

1 ANNA Y. PARK, CA SBN 164242  
2 PETER LAURA, CA SBN 116426  
3 U.S. EQUAL EMPLOYMENT  
4 OPPORTUNITY COMMISSION  
5 255 East Temple Street, 4th Floor  
6 Los Angeles, CA 90012  
7 Telephone: (213) 894-1080  
8 Facsimile: (213) 894-1301

9 JOHN C. HENDRICKSON, IL SBN 1187589  
10 GREGORY GOCHANOUR, IL SBN 6210804  
11 U.S. EQUAL EMPLOYMENT  
12 OPPORTUNITY COMMISSION  
13 500 West Madison Street, Suite 2800  
14 Chicago, Illinois 60661  
15 Telephone: (312) 886-9124  
16 Facsimile: (312) 353-8555

17 Attorneys for Plaintiff,  
18 U.S. EQUAL EMPLOYMENT  
19 OPPORTUNITY COMMISSION

20 **UNITED STATES DISTRICT COURT**  
21 **NORTHERN DISTRICT OF CALIFORNIA**

22 U.S. EQUAL EMPLOYMENT )  
23 OPPORTUNITY COMMISSION, )

24 Plaintiff, )

25 v. )

26 ABERCROMBIE & FITCH )  
27 STORES, INC., A & F )  
28 CALIFORNIA, LLC, A & F OHIO, )  
INC., A & F MANAGEMENT CO., )  
INC., and DOES 1-10 Inclusive, )

Defendants. )

CASE NO.:

**COMPLAINT- CIVIL RIGHTS  
EMPLOYMENT  
DISCRIMINATION**  
(42 U.S.C. §§ 2000e, *et seq.*)

**JURY TRIAL DEMAND**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race, national origin, color which includes Blacks, Hispanics, and Asians, and/or sex (female) and to provide appropriate relief to a class of persons who were adversely affected by such practices.



1 representations of defendants, since May 2002, it has operated all Abercrombie  
2 stores in California.

3 7. Defendant A & F Ohio, Inc. is an Ohio corporation and a wholly  
4 owned subsidiary of Abercrombie. Based on the representations of defendants,  
5 since May 2002, it has operated all Abercrombie stores in Ohio.

6 8. Defendant A & F Management Co., Inc. is an Ohio corporation and a  
7 wholly owned subsidiary of Abercrombie. Based upon representations of  
8 Defendants, A&F Management Company, Inc. operates Abercrombie corporate  
9 offices in Ohio.

10 9. At all relevant times, Defendants have continuously been an employer  
11 engaged in an industry affecting commerce within the meaning of Sections 701(b),  
12 (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

13 10. Plaintiff is ignorant of the true names and capacities of Defendants  
14 sued as Doe Defendants 1 through 10, inclusive, herein and therefore Plaintiff sues  
15 said Defendants by such fictitious names. Plaintiff reserves the right to amend the  
16 complaint to name the Doe Defendants as they become known. Plaintiff alleges  
17 that each of the Defendants named as Doe Defendants was in some manner  
18 responsible for the acts and omissions alleged herein and Plaintiff will amend the  
19 complaint to allege such responsibility when same shall have been ascertained by  
20 Plaintiff.

21 11. It is further alleged on information and belief that the Defendants and  
22 the Doe Defendants are alter egos of one another.

23 12. All of the acts and failures to act alleged herein were duly performed  
24 by and attributable to all Defendants, each acting as a successor, agent, employee  
25 or under the direction and control of the others, except as otherwise specifically  
26 alleged. Said acts and failures to act were within the scope of such agency and/or  
27 employment, and each Defendant participated in, approved and/or ratified the  
28 unlawful acts and omissions by other Defendants complained of herein.

1 Whenever and wherever reference is made in this Complaint to any act by a  
2 Defendant or Defendants, such allegations and reference shall also be deemed to  
3 mean the acts and failures to act of each Defendant acting individually, jointly,  
4 and/or severally.

5 STATEMENT OF CLAIMS

6 13. More than thirty days prior to the institution of this lawsuit, a charge  
7 was filed with the Commission alleging violations of Title VII by Defendants. All  
8 conditions precedent to the institution of this lawsuit have been fulfilled.

