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U.S. DISTRICT COURT  
EASTERN DISTRICT OF LA

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

LORLETTA G. WHYTE  
CLERK

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

v. )

RITE AID CORPORATION, )

Defendant. )

CIVIL ACTION NO.

**03-2079**

COMPLAINT

**SECT. F MAG. 3**

Jury Trial Demand

NATURE OF THE ACTION

This action is brought under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief to Tiffany R. Blackmon ("Blackmon") who was adversely affected by such practices. The Plaintiff Equal Employment Opportunity Commission ("EEOC" or "Commission") alleges that Blackmon, a female, was subjected to a sexually hostile work environment by Defendant Rite Aid Corporation ("Defendant", "Employer" or "Defendant Employer") and discharged because she complained to the Defendant about the sexually work environment. The allegations are more particularly stated in paragraph 8 below.

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

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Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were at all material times committed within the jurisdiction of the United States District Court for the Eastern District of Louisiana.

### PARTIES

3. The EEOC 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. § 2000e-5(f)(1) and (3).

4. At all relevant times Defendant has been a Delaware corporation, headquartered in Pennsylvania, continuously doing business in the State of Louisiana and the City of New Orleans, and continuously has had at least 15 employees.

5. At all relevant times Defendant continuously has been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

6. At all relevant times all material facts occurred within the jurisdiction of this Court.

### STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit Blackmon filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. From October 2001 through the date of her discharge, March 29, 2002, Defendant engaged in unlawful employment practices at its store # 7255, which is located at St. Charles and Louisiana avenues in New Orleans, Louisiana, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), and Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). These practices, including requests for dates, sexually-oriented comments, inappropriate touching and rubbing, and misuse of the store's security camera to "zoom in" on her breasts as well as the breasts and buttocks of other employees and customers, constituted sexual harassment of Blackmon and the creation of a sexually hostile work environment perpetrated by two of Defendant's undercover security detectives against Blackmon in violation of Title VII, 42 U.S.C. § 2000e-2(a). Defendant knew or should have known about the sexual harassment and sexually hostile work environment, but it failed to take prompt, corrective or remedial action. Accordingly, Defendant is liable for the sexually hostile work environment perpetrated by its undercover security detectives in violation of Title VII. Furthermore, on or about March 29, 2002, Defendant discharged Blackmon in violation of Title VII, 42 U.S.C. § 2000e-3(a), because she complained about the misconduct of its undercover security detectives, which she reasonably

and in good faith believed constituted unlawful sexual harassment. Accordingly, Defendant is liable for its retaliatory discharge of Blackmon in violation of Title VII.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Blackmon of equal employment opportunities, alter her conditions of employment and otherwise adversely affect her status as an employee because of her sex and internal discrimination complaint, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), and Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).

11. The unlawful employment practices complained of in paragraph 8 above were intentional.

12. The unlawful employment practices complained of in paragraph 8 above were done and/or allowed to be done with malice or reckless indifference to the federally protected rights of Blackmon.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment, discriminatory retaliation, and any other employment practices which discriminate on the basis of sex or protected activity in violation of Title VII.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which are designed 1) to prevent and correct sexually hostile work environments and

discriminatory retaliation in its stores, and 2) which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Tiffany Blackmon 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, including but not limited to reinstatement of Ms. Blackmon.

D. Order Defendant Employer to make whole Tiffany Blackmon by providing compensation for past and future pecuniary losses resulting from the unlawful practices described in paragraph 8 above, including, but not limited to, job search expenses and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Tiffany Blackmon by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices described in paragraph 8 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Tiffany Blackmon punitive damages for its malicious and reckless conduct, as described in paragraph 8 above, in amounts to be determined at trial.

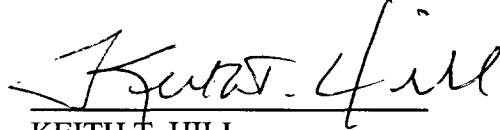
G. Grant such further relief as the Court deems necessary and proper in the public interest.

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.

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