

jurisdiction of the United States District Court for the Northern District of Alabama Southern Division.

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 is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Farooqi Enterprises Inc. dba Hardee's (the "Employer"), has continuously been a Nevada corporation doing business in the State of Alabama and the City of Vestavia Hills, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged 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).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Brenda D. Jefferson, Alecia Rowe and Mary E. James filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since before September 26, 2003, and continuing thereafter Defendant Employer engaged in unlawful employment practices at its Vestavia Hills, Alabama facility, in violation of Section 703(a)(1) and Section 704(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and § 2000e-3(a). In

particular, the Defendant Employer engaged in unlawful employment practices at and around its facility in Vestavia Hills, Alabama, through the actions of one its supervisors, Store Manager Johnell Myers. Since at least September 26, 2003, and continuing thereafter, Myers sexually harassed Brenda D. Jefferson, Alecia Rowe, Mary E. James and a class of similarly situated women by subjecting them to unwelcome and offensive sexual actions, comments and unwelcome and inappropriate touching of their private body parts.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Brenda D. Jefferson, Alecia Rowe, Mary E. James and a class of similarly situated women of equal employment opportunities and otherwise adversely affect their status as employees, in some instances up to and including termination, because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Brenda D. Jefferson, Alecia Rowe, Mary E. James and a class of similarly situated women.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employer to institute and carry out policies, practices, and

programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Brenda D. Jefferson, Alecia Rowe, Mary E. James and a class of similarly situated women by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Brenda D. Jefferson, Alecia Rowe, Mary E. James and a class of similarly situated women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above in amounts to be determined at trial.

F. Order Defendant Employer to make whole Brenda D. Jefferson, Alecia Rowe, Mary E. James and a class of similarly situated women by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

G. Order Defendant Employer to pay Brenda D. Jefferson, Alecia Rowe, Mary E. James and a class of similarly situated women punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

I. Award the Commission its costs of this action.

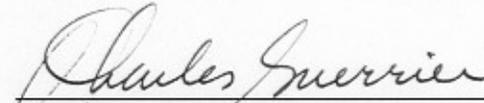
JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

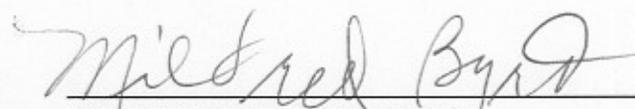
Respectfully submitted,

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
1801 "L" Street, Northwest
Washington, DC 20507



CHARLES E. GUERRIER (OH 0023546)
Regional Attorney



MILDRED BYRD (LA 03741)
Supervisory Trial Attorney



J. MARK GRAHAM (LA 06216)
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Birmingham District Office

Ridge Park Place, Suite 2000
1130 22nd Street South
Birmingham, AL 35205
Telephone: (205) 212-2054
E-mail: john.graham@eoc.gov