

requested or that Advance Auto Parts, Inc. is liable to Equal Opportunity Commission for any reason whatsoever.

3.

In its answer, defendant admitted that the Court has jurisdiction over properly brought Title VII actions and that this case is in the proper venue.

4.

Sarah Harris, the intervener, is a person of the full age of majority and a resident of the Parish of St. Bernard, State of Louisiana.

FACTS

5.

Intervener commenced employment with defendant in September 2000 and was discharged on February 27, 2003.

6.

At the time of her termination, intervener was employed as an Inventory Specialist.

7.

Prior to her termination, intervener's immediate supervisor and defendant's store manager Steve Bridges, and Demond Royal, a subordinate of Bridges sexually harassed the intervener. Said harassment included but was not limited to inappropriate sexual statements, requests for dates, offers of money in exchange for sexual favors, and inappropriate and unwarranted touching of a sexual nature.

8.

Intervener complained about the behavior of both supervisors to Diane Kimbrel, Human Resources Director. As a result of her complaints, the defendant transferred intervener to a less desirable work location.

9.

On or about January 23, 2003, intervener filed a charge with the Equal Employment Opportunity Commission based upon sex and retaliation.

10.

By letter dated February 27, 2003, defendant terminated intervener's employment in retaliation for complaining of sexual harassment and for filing her charge with the Equal Employment Opportunity Commission.

11.

Shortly after receiving notice of her termination, and while her EEOC charge was pending, intervener returned to the Equal Employment Opportunity Commission to report her retaliatory discharge by defendant. She relied upon the Equal Employment Opportunity's investigation charge processing knowledge and guidance, and ultimately the Equal Employment Opportunity Commission further determined that her February 27, 2003 discharge was retaliatory under Title VII.

First Cause of Action

12.

Defendant has engaged in unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, by fostering a hostile work environment and failing to

adequately address and remedy acts of sexual harassment by its store manager and assistant store manager.

Second Cause of Action

13.

Intervener incorporates by reference as if realleged paragraphs 1 through 12.

14.

Because the complaints of sexual harassment to defendant were a motivating factor and made a difference in the decision to transfer her, the defendant violated Title VII of the Civil Rights Act of 1964, as amended with knowing or reckless disregard of that Act's proscriptions.

Third Cause of Action

15.

Intervener incorporates by reference as if realleged paragraphs 1 through 14.

16.

Because the complaints of sexual harassment to defendant and her complaints of sexual harassment and retaliatory transfer to the Equal Employment Opportunity Commission were a motivating factor and made a difference in the decision to discharge her, the defendant violated Title VII of the Civil Rights Act of 1964, as amended with knowing or reckless disregard of that Act's proscriptions.

Prayer for Relief

17.

Wherefore, Intervener Sarah Harris prays that this Court:

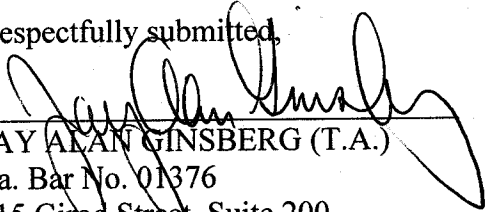
- a. restore her to her rightful place as an employee of the defendant or in lieu of reinstatement, order front pay and benefits;
- b. award her back pay and benefits up to the date of reinstatement or front pay and benefits accrual;
- c. award her compensatory damages for the following:
 - i. Humiliation and embarrassment;
 - ii. Mental anguish;
 - iii. Pain and suffering
- d. Punitive damages as provided by law for the willful violation of intervener's rights and/or the reckless disregard for the intervener's rights.
- e. award her costs and attorney's fees from date of demand; and
- f. grant such other relief as it may deem just and proper.

Jury Demand

25.

Intervener Sarah Harris demands a trial by jury.

Respectfully submitted,



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**COUNSEL FOR INTERVENER
SARAH HARRIS**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

EQUAL EMPLOYMENT	*	
OPPORTUNITY COMMISSION,	*	
Plaintiff	*	CIVIL ACTION NO. 05-0173
	*	
and	*	SECTION: S
SARAH HARRIS	*	
Intervener	*	MAGISTRATE: 5
VS.	*	
	*	
ADVANCE AUTO PARTS, INC.	*	
Defendant	*	
	*	

CERTIFICATE OF SERVICE

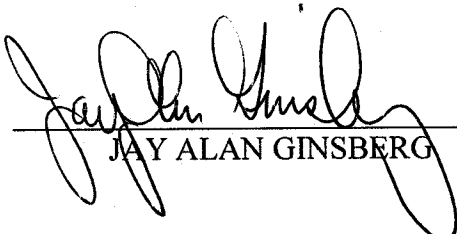
I hereby certify that copies of the above and foregoing Motion to Intervene and Complaint in Intervention have been served via First Class United States Mail to:

Gregory T. Juge
U.S. EEOC
New Orleans District Office
701 Loyola Avenue, Ste. 600
New Orleans, Louisiana 70113

And

Keith M. Pyburn, Jr.
Fisher & Phillips, LLP
201 St. Charles Avenue, Ste. 3710
New Orleans, Louisiana 70170

this 15th day of March, 2005



JAY ALAN GINSBERG