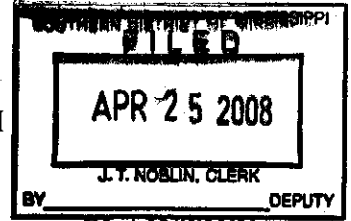


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



CLAIRE HARRISON

PLAINTIFF

VS.

CIVIL ACTION NO. 3:08cv269 HTW-LRA

LMA NORTH AMERICA, INC. AND
LMA INTERNATIONAL, N.V.

DEFENDANTS

COMPLAINT

Trial by Jury Requested

This action is brought pursuant to Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 and the Civil Rights Act of 1991, 42 U.S.C. § 2000e- 2 et seq., and Mississippi Code § 79-1-9 (2001) to remedy acts of employment discrimination, take by Defendants, LMA North America, Inc. (hereinafter "LMA") and LMA International, N.V. (hereinafter "LMA, N.V.") against Plaintiff, Claire Harrison, on account of her sex, age and gender and actions taken against Plaintiff in reprisal for her having complained of sexual harassment, age discrimination and gender discrimination in employment practices at LMA and LMA, N.V. and in support thereof would respectfully show unto the Court the following facts to-wit:

JURISDICTION

1. This Court has subject matter jurisdiction over the claims raised herein pursuant to 42 U.S.C. § 2000e- 2. Plaintiff invokes this Court's pendent jurisdiction as to the common law of the State of Mississippi. Finally, this Court also has subject matter jurisdiction generally over

the claims raised in this Complaint pursuant to 28 U.S.C. § 1331(a).

VENUE

2. Venue is proper in Southern District of Mississippi, Jackson Division pursuant to 28 U.S.C. § 1391, since Plaintiff both resides and worked for the Defendants in Hinds County.

PARTIES

3. Plaintiff, Claire Harrison, is a female citizen of the United States and of Mississippi, and resides in Hinds County, Jackson, Mississippi.

4. Defendant, LMA North America, Inc., is a foreign business corporation believed to be organized and existing under the laws of the State of Nevada and licensed to do business in the State of California and may be located at 4660 La Jolla Village Dr. #900, San Diego, California 92122. Defendant is engaged in an industry affecting commerce and had 15 or more employees for each working day in each of 20 or more weeks in the current or preceding calendar year. Defendant may be served process pursuant to Mississippi Code Ann. §13-3-57 and Mississippi Rules of Civil Procedure Rule 4 and Federal Rule of Civil Procedure Rule 4 through its agent for Service of Process, C. T. Corporation System located at 818 West 7th Street, Los Angeles, California 90017.

5. Defendant, LMA International, N.V., is a foreign business corporation believed to be organized and existing under the laws of Netherlands Antilles. It may be located at 52 Neptunusweg Willemstad, Curaçao, Netherlands Antilles. Defendant is engaged in an industry affecting commerce and had 15 or more employees for each working day in each of 20 or more weeks in the current or preceding calendar year. Defendant may be served process pursuant to

Mississippi Code Ann. §13-3-57 and Mississippi Rules of Civil Procedure Rule 4 and Federal Rule of Civil Procedure Rule 4 through its agent for Service of Process Shearman & Sterling, LLP, 599 Lexington Avenue, New York, NY 10022-6069 and at the Registered Office 52 Neptunusweg Willemstad, Curaçao, Netherlands Antilles.

FACTS

6. On or about February 21, 2005 Claire Harrison began working for the Defendant LMA as a Medical Sales Representative for the Houston territory.

7. Plaintiff performed her duties successfully without complaint or reprimand and regularly received corporate stock options in LMA, N.V. for over two years. Plaintiff received performance evaluations which indicated she was doing an outstanding job.

8. On or about June 24, 2005, Claire Harrison was elevated to the supervisory position of Southern Division Sales Manager. Plaintiff's performance according to her employer was outstanding.

9. During this time, Steven Block (hereinafter "Block") was in a supervisor capacity. He was the Chief Operating Officer ("COO") and thereafter President for LMA North America. Block as COO required all Division Sales Managers such as Plaintiff respond to his requests on a regular basis.

10. Block, together with and under the approval and knowledge of all named Defendants, acted to create and maintain a hostile work environment for the Plaintiff because of her gender and age by engaging in the following behavior: derogatory and discriminatory comments and unwanted touching, and by other such actions too numerous to list in their entirety, but to which Plaintiff will testify at the time of trial, and to which Defendants are

collectively put on notice through these activities listed here, which are sufficiently similar to the unlisted activities as to give notice as to all activities of a similar nature.

11. In early 2006, the work environment started to become hostile toward women and senior employees. Block indicated that he intended to fill all the management roles with young male employees. Block stated he wanted to employees who were young and male to handle the jobs being handled by Plaintiff. Plaintiff felt apprehensive that she may lose her job because of her gender and age.

12. As an employee over the age of forty (40) Plaintiff felt apprehensive that she may lose her job. In early 2006, Block had also began to focus on purging employees who were not young and he made no attempt to hide the fact that he wanted to hire a specific type of employee that was limited to young persons.

13. That after Block had made attempts to start purging the positions of older women he also was making comments to other employees and management that he did not like Plaintiff and wanted to get rid of her. That on or about January 3-6, 2006 Claire Harrison was told by the COO, Block that he would like to get to know her better. Block again stated to Mrs. Harrison that he intended to get to know her better on or about January 15, 2006. It was clear to Mrs. Harrison that he was asking for sex. Mrs. Harrison from that time forward tried to avoid being alone with Block.

