

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

DEC 21 1998

WESTERN DIVISION

JAMES W. McCORMACK, CLERK  
By: \_\_\_\_\_ DEP CLERK

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

SNACK VENDING COMPANY, INC.,

Defendant.

CIVIL ACTION NO.

LR-C- 98 - 834

COMPLAINT

CLASS IN NATURE CASE

JURY TRIAL DEMANDED

This case assigned to District Judge Reasoner  
and to Magistrate Judge Cavanah

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Robert Stora and other Black applicants for employment who were denied employment as route drivers because of their race.

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

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JAMES W. McCORMACK  
CLERK OF COURT

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, Western Division.

### **PARTIES**

3. Plaintiff, the Equal Employment Opportunity Commission (the Commission), is an 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times Defendant, Snack Vending Company, Inc. (Defendant Employer), has continuously been an Arkansas corporation doing business in the state of Arkansas and the city of Little Rock, and has continuously had at least fifteen 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. § 2000e-(b), (g), and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit Robert Storay filed a charge 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 at least July 21, 1996 Defendant Employer has engaged in unlawful employment practices at its facility located at 1010 North Street in Little Rock, Arkansas, in violation of 42 U.S.C. § 2000e-2(a), 42 U.S.C. § 2000e-8(c), and 29

C.F.R. § 1602.14. The unlawful employment practices involve discriminating against Robert Storay, who is Black, and against Blacks as a class, in hiring for route driver jobs, constructively discharging Mr. Storay, and failing to preserve applications for employment for one year.

8. The effects of the practices complained of in paragraph 7 above have been to deprive Mr. Storay and other Black applicants for employment of equal employment opportunities, and to otherwise adversely affect their status as applicants for employment because of their race.

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 and/or with reckless indifference to Mr. Storay's federally protected rights and to the federally protected rights of other Black applicants for employment.

#### **REQUEST FOR RELIEF**

Therefore 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 any employment practice which discriminates against Black applicants for employment because of their race;

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for Black applicants for employment, and which eradicate the effects of Defendant Employer's unlawful employment practices;

C. Order Defendant Employer to make whole Robert Storay and other Black applicants for employment who were victims of Defendant's unlawful employment practices 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 Defendant Employer's unlawful employment practices, including but not limited to rightful place placement in route driver positions;

D. Order Defendant Employer to make whole Mr. Storay and other Black applicants for employment who were victims of Defendant's unlawful employment practices 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;

E. Order Defendant Employer to make whole Mr. Storay and other Black applicants for employment who were victims of Defendant's unlawful employment practices by providing compensation for nonpecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including emotional and psychological pain and suffering, in amounts to be determined at trial;

F. Order Defendant Employer to pay Mr. Storay and other Black applicants for employment who were victims of Defendant's unlawful employment practices

punitive damages for Defendant's malicious and/or 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; and

H. Award the Commission its costs of this action.

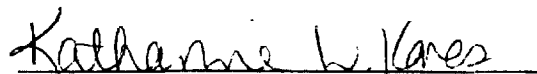
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**JURY TRIAL DEMAND**

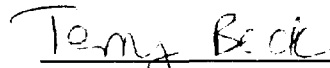
The Commission requests a jury trial on all questions of fact raised by its complaint.

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