

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

U.S. EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,
PLAINTIFF

VS.

ECOSERV, LLC,
DEFENDANT

CIVIL ACTION NO. 23-1321

COMPLAINT

This is an action under Title VII of the Civil Rights Act of 1964, as amended (Title VII), the Age Discrimination in Employment Act, as amended (ADEA), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race, sex, age, and retaliation, and to provide appropriate relief to Felicia Savoie and to Black, female and 40-years-of-age-or-older applicants adversely affected by such practices. As alleged with greater particularity below, Defendant engaged in unlawful discrimination by (1) regularly denying employment to applicants who are Black, female, and/or 40 years old or older for non-salaried, non-office positions because of race, sex, and/or age; and (2) retaliating against Felicia Savoie, who opposed Defendant's actions, which she reasonably perceived to constitute unlawful employment discrimination. Defendant's actions constitute a pattern or practice of unlawful discrimination on the basis of race, sex, and/or age.

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) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6, Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and Section 7 of the ADEA, 29 U.S.C. § 626, which incorporates by reference Sections 16(c) and 17 of the Fair Labors Standards Act, as amended (“FLSA”), 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction and venue of the United States District Court for the Western District of Louisiana.

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 the ADEA. The Commission is expressly authorized to bring this action by Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and -6, and Section 7 of the ADEA, 29 U.S.C. § 626, as amended.

4. Defendant, Ecoserv, LLC (“Defendant”) is a State of Delaware limited liability company. At all relevant times, Defendant has continuously been doing business in the State of Louisiana and the City of Abbeville, in Vermilion Parish.

5. At all relevant times, Defendant was in the business of providing offshore industrial cleaning services.

6. At all relevant times, Defendant has continuously been an employer 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) and Section 11 of the ADEA, 29 U.S.C. § 630(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

7. More than 30 days prior to the institution of this action, Felicia Savoie filed a charge of discrimination with the Commission alleging that Defendant committed violations of Title VII and the ADEA.¹

8. On July 5, 2022, the Commission issued Defendant a Letter of Determination finding reasonable cause to believe that Defendant violated Title VII and the ADEA. The Letter of Determination invited Defendant to join the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

9. Thereafter, the Commission engaged in communications with Defendant to provide the opportunity to voluntarily remedy the discriminatory practices described in the Letter of Determination.

¹ At all times relevant to this complaint, Ms. Savoie's name was Felicia Savoie. Her name subsequently changed to Felicia Naquin. This complaint refers to her as Savoie.

10. On August 15, 2023, the Commission issued Defendant a final Notice of Conciliation Failure advising that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

11. All conditions precedent to the institution of this action have been fulfilled.

FACTUAL ALLEGATIONS

12. On or around March 21, 2017, Defendant hired Felicia Savoie as a human resources manager.

13. Mitchell LeBlanc, a vice president of Defendant, was responsible for hiring, supervising, and eventually discharging Savoie.

14. Jarad Moneaux, Defendant's safety director, also supervised Savoie.

15. Savoie was qualified for her position and remained qualified throughout her employment with Ecoserv.

16. On July 12, 2017, Mr. Moneaux prepared a performance review of Savoie. In each section, he indicated that Savoie fully achieved, and in some instances exceeded, expectations.

17. At all times relevant to this matter, Savoie performed her job at least satisfactorily.

18. Approximately six months after Savoie's hire, Savoie became responsible for posting advertisements for available positions on on-line career websites as well as pre-screening applicants who applied online. Pursuant to her

duties, Savoie referred qualified applicants to Defendant's operations managers who were responsible for interviewing, selecting, and making offers to applicants.

19. At all relevant times, Mr. LeBlanc controlled the hiring process and had final decision-making authority for hiring decisions.

20. Defendant, through LeBlanc, its operations managers, and individuals who provided training to Savoie, informed Savoie that Defendant preferred to hire men for non-salaried, non-office positions.

21. Defendant, through LeBlanc and its operations managers, instructed Savoie not to refer female applicants to the operations managers.

22. LeBlanc and Defendant's operations managers, on numerous occasions, rejected qualified applicants who were female, Black, and/or who were 40 years old or older because of their race, sex, and/or age.

23. Defendant's operations managers made statements that Black applicants were "thugs" or lived in the "ghetto."

24. Defendant instructed other employees involved in Defendant's hiring processes to limit the number of Black applicants they selected, recommended, or referred.

25. Defendant collected copies of applicants' driver's licenses to verify their age. Defendant used driver's license information to screen out applicants over the age of twenty-five.

