

1 MARY JO O'NEILL # 005924  
2 SALLY C. SHANLEY #012251  
3 KATHERINE J. KRUSE # 019127  
4 **EQUAL EMPLOYMENT OPPORTUNITY**  
5 **COMMISSION**  
6 Phoenix District Office  
7 3300 North Central Avenue, Suite 690  
8 Phoenix, Arizona 85012  
9 Telephone: (602) 640-5029  
10 e-mail: katherine.kruse@eeoc.gov  
11 Attorneys for Plaintiff

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Equal Employment Opportunity  
Commission,  
  
Plaintiff,  
  
vs.  
  
AutoZone, Inc., a Nevada corporation,  
  
Defendant.

**COMPLAINT AND  
JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, against the Defendant, AutoZone, Inc., to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Stacy Wing, who was adversely affected by such practices. The Equal Employment Opportunity Commission, (“EEOC” or “Commission”), alleges that Defendant subjected Ms. Wing to sexual harassment that created a hostile work environment, and retaliated against her when complaints were made about the harassment.

**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.

1 2. The employment practices alleged to be unlawful were committed within the  
2 jurisdiction of the United States District Court for the District of Arizona.

3 **PARTIES**

4 3. Plaintiff, the EEOC, is an agency of the United States of America charged with  
5 the administration, interpretation, and enforcement of Title VII, and is expressly authorized  
6 to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

7 4. At all relevant times, Defendant has continuously been doing business in the  
8 State of Arizona and has continuously had at least fifteen employees.

9 5. At all relevant times, Defendant has continuously been an employer engaged  
10 in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C.  
11 §§ 2000e(b), (g), and (h).

12 **STATEMENT OF CLAIMS**

13 6. More than thirty days prior to the institution of this lawsuit, Stacy Wing filed  
14 a charge with the Commission alleging violations of Title VII by the Defendant. All  
15 conditions precedent to the institution of this lawsuit have been fulfilled.

16 **First Claim: Sexual Harassment**

17 7. Since at least April, 2003, Defendant has engaged in unlawful employment  
18 practices in Phoenix, Arizona, in violation of Section 703(a) of Title VII, 42 U.S.C. §  
19 2000e-2(a), by discriminating against Stacy Wing on the basis of her sex, female by  
20 subjecting her to sexual harassment by a manager that created a hostile work environment.  
21 The manager engaged in many offensive acts, including but not limited to, repeatedly forcing  
22 Ms. Wing’s head down to his genitals and making crude sexual remarks to her, such as,  
23 “Need some protein?”

24 8. Although Ms. Wing complained to AutoZone’s Human Resources Department  
25 about the sexual harassment, AutoZone failed to exercise reasonable care to prevent and/or  
26 promptly correct the sexual harassment. AutoZone did nothing to address the sexual  
27 harassment after Ms. Wing’s initial complaints; it only began to investigate after another  
28 employee complained about the continued harassment of Ms. Wing several months later.

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1 **Second Claim: Retaliation**

2 9. Since at least the year 2003, Defendants have engaged in unlawful retaliatory  
3 practices in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) by retaliating  
4 against Ms. Wing because she opposed the unlawful sexual harassment by complaining to  
5 Auto Zone’s Human Resources Department, and/or because she assisted or participated in  
6 the investigation of the unlawful sexual harassment after another employee complained about  
7 the continued harassment of Ms. Wing several months later.

8 10. Defendants’ unlawful retaliation includes but is not limited to withdrawing Ms.  
9 Wing’s promotion to a Parts Service Manager or a Parts Sales Manager position.

10 **Allegations Pertaining to Both Claims**

11 11. The effect of the practices complained of in paragraphs 7 through 10 above has  
12 been to deprive Stacy Wing of equal employment opportunities and otherwise adversely  
13 affect her status as an employee because of her sex.

14 12. The unlawful employment practices complained of in paragraphs 7 through  
15 10 above were intentional.

16 13. The unlawful employment practices complained of in paragraphs 7 through  
17 10 above were done with malice or with reckless indifference to the federally protected rights  
18 of Stacy Wing.

19 **PRAYER FOR RELIEF**

20 Wherefore, the Commission respectfully requests that this Court:

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

24 B. Order the Defendant to institute and carry out policies, practices, and programs  
25 which provide equal employment opportunities for female applicants and employees, and  
26 which eradicate the effects of their past unlawful employment practices.

27 C. Order the Defendant to make whole Stacy Wing by providing compensation  
28 for past and future pecuniary losses resulting from the unlawful employment practices  
described in paragraphs 7 through 13 above, in amounts to be determined at trial.

1 E. Order the Defendant to make whole Stacy Wing by providing compensation  
2 for past and future nonpecuniary losses resulting from the unlawful employment practices  
3 described in paragraphs 7 through 13 above, including but not limited to, pain and suffering,  
4 mental anguish, humiliation, embarrassment, emotional distress, anxiety, inconvenience, and  
5 loss of enjoyment of life, in amounts to be determined at trial.

6 F. Order the Defendant to pay Stacy Wing punitive damages for its malicious  
7 conduct or reckless indifference described and referenced in paragraphs 7 through 13 above,  
8 in amounts to be determined at trial.

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

11 H. Award the Commission its costs in this action.

12 **JURY TRIAL DEMAND**

13 The Commission requests a jury trial on all questions of fact raised by its Complaint.  
14 RESPECTFULLY SUBMITTED this 30th day of March, 2006.

15 JAMES L. LEE  
16 Deputy General Counsel

17 GWENDOLYN YOUNG REAMS  
18 Associate General Counsel

19 EQUAL EMPLOYMENT  
20 OPPORTUNITY COMMISSION  
21 1801 L Street, N.W.  
22 Washington, D.C. 20507

23 s/ Mary Jo O'Neill  
24 MARY JO O'NEILL  
25 Regional Attorney

26 s/ Sally C. Shanley  
27 SALLY C. SHANLEY  
28 Acting Supervisory Trial Attorney

s/ Katherine J. Kruse  
KATHERINE J. KRUSE  
Trial Attorney

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
3300 North Central Ave., Suite 690  
Phoenix, Arizona 85012-2504  
Attorneys for Plaintiff