

1 MARY JO O'NEILL AZ Bar No. 005924
2 SALLY C. SHANLEY AZ Bar No. 012251
3 P. DAVID LOPEZ DC Bar No. 426463
4 **EQUAL EMPLOYMENT OPPORTUNITY**
5 **COMMISSION**
6 Phoenix District Office
7 3300 North Central Avenue, Suite 690
8 Phoenix, Arizona 85012
9 Telephone: (602) 640-5016
10 e-mail: mary.oneill@eeoc.gov
11 sally.shanley@eeoc.gov
12 patrick.lopez@eeoc.gov
13 Attorneys for Plaintiff

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF ARIZONA

11 Equal Employment Opportunity) **CIV**
12 Commission,)
13 Plaintiff,) **COMPLAINT**
14 vs.)
15 Target Stores, Inc. d/b/a Target Financial) **JURY TRIAL DEMANDED**
16 Services,)
17 Defendant.)

18 **NATURE OF THE ACTION**

19 This is an action under Title VII of the Civil Rights Act of 1964 to correct
20 unlawful employment practices on the basis of race and to make whole Bridget Shores.
21 Plaintiff Equal Employment Opportunity Commission (“EEOC” or the “Commission”)
22 alleges that Defendant, Target Stores, Inc., d/b/a Target Financial Services (“Target
23 Financial”), failed and refused to promote Bridget Shores because of her race, African-
24 American. Ms. Shores was also constructively discharged because of Target Financial's
25 discriminatory employment practices. In addition, Defendant failed to retain materials
26 relevant to the employment actions at issue in this case, as required by federal law.
27
28

1 **JURISDICTION AND VENUE**

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
3 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections
4 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
5 §2000e, et seq. ("Title VII").

6 2. The employment practices alleged below to be unlawful were and are now
7 being committed within the jurisdiction of the United States District Court for the District
8 of Arizona.

9 **PARTIES**

10 3. The EEOC is the agency of the United States of America charged with the
11 administration, interpretation, and enforcement of Title VII, and is expressly authorized to
12 bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and
13 (3).

14 4. At all relevant times to this action, Target Financial has continuously been a
15 Minnesota corporation doing business in the State of Arizona, and has continuously had
16 at least twenty employees.

17 5. At all relevant times to this action, Target Financial has continuously been
18 an employer engaged in an industry affecting commerce within the meaning of Sections
19 701(b), (g), and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

20 6. Prior to institution of this lawsuit, representatives of the Commission
21 attempted to eliminate the unlawful employment practices alleged below, and to effect
22 voluntary compliance with Title VII through informal methods of conciliation, conference
23 and persuasion within the meaning of Section 706(b) of Title VII, 42 U.S.C. §2000e-5(b).

24
25 **STATEMENT OF CLAIMS**

26 7. More than thirty days prior to the institution of this lawsuit, Bridget Shores
27 filed a charge with the Commission alleging violations of Title VII by Target Financial.
28 All conditions precedent to the institution of this lawsuit have been fulfilled.

1 C. Grant a judgment requiring Defendant Target Financial to pay appropriate
2 back wages in an amount to be determined at trial, and an equal sum as liquidated
3 damages, and prejudgment interest to Bridget Shores, whose wages are being unlawfully
4 withheld as a result of the acts complained of above;

5 D. Order defendant Target Financial to make whole Bridget Shores, whose
6 wages are being unlawfully withheld as a result of the acts complained of above, by
7 restraining the continued withholding of amounts owing as back wages with prejudgment
8 interest, in amounts to be determined at trial;

9 E. Order defendant Target Financial to make whole all individuals adversely
10 affected by the unlawful practices described above, by providing the affirmative relief
11 necessary to eradicate the effects of its unlawful employment practices, including but not
12 limited to, rightful place promotion and reinstatement of Bridget Shores;

13 F. Order defendant Target Financial to make whole Bridget Shores by
14 providing compensation for past and future pecuniary losses resulting from the unlawful
15 employment practices described above, in amounts to be determined at trial;

16 G. Order defendant Target Financial to make whole Bridget Shores by
17 providing compensation for past and future non-pecuniary losses resulting from the
18 unlawful practices complained of above, including emotional pain, suffering,
19 inconvenience, loss of enjoyment of life and humiliation;

20 H. Order defendant Target Financial to pay Bridget Shores punitive damages
21 for its malicious and reckless conduct described above, in amounts to be determined at
22 trial;

23 I. Grant such further relief as the Court deems necessary and proper in the
24 public interest; and

25 J. Award the Commission its costs in this action.

26 **JURY TRIAL DEMAND**

27 The Commission requests a jury trial on all questions of fact raised by its
28 Complaint.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED this 29th day of September, 2006.

Respectfully submitted,

RONALD S. COOPER
General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 L Street, N.W.

Washington, D.C. 20507

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

s/ Sally C. Shanley
SALLY C. SHANLEY
Supervisory Trial Attorney

s/ P. David Lopez
P. DAVID LOPEZ
Trial Attorney

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