

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

KAREN JACKSON,)
)
)
Plaintiff,)
)
v.)
)
THE CITY OF BIRMINGHAM, ALABAMA and)
THE BIRMINGHAM LIBRARY BOARD)
)
Defendants.)

COMPLAINT

JURISDICTION AND VENUE

1. This is a suit for violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et. seq.* and the Civil Rights Act of 1991.
2. The jurisdiction of this Court is invoked pursuant to Title VII of the Civil Rights Act of 1964, as amended.
3. The unlawful employment practices and acts of discrimination about which the Plaintiff complains were committed in Jefferson County, Alabama.

PARTIES

4. Plaintiff, Karen Jackson, is a female citizen of the United States over the age of nineteen (19) and is a resident of the State of Alabama.
5. Defendant, City of Birmingham, Alabama is a municipal entity in the State of Alabama.
6. Defendant, The Birmingham Library Board, is an entity created by *Birmingham City*

Code Section 2-5-71, et al. and is subject to suit in this Court.

ADMINISTRATIVE REMEDIES

7. The Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission (“EEOC”) within 180 days of the acts of discrimination of which she now complains.
8. The Plaintiff received a Notice of Right to Sue letter from the EEOC within 90 days of filing this action.
9. All conditions precedent to the institution of this lawsuit have been fulfilled.

FACTUAL ALLEGATIONS

10. The Defendants operate the downtown branch of the Birmingham Public Library.
11. The Plaintiff has been employed by the Defendants since on or about September of 2005.
12. The Plaintiff is a supervisor whose present title is Librarian I.
13. During the course of the Plaintiff’s employment, she has been subjected to severe and pervasive sexually charged conduct by both library patrons and certain members of the library’s male staff, including security staff.
14. Library patrons are routinely allowed to view pornographic images on library computers, often in the presence of minor children.
15. Library patrons regularly engage in other offensive sexual conduct such as masturbation in the library with the knowledge of management and/or the security staff.
16. Library management has been aware of patron masturbation in the Youth Department in the presence of children.

17. Library patrons have made improper, sexually charged advances on the Plaintiff.
18. On one occasion, a patron who had been repeatedly making advances on the Plaintiff forcibly grabbed her by the arm and held her stating “I won’t take no for an answer.”
19. The Plaintiff has been followed around the library by patrons who have engaged in sexual misconduct there.
20. Members of the male security staff employed by the Defendants have stood together ogling female patrons in the Plaintiff’s presence.
21. Security employees have rebuffed the Plaintiff’s complaints about their own sexual misconduct.
22. On at least one occasion, a security guard has made an advance on another female employee of the library.
23. Some examples of the sexual misconduct that the Defendants allow in the library include patron masturbation in the Youth Department, the Social Sciences Department, and the Business, Science & Technology Department; masturbation and other sexual acts in the library bathrooms.
24. On at least one occasion, an older male patron in the library approached a young boy and attempted to fondle him.
25. On at least one occasion, a male patron was allowed to watch a sexually charged movie in which sexual acts were simulated right next to a 7 year old boy.
26. Library management has known about at least one male patron they knew was masturbating in the library but refused to remove him from the library or ban him, instead simply shooing him from department to department when he would

engage in the activity.

27. Sexual misconduct in the library has taken place in the presence of the Plaintiff on a regular and ongoing basis.
28. The Plaintiff has reported incidents of sexual misconduct to management.
29. Other employees have also made similar complaints and reports of the situation to management.
30. The Defendants, including upper level library management, members of the Birmingham Library Board of Directors, the Birmingham City Council and the Mayor of the City of Birmingham have essentially ignored employee reports of sexual misconduct in the downtown library management and have failed to address the matter.
31. Upper level managers of the library, including Associate Director Angela Hall (second in command) and Public Service Coordinator Sandi Lee (third in command) admit that there is continuous sexual misconduct in the downtown library in the form of patrons viewing pornography, masturbating and other types of aggressive behavior such as following around female employees.
32. Ms. Hall admits that for many years the problem has not been addressed by library management as it should have been.
33. The Director of the Birmingham Public Library is Rene Blaylock.
34. When employees have complained to the Director about sexual misconduct taking place in the library, she has stated to them "If you don't like it, leave."
35. Ms. Lee has also stated to complaining employees "If you don't like it leave."
36. On at least one occasion, a library manager has become angry with another

employee who wanted to call the police about a sexual incident, saying “why would you want to do that?”

37. Often, when complaints have been made to security and/or to the management staff, no incident or other report is made of the incident.
38. When the library brought in a “consultant” to attempt to address the hostile work environment concerns of the Plaintiff and other female librarians, its Chief of Security, Mike Lee, admits he believed it was a waste of time and that he made jokes during the “consultant’s” presentation.
39. Long periods of time go by on a daily basis when there is no security guard in sight in the Plaintiff’s department where sexual misconduct often occurs.
40. Management has responded to the Plaintiff regarding the situation by stating if the sexual misconduct was known “it would be a public relations nightmare.”
41. The sexually aggressive conduct in the library and the lack of adequate security causes the Plaintiff to fear for her safety.
42. The Plaintiff has had to seek medical care as a result constantly having to work in the sexually hostile work environment.
43. The environment at the downtown branch of the Birmingham Public Library is unsafe for the Plaintiff, for other female employees and for children whose parents are unaware of the situation.

COUNT ONE
TITLE VII - Sexual Harassment
(Hostile Work Environment)

44. The Plaintiff adopts and re-alleges each paragraph set forth above as if fully set forth herein.
45. The above-described wrongful conduct on the part of the Defendants constitutes the creation and/or allowance of a sexually charged hostile work environment in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e) *et. seq.* and the Civil Rights Act of 1991.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff respectfully requests the entry of judgment under Title VII against the Defendants for sexual harassment and/or hostile work environment, pursuant to an Order by which the Court:

- (a) awards compensatory damages for mental anguish;
- (b) awards punitive damages;
- (c) awards injunctive relief;
- (d) awards that equitable relief which is fair, reasonable and just;
- (e) awards a reasonable attorney's fee; and
- (f) taxes costs against the Defendants.

PLAINTIFF DEMANDS TRIAL BY A STRUCK JURY.

s/Adam P. Morel

Adam P. Morel

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Please Serve Defendants by Certified Mail

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