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WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

**FILED**  
USDC, WESTERN DISTRICT OF LA  
ROBERT H. SHEMPELL, CLERK  
DATE 12, 29, 00  
BY BC

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,  
  
Plaintiff,  
  
v.  
  
K & B LOUISIANA CORPORATION  
d/b/a RITE AID,  
  
Defendant.

CIVIL ACTION NO.  
CV ~~00-2338~~ *3:00cv 2238*  
  
MAGISTRATE "M"  
  
JURY TRIAL AND  
DEMAND

AMENDED COMPLAINT

**NOW INTO COURT**, through undersigned counsel, comes Plaintiff, the United States Equal Employment Opportunity Commission, and files its Amended Complaint. This Amended Complaint is filed to correct the name of the Defendant, K & B Louisiana Corporation d/b/a Rite Aid ("K & B"), which was erroneously identified as Rite-Aid Corporation.

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 Johnny L. Williams ("Williams") who was adversely affected by such practices. The Plaintiff Equal Employment Opportunity Commission ("EEOC" or "Commission") alleges that Williams, a female, was subjected to discrimination by defendant, K

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& B Louisiana Corporation d/b/a Rite Aid ("K & B" or "Defendant" or "Employer"), when it failed to recall her to work from an alleged lay off because it preferred a male for the position in violation of Title VII. The specifics are alleged 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 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 Western District of Louisiana.

### PARTIES

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

4. At all relevant times and continuously to this date, the Defendant has been a foreign corporation doing business in the State of Louisiana and had at least 15 employees.

5. At all relevant times and continuously to this date, Defendant 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 Williams filed a charge with the Commission alleging violations of Title VII by the Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. On or about October 10, 1998, Charging Party, Johnny L. Williams, was laid-off from her cashier position with the Defendant because the store location in which she worked was closing and the store was relocating. The Defendant informed Williams that she would be called back to work once the new store opened or whenever sales increased. In fact, the store manager informed Williams that the employees who were laid off would be the first choice for positions at the new store. However, although other employees were offered positions with the new store when it opened, the Charging Party was not called back to work even though she went into the store and informed the store manager that she was interested in the open Liquor Department Clerk position. The manager felt he needed a male to meet the physical demands of the liquor department and as a result the manager hired a male applicant instead of recalling the Charging Party to the position. Charging Party was never given the chance to even demonstrate that she could perform the duties of the liquor department clerk. Rather, because she was a female, she was denied the position based on the belief that only a male could perform the duties in the liquor department in violation of Title VII.

9. The practices complained of in paragraph 8 above constitute sex discrimination in

violation of Title VII. Defendant is liable under Title VII for the above-described practices of its store manager.

10. The effect of the practices complained of in paragraph 8 above has been to deprive Williams of equal employment opportunities, alter her conditions of employment, and to adversely affect her status as an employee because of her sex, in violation of Title VII.

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 by Defendant with malice or reckless indifference to the federally protected rights of Williams in violation of the federal anti-discrimination laws.

13. The unlawful employment practices complained of in paragraph 8 above caused Williams to lose wages, suffer emotional distress, and the denial of her return to work caused her pecuniary and non-pecuniary losses to be proved at trial.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

B. Order Defendant Employer to institute and carry out policies, practices, and programs which are designed to prevent sex discrimination in general and sex discrimination in

hiring in particular, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Johnny L. Williams by other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Johnny L. Williams by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Johnny L. Williams by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, reduction in her standard of living, lowered self esteem and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Johnny L. Williams 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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