

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

and)

CONNIE STACEY, BEVERLY SANDERS,))
TAMMY THOMPSON, JULIE WOLF and)
GRACE BELLAMY,)

Case No.: 05-4186-JPG

Plaintiff/Intervenors,)

vs.)

JURY TRIAL DEMANDED

J.D. STRETT & COMPANY, INC., d/b/a)
HARRISBURG BP,)
Defendant.)

COMPLAINT

This is an action to correct and remedy wrongful discrimination by Defendant against Plaintiffs in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”); 42 U.S. § 1981. There is an actual controversy between the Plaintiffs and Defendant.

JURISDICTION AND VENUE

1. Jurisdiction of this Court for Count I of this Complaint is invoked pursuant to 28 U.S.C. §§ 1331 and 1343. Count I is authorized and initiated pursuant to Section 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) (“Title VII”) and Section 102 of the Civil Rights Act of 1991.

2. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b), in that substantially all of the events or omissions giving rise to the claims occurred in the Southern District of Illinois.

PARTIES

3. Plaintiff Connie Stacey (“Stacey”), is a resident of Saline County, Illinois and a citizen of the United States. At all relevant times herein, Stacey was employed as a sales associate by J.D. Streett & Company, Inc., d/b/a/ Harrisburg BP.

4. Plaintiff Beverly Sanders (“Sanders”), is a resident of Saline County, Illinois and a citizen of the United States. At all relevant times herein, Sanders was employed as a sales associate by J.D. Streett & Company, Inc., d/b/a/ Harrisburg BP (hereafter “J.D. Streett”)

5. Plaintiff Tammy Thompson (“Thompson”), is a resident of White County, Illinois and a citizen of the United States. At all relevant times herein, Thompson was employed as a sales associate by J.D. Streett.

6. Plaintiff Julie Wolf (“Wolf”), is a resident of White County, Illinois and a citizen of the United States. At all relevant times herein, Wolf was employed as a sales associate by J.D. Streett.

7. Plaintiff Grace Bellamy (“Bellamy”), is a resident of Saline County, Illinois and a citizen of the United States. At all relevant times herein, Bellamy was and continues to be employed by J.D. Streett as a sales associate.

8. At all relevant times Defendant J.D. Streett has continuously been doing business in the State of Illinois and the city of Harrisburg, and has continuously had at least fifteen (15) employees.

9. At all relevant times Defendant J.D. Streett 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 FACTS

10. Stacey was a part-time employee of J.D. Streett beginning on or about July, 2001.
11. Sanders was a part-time employee of J.D. Streett beginning in the latter part of 2001.
12. Thompson was a part-time employee of J.D. Streett beginning in April, 2002.
13. Wolf was a part-time employee of J.D. Streett between 2000 and 2001.
14. Bellamy was and is a part-time employee of J.D. Streett beginning on July 6, 2000.
15. At all relevant times Plaintiffs worked at the Harrisburg BP location.
16. J.D. Streett owned and continues to operated the Harrisburg BP.
17. At all relevant times Judy Goolsby was employed by J.D. Streett as a manager for the Harrisburg BP location.
18. At all relevant times Judy Goolsby was the manager responsible for supervising Plaintiffs' employment.
19. At all relevant times Judy Goolsby was married to Clyde "Tubby" Goolsby.
20. Tubby Goolsby was employed by J.D. Streett to perform general maintenance at the Harrisburg BP location on an ongoing basis between 2000 and 2003 and was supervised by Judy Goolsby.
21. Beginning in the early part of 2001 and continuing until June, 2003, Tubby Goolsby subjected Plaintiffs to unlawful sexual harassment during the course of their employment.
22. The unlawful conduct was unwelcome, sexual in nature, and was directed at Plaintiffs because of their sex.
23. The unlawful conduct was sufficiently severe and/or pervasive to create a hostile working environment for Plaintiffs which altered the terms and conditions of their employment.

24. Plaintiffs complained of the unlawful conduct to manager Judy Goolsby who took no action in response to their complaints.

25. On May 29, 2003 Sander's quit working as a result of the hostile work environment.

26. The hostile working environment created by J.D. Streett made Sander's working conditions so intolerable that she had no choice but to quit.

27. More than thirty days prior to the institution of this lawsuit, Plaintiffs Sanders and Stacey filed charges with the Commission alleging violations of Title VII by J.D. Streett.

28. Stacey and Sanders' charges contained sufficient allegations of class-wide discrimination.

COUNT I

(Discrimination in violation of 42 U.S.C.A. § 2000e-2(a) by Defendant J.D. Streett)

29. Plaintiffs repeat and reallege Paragraphs 1 through 28 as though fully set forth herein.

30. From approximately 2001 and continuing until June, 2003 Plaintiffs were subjected to various forms of sexual harassment by Tubby Goolsby which created a sexually hostile work environment for them. By way of example but not limited to the following acts:

- A. Goolsby began engaging in physically intimidating behaviors such as blocking Plaintiffs' access through doorways so that Plaintiffs had difficulty passing by him without making some physical contact;
- B. Goolsby repeatedly made comments of a sexual nature to Plaintiffs by way of example and by no means exhaustive; "Ask Judy (Goolsby) I fuck like a stallion"; "I can keep you up all night"; "Come break in my new couch" "If you had me you would leave your old man";

- C. Goolsby repeatedly made comments about Plaintiffs' breasts and nipples (sometimes in front of customers);
- D. Goolsby repeatedly tried to kiss and hug Plaintiffs;
- E. Goolsby pinched and grabbed Plaintiffs on various parts of their body including but not limited to Plaintiffs' breasts, buttocks, stomachs and backs;
- F. Goolsby repeatedly made offensive sexual gestures with his tongue and body;
- G. Goolsby made sexually inappropriate comments directed at Thompson's fourteen (14) year old daughter in Thompson's presence (i.e. "I'd love to see her in some tight skimpy shorts" "She's my girlfriend");
- H. On one occasion Goolsby approached Stacey, leaned into her face so closely that she could feel his breath and he began making a kissing sound;
- I. On numerous occasions Goolsby would approach Plaintiffs from behind and begin to pantomime sexual acts directed at Plaintiffs which included grinding, groping of himself and attempted groping of Plaintiffs;
- J. On numerous occasions Goolsby would kiss, hug, place his hands on Plaintiffs; and
- K. On numerous occasions Goolsby would rub his body up against Plaintiffs.

