

JAN 28 1998

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

JAMES W. McCORMACK, CLERK
By: [Signature]
DEP. CLERK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

THE CAJUN COMPANY, INC.,

Defendant.

CIVIL ACTION NO.

H-C-98-008

COMPLAINT

CLASS IN NATURE ACTION

JURY TRIAL DEMANDED

This case assigned to District Judge WILSON

NATURE OF THE ACTION No Magistrate Judge YOUNG

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 Rickey Lee and other Black employees who were racially harassed, subjected to different terms and conditions of employment, and discharged or constructively discharged by Defendant Employer 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.

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, Eastern 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. Section 2000e-5(f)(1).

4. At all relevant times Defendant, The Cajun Company, Inc. (Defendant Employer), has continuously been a Louisiana corporation doing business in the state of Arkansas and the city of Helena, 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. Section 2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit Rodney Branch 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 May 9, 1992, Defendant Employer has engaged in unlawful employment practices at its facilities, including but not limited to its Helena, Arkansas facility, in violation of Section 703(a) of Title VII, 42 U.S.C. Section 2000e-2(a). The unlawful employment practices involved racially harassing Rickey Lee and other Black employees, subjecting them to different terms and conditions of employment, and discharging or

constructively discharging them because of their race. The unlawful employment practices included allowing a White foreman, Wayne Borderlon, to repeatedly call Black employees "niggers", to repeatedly make other racist remarks to Black employees, to treat Black employees more harshly than White employees were treated, and to discharge or constructively discharge Black employees because of their race.

8. The effects of the practices complained of in paragraph 7 above have been to deprive Mr. Lee and other Black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their Race, and to cause them emotional and psychological harm.

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 reckless indifference to the federally protected rights of Mr. Lee and other Black employees.

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 employees or applicants for employment because of race;

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

C. Order Defendant Employer to make whole Rickey Lee and other Black employees 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;

D. Order Defendant Employer to make whole Mr. Lee and other Black employees 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. Lee and other Black employees by providing compensation for nonpecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including emotional pain, suffering, anger, and embarrassment, in amounts to be determined at trial;

F. Order Defendant Employer to pay Mr. Lee and other Black employees punitive damages for its 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

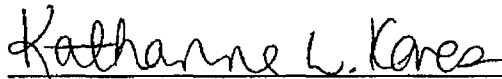
H. Award the Commission its costs of this action.

JURY TRIAL DEMAND


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

C. GREGORY STEWART
General Counsel

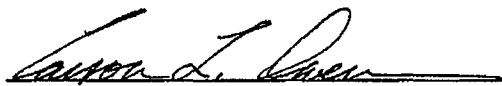
GWENDOLYN YOUNG REAMS
Associate General Counsel



KATHARINE W. KORES
Regional Attorney



TERRY BECK
Supervisory Trial Attorney



CARSON L. OWEN
Senior Trial Attorney

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**
1407 Union Avenue, Suite 621
Memphis, Tennessee 38104
Telephone number: (901) 544-0133