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**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS  
SEP 27 2000

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION )**

**Plaintiff,**

v.

**AFFILIATED FOODS SOUTHWEST, INC. )  
D/B/A THRIFTWAY FOODS, INC. )**

**Defendant.**

JAMES W. MCCORMACK, CLERK  
By: *[Signature]*  
SEPT. CLERK

5-00-CV-00356 SWW  
CIVIL ACTION NO.

This case assigned to District Judge *Wright*  
and to Magistrate Judge *Forster*

**COMPLAINT**

**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. and Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Jackqueline Stokes and other female employees who have been adversely affected by such practices. The Commission alleges that Jackqueline Stokes and other female employees were sexually harassed by Jerome Sanders, manager; that the harassment was so pervasive, egregious and persistent that it constituted a pattern and practice of sex discrimination against the female employees; and that Respondent is vicariously liable for the sexual harassment perpetrated on Jackqueline Stokes and other female employees by Jerome Sanders and for the consequences arising from this unlawful discrimination.



## **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 Section 706 (f) (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Pine Bluff 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, Affiliated Foods Southwest, Inc., d/b/a Thriftway Foods, Inc. of Pine Bluff (the “Employer”), has continuously been an Arkansas corporation doing business in the State of Arkansas and the City of Pine Bluff, 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, Jackqueline Stokes filed a charge with the Commission alleging violations of Title VII on the basis of sex (female) by

Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 300 days prior to February 12, 1998, when Stokes filed her charge, Defendant Employer has engaged in and continues to engage in unlawful employment practices at and through its facility in Pine Bluff, Arkansas, in violation of Section 703 of Title VII, 42 U.S.C. §2000e-2. The unlawful employment practices include:

A. That Jackquiline Stokes, a female employee of Defendant's business, was subjected to sexually explicit comments and touching in an unwelcome way throughout her employment. This conduct was engaged in by Jerome Sanders, Defendant's manager.

B. That other female employees were likewise subjected to similar unwelcome sexual harassment by Jerome Sanders, Defendant's manager.

C. That the unwelcome harassment by Jerome Sanders was done publicly and humiliated female employees standing nearby.

D. That Jackquiline Stokes complained to management about the offensive conduct but Defendant failed to take any appropriate action.

8. This demeaning and persistent conduct by Defendant constitutes a pattern and practice of discriminatory treatment toward female employees because of their sex.

9. The effect of the practices complained of in paragraph 7 above has been to adversely affect the employment status of Jackquiline Stokes and other females because of their sex.

10. Defendant has failed to promulgate any policy prohibiting sexual harassment in the workplace or to disseminate to its employees any policy prohibiting sexual harassment in the workplace.

11. Defendant is vicariously liable for discrimination perpetrated upon Stokes and the class of females by Jerome Sanders, its supervisory employee.

12. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

13. The unlawful employment practices complained of in paragraph 7 above were and are being done with malice or with reckless indifference to the federally protected rights of Jackquline Stokes, and other females.

#### **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 participating with it, from engaging in sexual harassment and any other employment practices which discriminates on the basis of sex (female).

B. Order Defendant Employer to institute and carry out policies, practices, and programs which prohibit sexual harassment in the workplace and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Jackquline Stokes and other female employees 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 including, but not limited to, reimbursement of the value of lost benefits, raises and bonuses; expungement of personnel records; satisfactory employment references; reinstatement of female employees, as appropriate; or frontpay in lieu of reinstatement, if appropriate.

D. Order Defendant Employer to make whole Jackquline Stokes and other females by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search expenses and medical expenses covered by Defendant's employee benefit plan, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Jackquline Stokes and other females by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including pain and suffering, emotional distress, humiliation and inconvenience in amounts to be determined at trial.

F. Order Defendant Employer to pay Jackquline Stokes and other females punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest, including ordering Defendant to appropriately discipline the offending harasser, up to and including termination, and to document the permanent personnel files of the offending harasser with the disciplinary action taken.

H. Award the Commission its costs for this action.

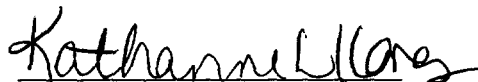
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**JURY TRIAL DEMAND**

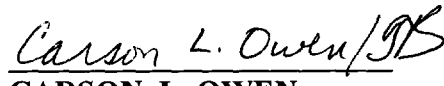
The Commission requests a jury trial on all questions of fact raised by its complaint.


**C. GREGORY STEWART**  
General Counsel

**GWENDOLYN YOUNG-REAMS**  
Associate General Counsel

  
**KATHARINE W. KORES**  
Regional Attorney  
TN Bar #6283

  
**TERRY BECK**  
Supervisory Trial Attorney  
TN Bar #9346

  
**CARSON L. OWEN**  
Senior Trial Attorney  
TN Bar # 009240

  
**DRAGA G. ANTHONY**  
Trial Attorney  
OH Bar # 0041524

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**  
1407 Union Ave., Suite 621  
Memphis, Tennessee 38104  
(901) 544-0102