

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

VON MAUR, INC.

Defendant.

CIVIL ACTION NO.

COMPLAINT  
JURY TRIAL DEMAND

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 Williams, Robert Donelson, Roscoe Haymon and Raquel Maiden and a class of other similarly situated African American applicants for employment who were adversely affected by such practices. The Commission alleges that the Defendant discriminated against applicants for employment on the basis of race when it failed to hire them at its department store and warehouse/distribution center located in Davenport, Iowa.

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

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Southern District of Iowa.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the 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 Sections 706(f)(1)

and (3) of Title VII, 42 U.S.C. U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Von Maur, Inc., has been continuously doing business in Davenport, Iowa and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 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 Williams, Robert Donelson, Roscoe Haymon and Raquel Maiden filed charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2001 and continuing, Defendant has engaged in unlawful employment practices at its Davenport, Iowa facilities, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), including the following:

- A. Defendant failed to hire Robert Williams, Robert Donelson, and a class of similarly situated African American for warehouse positions on the basis of race;
- B. Defendant failed to hire Roscoe Haymon and a class of similarly situated African Americans for the position of truck driver on the basis of race;
- C. Defendant failed to hire Raquel Maiden and a class of similarly situated African Americans for the position of sales associate on the basis of race.

8. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

9. The unlawful employment practices complained of in paragraphs 7 above were and are done with malice or with reckless indifference to the federally protected rights of Robert Williams, Robert Donelson, Roscoe Haymon and Raquel Maiden and a class of other similarly situated African American employment applicants.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in discrimination in hiring and any other employment practice which discriminates on the basis of race.

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

C. Order Defendant to make whole the aggrieved persons by providing affirmative relief necessary to eradicate the effects of their unlawful employment practices as alleged in paragraphs 7, including but not limited to back pay, reinstatement, and an effective policy prohibiting race discrimination.

D. Order Defendant to make whole the aggrieved persons by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 above, in amounts to be determined at trial.

E. Order Defendant to make whole the aggrieved persons by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7, including pain, suffering, emotional pain, humiliation, loss of business opportunity, loss of enjoyment of life, and inconvenience, in amounts to be determined at trial.

F. Order Defendants to pay punitive damages to the aggrieved persons for their malicious and reckless conduct as described in paragraphs 7 in amounts to be determined at trial.

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

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.

Dated this 19th of April 2006.

JAMES LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
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Dated: April 19, 2006

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Regional Attorney

Dated: April 19, 2006

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