26. In or around November or December of 2017, Savoie became responsible for hiring candidates for Defendant's "flex pool." The flex pool was a pool of employees

who could substitute for offshore crew members if a crew member was absent. Savoie was tasked with selecting, interviewing, and making offers to hire flex pool candidates.

27. Around the time that Savoie became responsible for flex-pool hiring, Savoie also became responsible for reviewing hard copy applications submitted by candidates who applied in person. Savoie referred applicants she deemed qualified for non-flex pool positions to the operations managers, who would then review the applicants, conduct interviews, and decide whom to hire.

28. Despite, and in opposition to, Defendant's instructions, hiring practices, and preferences, Savoie referred applicants who were Black, female, and/or 40 years of age to operations managers for non-flex pool positions. Savoie also hired applicants who were Black, female, and/or 40 years of age or older for flex-pool positions. In doing so, Savoie resisted and opposed Defendant's instructions, hiring practices, and preferences, which she reasonably believed violated Title VII and the ADEA.

29. Savoie also instructed staff under her supervision to stop collecting driver's licenses because she believed that Defendant used them to unlawfully screen out applicants based on their age. By doing so, Savoie opposed Defendant's unlawful conduct, which opposition constituted protected activity within the meaning of the ADEA.

30. In response to Savoie's instruction, Defendant began sending applicants directly to Defendant's operations managers, rather than to Savoie, thereby excluding her from the hiring process for non-flex-pool positions.

31. In response to Savoie's hiring decisions, Defendant, through its operations managers, instructed Savoie that the racial makeup of the flex pool was becoming "too dark." Savoie understood this to be a criticism of her hiring of Black employees, contrary to Defendant's instructions to prefer White applicants.

32. In response to Savoie's hiring decisions, LeBlanc separately, and explicitly, counseled Savoie that she was selecting too many Black applicants for the flex pool and instructed her to select more White applicants.

33. Savoie refused to follow LeBlanc's instructions and informed him that doing so would be against the law. Savoie thereby opposed Defendant's unlawful conduct, which opposition constituted protected activity within the meaning of Title VII and the ADEA.

34. In January 2018, LeBlanc and Moneaux decided to terminate Savoie.

35. On January 31, 2018, Defendant terminated Savoie in retaliation for her opposition to Defendant's discrimination on the basis of race, sex, and/or age.

36. Since at least 2016, Defendant has selected Black applicants for non-salaried, non-office positions at rates far below their availability in the relevant labor pools because of their race. For example, data showed that of the 173 employees Ecoserv hired between 2016 and 2019 for non-salaried, non-office positions, only 55 were Black. Black applicants were disproportionately denied employment at a statistically significant rate because of their race.

37. Since at least 2016, Defendant has selected female applicants for non-salaried, non-office positions at rates far below their availability in the relevant labor

pools because of their sex. For example, data showed that of the 173 employees Ecoserv hired between 2016 and 2019 for non-salaried, non-office positions, none were female. Female applicants were disproportionately denied employment at a statistically significant rate because of their sex.

38. Since at least 2016, Defendant has selected applicants who were 40 years or older for non-salaried, non-office positions at rates far below their availability in the relevant labor pools because of their age. For example, Data showed that of the 143 employees Ecoserv hired between 2017 and 2019 for non-salaried, non-office positions, only 13 were 40 years of age or older. Applicants who were 40 years old or older were disproportionately denied employment at a statistically significant rate because of their age.

39. The unlawful employment practices complained of above were and are intentional.

40. The unlawful employment practices complained of above were and are done willfully and with malice or with reckless indifference to the federally protected rights of applicants who are Black, female, or 40 years old or older and to the federally protected rights of Savoie, who engaged in activity protected by Title VII and the ADEA.

CAUSES OF ACTION

TITLE VII

41. Through the conduct alleged herein, including in paragraphs 19, 22, 23, 24, 31, 32, 36, 39 and 40 of this complaint, since at least January 2016, Defendant

has engaged in unlawful employment practices at their facilities, in violation of Sections 703(a) and 707 of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-6, by routinely denying employment to Black applicants because of their race, and engaging in a pattern or practice of discriminating against Black applicants, for non-salaried, non-office positions .

42. Through the conduct alleged herein, including in paragraphs 19-22, 37, 39 and 40 of this complaint, since at least January 2016, Defendant has engaged in unlawful employment practices at their facilities, in violation of Sections 703(a) and 707 of Title VII, 42 U.S.C. §§ 2000e-2(a) and 2000e-6, by routinely denying employment to female applicants because of their sex, and engaging in a pattern or practice of discriminating against female applicants, for non-salaried, non-office positions.