9 14. Since at least February 1999, Defendants have engaged in a pattern or  
10 practice of discrimination in violation of Title VII, 42 U.S.C. §2000e, *et seq.* at its  
11 stores nationwide as follows:

12 A. By deterring minority applicants from applying for sales, stock,  
13 overnight, manager-in-training, assistant manager and store manager positions  
14 because of their race, color and/or national origin which includes Blacks,  
15 Hispanics, and Asians;

16 B. By failing and refusing to recruit minority and female  
17 applicants for sales, stock, overnight, manager-in-training, assistant manager and  
18 store manager positions because of their race, color, national origin which includes  
19 Blacks, Hispanics, and Asians, and/or sex (female);

20 C. By failing and refusing to hire and assign minorities and  
21 females into sales, stock, overnight, manager-in-training, assistant manager and  
22 store manager positions because of their race, color, national origin which include  
23 Blacks, Hispanics, and Asians, and/or sex (female);

24 D. By terminating minority and female employees because of their  
25 race, color, national origin which includes Blacks, Hispanics, and Asians, and/or  
26 sex (female);

27 E. By segregating its workforce on the basis of race, color,  
28 national origin which includes Blacks, Hispanics, and Asians, and/or sex (female);

1 F. By failing and refusing to hire, assign, or promote minorities  
2 and females into sales, stock, overnight, manager-in-training, assistant manager  
3 and store manager positions because of their race, color, national origin which  
4 includes Blacks, Hispanics, and Asians, and/or sex (female); and

5 G. Defendants also failed to maintain records as required by  
6 federal law.

7 15. The effect of the practices complained of above has been to deprive a  
8 class of individuals of equal employment opportunities and otherwise adversely  
9 affect their status as applicants, employees, managers-in-training, and managers for  
10 employment, because of their race, national origin, color which includes Blacks,  
11 Hispanics, and Asians, and/or sex(female).

12 16. The unlawful employment practices complained of above were  
13 intentional.

14 17. The unlawful employment practices complained of above were done  
15 with malice or with reckless indifference to the federally protected rights of the  
16 class of individuals.

17 PRAYER FOR RELIEF

18 Wherefore, the Commission respectfully requests that this Court:

19 A. Grant a permanent injunction enjoining Defendants, its officers,  
20 successors, assigns, and all persons in active concert or participation with it, from  
21 engaging in discrimination on the basis of race, national origin, color, and/or sex  
22 and any other employment practice which discriminates on the basis of race,  
23 national origin, color and/or sex.

24 B. Order Defendants to institute and carry out policies, practices, and  
25 programs which provide equal employment opportunities for African Americans,  
26 Hispanics, Asians, minority women, and women, and which eradicate the effects  
27 of its past and present unlawful employment practices.

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1 C. Order Defendants to make whole the class of individuals, by  
2 providing appropriate backpay with prejudgment interest, in amounts to be  
3 determined at trial, and other affirmative relief necessary to eradicate the effects of  
4 its unlawful employment practices, including but not limited to hiring, promotion,  
5 and reinstatement.

6 D. Order Defendant Employers to make whole the class of individuals,  
7 by providing compensation for past and future pecuniary losses resulting from the  
8 unlawful employment practices described above in amounts to be determined at  
9 trial.

10 E. Order Defendant Employers to make whole the class of individuals by  
11 providing compensation for past and future nonpecuniary losses resulting from the  
12 unlawful practices complained of above, including emotional pain, suffering,  
13 inconvenience, loss of enjoyment of life, and humiliation in amounts to be  
14 determined at trial.

15 F. Order Defendant Employers to pay the class of individuals punitive  
16 damages for its malicious and reckless conduct described above, in amounts to be  
17 determined at trial.

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

3 H. Award the Commission its costs of this action.

4 JURY TRIAL DEMAND

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

7  
8 Respectfully Submitted,

9 ERIC S. DREIBAND  
10 General Counsel

11 JAMES LEE  
12 Deputy General Counsel

13 GWENDOLYN YOUNG REAMS  
14 Associate General Counsel

15 U.S. EQUAL EMPLOYMENT  
16 OPPORTUNITY COMMISSION  
17 1801 "L" Street, N.W.  
18 Washington, D.C. 20507

19 BY: \_\_\_\_\_  
20 ANNA Y. PARK  
21 Regional Attorney

22 U.S. EQUAL EMPLOYMENT  
23 OPPORTUNITY COMMISSION  
24 255 East Temple Street, 4th Floor  
25 Los Angeles, CA 90012

26 BY: \_\_\_\_\_  
27 JOHN C. HENDRICKSON  
28 Regional Attorney  
GREGORY GOCHANOUR  
Supervisory Trial Attorney

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
500 West Madison Street, Suite 2800  
Chicago, Illinois 60661