

A. LUIS LUCERO, JR., REGIONAL ATTORNEY
 CLAIRE CORDON, SUPERVISORY TRIAL ATTORNEY
 LISA GUARNERO, SENIOR TRIAL ATTORNEY
 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 909 FIRST AVENUE, SUITE 400
 SEATTLE, WA 98104
 TEL: (206) 220-6892

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ORIGINAL
 BURKE
 IDAHO

ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	CIV00-570-E-BLW
)	CIVIL ACTION NO.
Plaintiff,)	
)	COMPLAINT
v.)	
)	JURY TRIAL DEMAND
J. C. PENNEY COMPANY, INC.,)	
)	
)	
Defendant.)	
)	

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 sex and retaliation and to provide appropriate relief to Becky Turner, Merribeth Parris Hicks, and a group of similarly situated employees. The Equal Employment Opportunity Commission alleges that defendant J. C. Penney Company, Inc. subjected Ms. Turner and Ms. Parris Hicks and a group of similarly situated employees to sex discrimination and retaliation. Plaintiff seeks monetary

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
 Seattle District Office
 909 First Avenue, Suite 400
 Seattle, Washington 98104-1061
 Telephone: (206) 220-6883
 Facsimile: (206) 220-6911
 TDD: (206) 220-6882

and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of Ms. Turner, Ms. Parris Hicks and a group of similarly situated employees.

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. sections 2000e-5(f)(1) and (3) ("Title VII"), 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 District of Idaho.

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 Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendant, J. C. Penney Company, Inc. ("J. C. Penney") has been a corporation continuously doing business in the State of Idaho and has continuously had at least 15 employees.

5. At all relevant times, defendant J. C. Penney 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, Becky Turner and

Merribeth Parris Hicks filed charges with the Commission alleging violations of Title VII by defendant J. C. Penney. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or before March 1992, defendant J. C. Penney engaged in unlawful employment practices at its Idaho Falls, Idaho facility in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendant J. C. Penney affected the terms and conditions of employment of Ms. Turner, Ms. Parris Hicks, and a group of similarly situated employees by subjecting them to ongoing harassment based on sex and retaliation for their complaints of discrimination.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Turner, Ms. Parris Hicks and a group of similarly situated employees of equal employment opportunities and otherwise adversely affect their status as employees because of sex and retaliation.

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 or with reckless indifference to the federally protected rights of Ms. Turner, Ms. Parris Hicks and a group of similarly situated employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any

employment practices which discriminate on the bases of sex and retaliation.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Ms. Turner, Ms. Parris Hicks, and a group of similarly situated 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 to make whole Ms. Turner, Ms. Parris Hicks, and a group of similarly situated employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order defendant to make whole Ms. Turner, Ms. Parris Hicks, and a group of similarly situated employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order defendant to pay Ms. Turner, Ms. Parris Hicks, and a group of similarly situated employees punitive damages for its malicious and 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.

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 25th day of September, 2000.

A. LUIS LUCERO, JR.
Regional Attorney

C. GREGORY STEWART
General Counsel

CLAIRE CORDON
Supervisory Trial Attorney

GWENDOLYN YOUNG REAMS
Associate General Counsel

LISA MORELLI GUARNERO
Senior Trial Attorney

BY: *A. Luis Lucero Jr.*

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104
Telephone (206) 220-6917

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Office of the General Counsel
1801 "L" Street, N.W.
Washington, D.C. 20507

Attorneys for Plaintiff