14. Block was appointed President and Chief Executive Officer of LMA on December 1, 2006. At this point the hostile environment increased in intensity and frequency.

15. On or about January 19, 2007 Mrs. Harrison was on her way to a meeting when Block caught up to her and reminded her of his intent to get to know her.

16. In March 2007 Mrs. Harrison received a job evaluation indicating she was meeting or exceeding expectations and that her division had ranked highly (#3 out of 5) for United States divisions in 2006.

17. That on or about May 2007 Mrs. Harrison received 300,000 stock option shares. On or about that time while at a meeting in St. Louis, Missouri, Block asked Mrs. Harrison to come up to his room to celebrate the granting of the stock options and let their emotions show. Mrs. Harrison declined which upset Block. Block grabbed her arm and stated she would regret the decision not to go upstairs with him.

18. In June 2007 Mrs. Harrison received verbal notice that her division was performing poorly and action would be taken if performance did not improve.

19. In July 2007 Mrs. Harrison was placed on performance review. However, in the month of July 2007 Mrs. Harrison's division was ranked number one in the U.S. over all other divisions for performance in capital equipment.

20. In August 2007 Mrs. Harrison was told she was not performing well.

21. That on or about October 9, 2007 Claire Harrison received a termination letter at her home in Hinds County, Mississippi. The letter indicated her work performance was inadequate and the last day of work would be October 12, 2007.

22. Plaintiff has filed a charge of discrimination with the Equal Employment Opportunity Commission on November 5, 2007, and has received the Notice of Right to Sue.

23. All prerequisites to the filing of this suit have been met, including the exhaustion of all administrative remedies. Plaintiff has incurred expenses including, but not limited to reasonable attorney's fees because of the facts alleged.

24. The effect of the policies and practices pursued by the Defendants as alleged above has limited, classified, and discriminated against the Plaintiff in ways that deprived her of her employment opportunities, and adversely affected her status as an employee due to her gender and age.

25. Defendants' actions and inactions have created a hostile work environment as defined by the courts construction of Title VII.

26. That as a direct proximate result of the harassment, discrimination and negligent acts of the Defendant, the Plaintiff was caused to be terminated by Defendant and was caused to suffer serious and permanent injuries to her person. The Plaintiff would show that she suffered multiple injuries, which including but not limited to, physical and emotional pain, suffering and mental anguish, and other damages.

HARASSMENT AND DISCRIMINATION OF CEO STEVE BLOCK

27. Plaintiff charges that Block sexually harassed her while employed at LMA.

28. Plaintiff charges that Block discriminated against her because she was a woman.

29. Plaintiff charges that Block discriminated against her because she is over forty years old.

**NEGLIGENCE, HARASSMENT AND DISCRIMINATION OF EMPLOYER
LMA NORTH AMERICA, INC.**

30. Plaintiff charges that all of the aforesaid harassment and discrimination of Block, is directly imputed to the Defendant, LMA, because the Block was acting in his supervisor capacity for LMA, for the purpose of LMA's business and Block was then, and at all times complained of, the agent, employee and servant of the aforesaid LMA and was acting in the furtherance of the business of the aforesaid LMA and within the course and scope of his employment.

31. Plaintiff further charges the defendant, LMA with negligently failing to supervise its employee; negligent retention of the CEO; violation of Title IIV of the Civil Rights Act; violations of the Age Discrimination in Employment Act; and violations of Mississippi Statute § 79-1-9. Plaintiff alleges that the negligent acts of Defendant LMA were the direct and proximate cause of Claire Harrison's injuries.

**NEGLIGENCE, HARASSMENT AND DISCRIMINATION OF EMPLOYER
LMA INTERNATIONAL, N.V.**

32. Plaintiff adopts and incorporates by reference the foregoing paragraphs.

33. Plaintiff charges that all of the aforesaid harassment and discrimination of Block, is directly imputed to the Defendant, LMA, N.V., because the Block was acting in his supervisor capacity for LMA, for the purpose of LMA, N.V.'s business and Block was then, and at all times complained of, the agent, employee and servant of the aforesaid LMA, N.V. and was acting in the furtherance of the business of the aforesaid LMA, N.V. and within the course and scope of his employment.

34. Plaintiff further charges the defendant, LMA, N.V. with negligently failing to supervise its employee; negligent retention of Block; violation of Title IIV of the Civil Rights Act; violations of the Age Discrimination in Employment Act; and violations of Mississippi Statute § 79-1-9. Plaintiff alleges that the negligent acts of Defendant LMA, N.V. were the direct and proximate cause of Claire Harrison's injuries.

DAMAGES

35. As a proximate result of the harassment and discrimination alleged above, the Plaintiff, has suffered damages, including but not limited to, physical and emotional pain,

suffering and mental anguish, lost wages, lost bonuses, lost stock options and other damages to be proven at trial. Plaintiff, Claire Harrison, reasonably anticipates future damages, proximately caused by said harassment and discrimination of Defendant, including future pain, suffering and mental anguish, and other damages.

WHEREFORE PREMISES CONSIDERED, the Plaintiff demands a trial by jury and judgment from Defendants LMA North America, Inc. and LMA International, N.V. for actual, compensatory, consequential and incidental damages in an amount exceeding the jurisdictional minimal limits of this court for compensatory damages and for punitive damages in an amount to be determined by a jury including all expenses and costs of this civil action, and such other general relief as the Court and the jury deem just.

This the 25th day of April, 2008.

Respectfully submitted,

CLAIRE HARRISON

By: 
J. Ashley Ogden

OF COUNSEL:

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