31. On each occasion Tubby Goolsby was told by Plaintiffs that his conduct was unwelcome and to stop.

32. From approximately 2001 and continuing until June, 2003 Tubby Goolsby engaged in conduct that attempted to and did intimidate Plaintiffs because of their rejection of Goolsby's sexually harassing behavior. By way of example but not limited to the following acts:

- A. On numerous occasions Goolsby would become angry and would go around the store threatening Plaintiffs, cursing, tearing pictures and other items off of the walls and then throwing various items directly at Plaintiffs or in close proximity to where Plaintiffs were working;
- B. On numerous occasions Goolsby would throw various objects (i.e. a hand full of coins, boxes, papers and miscellaneous items) at Plaintiffs causing said items to strike Plaintiffs;
- C. On numerous occasions Goolsby struck Thompson on her arm thereby leaving bruises; and
- D. On numerous occasions Goolsby grabbed Thompson's arm and hand and squeezed so tightly that it left a bruise.

33. Goolsby's conduct was unwelcome and intentional.

34. Plaintiffs were in fear for their safety as a result of these and other similar acts done by Tubby Goolsby.

35. Manager Judy Goolsby witnessed Tubby Goolsby's inappropriate behavior on several occasions but took no action to stop it.

36. J.D. Streett had a duty to provide Plaintiffs with a work environment safe from harm committed or allowed by its other employees.

37. J.D. Streett placed manager Judy Goolsby in its Harrisburg B.P. station to be its eyes and ears to carry out this duty.

38. At all relevant times Judy Goolsby had notice that Tubby Goolsby was sexually harassing Plaintiffs which included repeated and unwanted physical touching.

39. At all relevant times Judy Goolsby intentionally or recklessly failed to take any action in response to Tubby Goolsby's harassing conduct.

40. Plaintiffs repeatedly complained to manager Judy Goolsby about Tubby Goolsby's inappropriate behavior to which Judy Goolsby would either laugh at the behavior, ignore it or make comments in an attempt to minimize Tubby's behavior (i.e. "He didn't mean anything by it.").

41. On or about May 29, 2003 Sanders quit as a result of the behavior and managements refusal to investigate or otherwise respond to Plaintiffs' complaints of sexual harassment.

42. Plaintiffs' complained to District Manager Greg Groves ("Groves") about Tubby's Goolsby's inappropriate behavior and Judy Goolsby's failure to prevent it.

43. When Plaintiffs' complained to Groves, manager Judy Goolsby would alter Plaintiffs' work schedules (i.e. take them off schedule and/or schedule them at times when she knew they were unavailable to work).

44. Judy Goolsby threatened the Plaintiffs with termination if they continued to complain about Tubby Goolsby's inappropriate behavior.

45. In June of 2003 manager Judy Goolsby was fired from her position for reasons unrelated to Plaintiffs' sexual harassment allegations.

46. In June of 2003 Thompson contacted Regional Manager Mike Cadadall on behalf of the Plaintiffs to complain about the sexual harassment and managers Judy Goolsby and Groves' failure to take any action.

47. In June, 2003 Cadadall sent Groves to the Harrisburg BP to meet with Plaintiffs regarding their allegations of sexual harassment and requested that they write written statements detailing the events.

48. On information and belief J.D. Streett failed to conduct any investigation or otherwise respond to Plaintiffs' complaints.

49. The effect of the practices complained of herein has been to deprive Plaintiffs of equal employment opportunities and otherwise adversely affected the terms and conditions of their employment because of their sex and refusal to tolerate sexual harassment.

50. The unlawful employment practices complained of herein were intentional.

51. The unlawful employment practices complained of herein were done with malice or with reckless indifference to Plaintiffs federally protected rights.

52. Plaintiffs have suffered both actual damages and compensatory damages in the form of emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life. Additionally, Plaintiffs have incurred costs and expenses in this action including attorney fees.

WHEREFORE, Plaintiffs respectfully requests that this Court enter a judgment:

A. Directing Defendant J.D. Streett to pay them compensatory and punitive damages for injuries suffered by them as the result of violations of Title VII by the Defendant, including but not limited to, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other nonpecuniary losses, occurring in the past and reasonably certain to occur in the future;

B. Directing J.D. Streett to make Plaintiffs whole for all they would have received but for Defendant's discriminatory acts including but not limited to, wages, bonuses and all other lost employment benefits;

C. Directing J.D. Streett to make Plaintiffs whole for all special damages they have incurred as a result of Defendant's discriminatory acts;

D. Awarding Plaintiffs the costs and expenses of this action together with reasonable attorney fees, as provided for under 42 U.S.C. §2000e(5);

E. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,
Connie Stacey, Beverly Sanders, Tammy Thompson
Julie Wolf and Grace Bellamy, Plaintiffs

BY /s/Kristen Glasford
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CERTIFICATE OF SERVICE

I, Kristen Glasford, hereby certify that on March 29, 2006, I electronically filed a copy of Plaintiff/Intervenors' Motion to Intervene and Complaint in the above-referenced case, with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to the following:

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