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WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

U. S. DISTRICT COURT WESTERN DISTRICT OF LOUISIANA FILED APR 2 - 2002 ROBERT H. SHEM WELL, CLERK BY <i>[Signature]</i> DEPUTY
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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

K & B LOUISIANA CORPORATION
d/b/a RITE AID.

Defendant.

CIVIL ACTION NO.

CV 00-2338

MAGISTRATE "M"

THIRD AMENDED COMPLAINT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, the United States Equal Employment Opportunity Commission, and files its Third Amended Complaint. This Third Amended Complaint is filed to withdraw any prayer for punitive damages, to remove the previous paragraph "F" from the "Prayer for Relief", and to remove the demand for a jury trial.

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 injunctive relief to correct the unlawful employment practices to which Johnny L. Williams ("Williams") was adversely subjected. The Plaintiff Equal Employment Opportunity Commission ("EEOC" or "Commission") alleges that Williams, a female, was subjected to sex discrimination by defendant, K & 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

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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 (or any other female) 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.

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 sex discrimination in its hiring practices and any other employment practice which discriminates 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 any other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

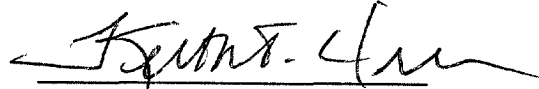
D. Grant such further relief as the Court deems necessary and proper in the public interest.

E. Award the Commission its costs of this action.

NO JURY TRIAL DEMAND

The Commission withdraws its requests for a jury trial on all questions of fact raised by its complaint in that all remaining issues are questions for the Court to determine.

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