43. Through the conduct alleged herein, including in paragraphs 31, 36, 40, and 42 of this complaint, since at least January 2018, Defendant has engaged in unlawful employment practices in violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3(a), by retaliating against Savoie by discharging her because she opposed Defendant's discriminatory practices and engaged in activity protected by Title VII.

ADEA

44. Through the conduct alleged herein, including in paragraphs 20, 23, 26, 30, 31, 39, 40, and 41 of this complaint, since least January 2017, Defendant has engaged in unlawful employment practices at its facilities, in violation of Section 4 of the ADEA, 29 U.S.C. § 623(a), by routinely denying employment to applicants aged

40 or older, and engaging in a pattern or practice of discriminating against such applicants, for non-salaried, non-office positions.

45. Through the conduct alleged herein, including in paragraphs 19, 30, 34, 35, 39, and 40 of this complaint, since at least January 2018, Defendant has engaged in unlawful employment practices in violation of Section 4 of the ADEA, 29 U.S.C. § 623(d) by retaliating against Savoie and discharging her because she opposed Defendant's discriminatory practices and engaged in activity protected by the ADEA.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents, servants, employees, attorneys, successors, assigns, and all persons in active concert or participation with them, from engaging in discrimination based on race, sex, or age in their hiring practices and from retaliating against employees who oppose these and other discriminatory practices, or otherwise engage in activity protected by Title VII or the ADEA.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for applicants who are Black, female, or 40 years of age or older, and for employees who participate in activity protected by Title VII or the ADEA, or who oppose practices made unlawful by Title VII or the ADEA, and which eradicate the effects of Defendant's past and present unlawful employment practices.

C. Order Defendant to post and keep posted the notices required by Title VII, 42 U.S.C. § 2000e-10(a).

D. Order Defendant to make whole Savoie and aggrieved applicants who are Black, female, and/or 40 years of age or older, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices, including but not limited to rightful-place hiring of qualified Black and female applicants and applicants who are 40 years of age or older.

E. Order Defendant to make whole Savoie and aggrieved applicants who are Black, female and/or 40 years old or older by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including job search expenses, in amounts to be determined at trial.

F. Order Defendant to make whole Savoie and aggrieved applicants who are Black and/or female by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

G. Order Defendant to pay punitive damages to Savoie and aggrieved applicants who are Black and/or female for Defendant's malicious and reckless conduct described above, in amounts to be determined at trial.

H. Order Defendant to pay liquidated damages to Savoie and aggrieved applicants who are 40 years old or older for Defendant's willful conduct described above, in amounts to be determined at trial.

I. Grant such further relief as the Court deems necessary and proper in the public interest.

J. Award the Commission its costs of this action.

JURY DEMAND

The Commission requests a jury trial on all questions of fact raised by this Complaint which are triable to a jury.

Respectfully Submitted,

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Acting General Counsel

Christopher Lage
Deputy General Counsel

Rudy L. Sustaita
Regional Attorney

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/s/ Elizabeth J. Owen

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**COUNSEL FOR U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

**Defendant's Registered Agent
For Service of Process:**

C T Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
U.S. Equal Employment Opportunity Commission
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
Elizabeth J. Owen | 500 Poydras Street, Suite 809
New Orleans, LA 70130 | (504) 635-2535

DEFENDANTS
ECOSERV, LLC
County of Residence of First Listed Defendant Vermilion
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
[X] 1 U.S. Government Plaintiff
[] 2 U.S. Government Defendant
[] 3 Federal Question (U.S. Government Not a Party)
[] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State [] 1 [] 1
Citizen of Another State [] 2 [] 2
Citizen or Subject of a Foreign Country [] 3 [] 3

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Labor, Intellectual Property Rights, etc.

V. ORIGIN (Place an "X" in One Box Only)
[X] 1 Original Proceeding
[] 2 Removed from State Court
[] 3 Remanded from Appellate Court
[] 4 Reinstated or Reopened
[] 5 Transferred from Another District (specify)
[] 6 Multidistrict Litigation - Transfer
[] 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §§ 2000e-2; 2000e-3 and 2000e-6; 29 U.S.C. § 623
Brief description of cause:
Retaliation; Pattern and practice of refusing to hire on the basis of race, sex and age

VII. REQUESTED IN COMPLAINT:
[] CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE DOCKET NUMBER

DATE Sep 22, 2023 SIGNATURE OF ATTORNEY OF RECORD /s/ Elizabeth J. Owen

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.