

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

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

CHURPEYES CHICKEN OF ALABAMA, LLC
d/b/a CHURCH'S CHICKEN

Defendant.

FILED MAY 28 10 4 PM 1 137 USDC/ALS
CIVIL ACTION NO.

COMPLAINT 04-349-B

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female (pregnancy) and to provide appropriate relief to Kimberly Peoples, who was adversely affected by such practices. The Commission alleges that the Defendant failed to hire Ms. Peoples into the position of cashier because of her sex, female (pregnancy).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-5(f)(1) and (3) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Southern District of Alabama,

Southern Division.

PARTIES

3. Plaintiff, 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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Churpeyes Chicken of Alabama, d/b/a Church's Chicken, (the "Employer"), has continuously been an Alabama corporation, doing business in the State of Alabama and the City of Flomaton, 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 Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Kimberly Peeples filed a charge with the Commission alleging violations of Title VII by the Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least May 27, 2003, the Defendant Employer has engaged in unlawful employment practices at its Flomaton, Alabama facility, in violation of Sections 701(k) and 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-(k) and 2(a)(1). The Defendant Employer failed and refused to hire Ms. Peeples into a cashier's position because of her sex, female (pregnancy).

8. The effect of the practices complained of above has been to deprive Kimberly Peeples of equal employment opportunities and otherwise adversely affect her status as an applicant for

employment, because of her sex, female (pregnancy).

9. As a direct and proximate result of these violations of her rights under Title VII, Kimberly Peeples has suffered damages in the form of emotional pain and suffering, inconvenience, loss of enjoyment of life and humiliation.

10. The unlawful employment practices complained of above were intentional.

11. The unlawful practices complained above were done with malice and/or with reckless indifference to the federally protected rights of Kimberly Peeples.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Order the Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant Employer to make whole Kimberly Peeples, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to hiring Kimberly Peeples.

D. Order the Defendant Employer to make whole Kimberly Peeples by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs seven (7) through nine (9) above, including job search expenses, in amounts

to be determined at trial.

E. Order Defendant Employer to make whole Kimberly Peoples by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs seven (7) through nine (9) above, including mental anguish, emotional pain and suffering, inconvenience and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Kimberly Peoples punitive damages for its malicious and/or reckless conduct described in paragraphs seven (7) through (9) above, in amounts to be determined at trial.

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

H. 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,

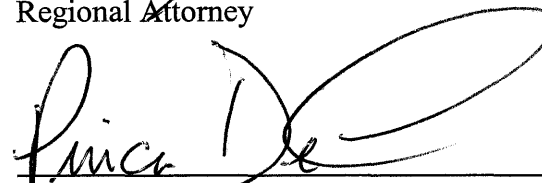
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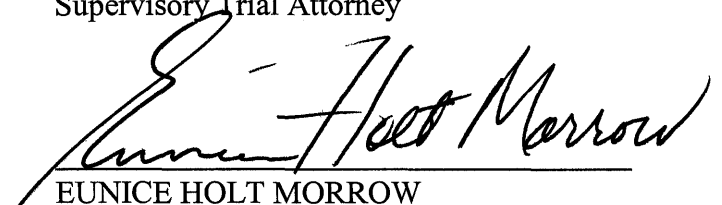
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