defendant as perpetrated by its agents and as described and complained of above, are unlawful employment practices in that they likely have the effect of discriminating against, depriving and tending to deprive equal employment to, and otherwise adversely affecting Plaintiff and the Rule 23 Class because of their gender [female] in violation of Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000(e), et seq.

41. At all times relevant to this cause of action, Defendant had a duty under Title VII to refrain from discriminating against Plaintiff and the Rule 23 Class based on their gender [female].

42. Defendant intentionally subjected Plaintiff and the Rule 23 Class to unequal and discriminatory treatment by refusing to hire female applicants based on their gender.

43. The discriminatory actions by Defendant, through their management, agents and employees, were intentional and willful, and in deliberate disregard of and with reckless indifference to, the federal laws, state laws, and the rights and sensibilities of Plaintiff and the Rule 23 Class.

44. Defendant, by and through its agents, engaged in the foregoing acts and conduct when it knew or should have known that the same were in violation of Title VII and any alleged reasons to the contrary are pretextual.

45. The actions of Defendant in intentionally engaging in and condoning gender discrimination against Plaintiff and the Rule 23 Class have caused Plaintiff and the Rule 23 Class consequential damage.

46. There is a causal connection between the Plaintiff's and the Rule 23 Class' gender, and the dissimilar treatment suffered by Plaintiffs at the hands of the Defendant.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

1. Acceptance of jurisdiction of this cause;
2. A declaratory judgment that the employment practices challenged herein are illegal and violative of the rights secured to Plaintiff and the Class;
3. A preliminary and permanent injunction against the Defendant and its

partners, officers, owners, agents, successors, employees, representatives and any and all persons acting in concert with it, from engaging in any further unlawful practices, policies, customs, usages, and gender discrimination as set forth herein;

4. An Order requiring the Defendant to initiate and implement programs that: (a) provide equal employment opportunities for female applicants; (b) remedy the effects of the Defendant's past and present unlawful employment practices; and (c) eliminate the continuing effects of the discriminatory practices described herein above;

5. Certification of this case as a class action pursuant to Rule 23 of Federal Rules of Civil Procedure;

6. Designation of the Plaintiff as representative of the Rule 23 Class, and counsel of record as Class Counsel;

7. Damages sufficient to compensate Plaintiff and the Rule 23 Class for their injuries;

8. Back Pay, inclusive of lost wages and any benefits;

9. Pre-judgment and post-judgment interest;

10. Reasonable attorney's fees and costs of this action;

11. Punitive damages; and

12. Any and all other relief that this Honorable Court may deem just and

equitable.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all questions of fact raised by the Complaint.

Respectfully submitted,

s/Roderick T. Cooks

Lee Winston

Roderick T. Cooks

Mintrel D. Martin

Attorneys for the Plaintiff and the Putative  
Class Members

**OF COUNSEL:**

WINSTON COOKS, LLC

505 20<sup>th</sup> Street North

Suite 815

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Tel: (205) 502-0970

Fax: (205) 278-5876

The Martin Law Firm, LLC

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Suite 625

Birmingham, AL 35203-5200

Phone: 205-801-6050

Fax: 205-801-6051

**PLAINTIFF'S ADDRESS:**

Monique Naves  
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The Martin Law Firm, LLC  
505 20<sup>th</sup> Street North  
Suite 625  
Birmingham, AL 35203-5200  
Phone: 205-801-6050  
Fax: 205-801-6051

**DEFENDANT'S ADDRESS:**

Harris Ventures, Inc. d/b/a Staff Zone  
c/o Elizabeth L. Henderson  
5 Riverchase Ridge, Suite#100  
Birmingham, AL 35244

FILED  
2017 Jun 09 AM 08:56  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974

ENTER CHARGE NUMBER  
 EEOC

**NAME**  
Monique Naves

**TELEPHONE**  
[REDACTED]

**STREET ADDRESS**  
[REDACTED]

**COUNTY**

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

**NAME Staff Zone**

**NO. OF EMPLOYEES Over 500**

**TELEPHONE**

**STREET ADDRESS**  
[REDACTED]

**CITY, ST., ZIP**  
[REDACTED]

**COUNTY**

**NAME**

**TELEPHONE**

**STREET ADDRESS**

**CITY, STATE AND ZIP**

**COUNTY**

**CAUSE OF DISCRIMINATION BASED ON** (Check appropriate box(es):  Race  Color  Sex  Religion  Age  Disability  National Origin  Retaliation  Other

**DATE OF MOST RECENT OR CONTINUING DISCRIMINATION** August 4, 2016

1. On August 4, 2016, I contacted Staff Zone about an employment advertisement I saw on Craig's List. I was informed that they had jobs available, but that Staffing Zone hired for construction sites and did not have jobs for women. I was willing to do tasks outlined in the job description. The wholesale exclusion of women from employment opportunities is an individual and class wide discrimination against myself and women as a class with respect to hiring and job opportunities.
2. I and other women as a class are being discriminated against on the basis of sex by the company's refusal to hire and/or send women applicants to construction sites in violation of the Civil Rights Act of 1964, as Amended by the Civil Rights Act of 1991.

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

Date (Signature) 8/12/16

Charging Party

*Monique Naves*

RECEIVED  
AUG 15 2016  
U.S. EEOC  
Birmingham District Office

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Monique Naves  
[Redacted]  
[Redacted]

From: Birmingham District Office  
Ridge Park Place  
1130 22nd Street  
Birmingham, AL 35205

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
420-2016-03191	RICHARD GROOMS, Investigator	(205) 212-2115

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability as defined by the Americans With Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state)

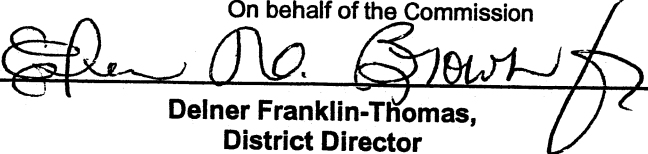
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
Delner Franklin-Thomas,  
District Director


MAR 10 2017

(Date Mailed)

Enclosures(s)

cc: Staff Zone  
c/o John M. Galese, Esq.  
Galese & Ingram, P.C.  
800 Shades Creek Parkway, Suite 300  
Birmingham, AL 35209

Mintrel D. Martin, Esq.  
C/O THE MARTIN LAW FIRM, LLC  
505 20th Street North  
Birmingham, AL 35203





**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

***IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.***

# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Alleges Staff Zone Discriminates Against Female Job Applicants](#)

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