

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MARYLAND  
NORTHERN DIVISION

_____	)	
EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
Baltimore District Office	)	
10 S. Howard Street, 3 <sup>rd</sup> Fl.	)	
Baltimore, Maryland 21201	)	Civil Action No.
	)	
Plaintiff,	)	
	)	<u>COMPLAINT</u>
v.	)	
	)	<u>JURY TRIAL DEMAND</u>
PERFORMANCE FOOD GROUP (PFG)	)	
COMPANY d/b/a CARROLL COUNTY FOODS,	)	
1333 Avondale Road,	)	
New Windsor, Maryland 21776	)	
	)	
Defendant.	)	
_____	)	

NATURE OF ACTION

\_\_\_\_\_ This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices on the basis of sex and to make whole Rhonda L. Chalk and other qualified female applicants who were denied employment as CDL Drivers by Defendant Performance Food Group (PFG) Company d/b/a Carroll County Foods.

JURISDICTION AND VENUE

\_\_\_\_\_ 1. Jurisdiction of this Court is invoked pursuant to Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981 A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is an 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 Section 706 (f)(1) and (3) of Title VII, 42 U.S.C. 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Performance Food Group (PFG) Company d/b/a Carroll County Foods ("Defendant") has continuously been and is now a Tennessee corporation doing business in the state of Maryland and the city of New Windsor and has at least fifteen employees.

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

6. More than thirty days prior to the institution of this lawsuit, Rhonda L. Chalk filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 6, 2000, Defendant Employer has engaged in unlawful employment practices at its New Windsor, Maryland facility, in violation of Sections 703(a) of Title VII, 42 U.S.C. Section 2000e-2. The practices include denying employment to Rhonda L. Chalk and other qualified female applicants because of their sex.

8. The unlawful employment practices complained of in paragraph 7 were intentional.

9. The unlawful employment practices complained of in paragraph 7 were done with malice or with reckless indifference to the federally protected rights of Rhonda L. Chalk and other female applicants.

10. Since at least November 2001, Defendant Employer has failed, in violation of Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c), to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed.

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 denying employment to qualified female applicants because of their sex;

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant Employer to make whole Rhonda L. Chalk and other qualified female applicants denied employment by providing appropriate back pay with prejudgment interest and front pay 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, rightful place employment;

D. Order Defendant to make whole Rhonda L. Chalk and other qualified female applicants denied employment by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

E. Order Defendant Employer to pay to Rhonda L. Chalk and other qualified female applicants denied employment punitive damages for its callous indifference to their federally protected right to be free from sex discrimination in the workplace;

F. Order Defendant Employer to make and preserve all records, in accordance with the provisions of Section 709(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-8(c), relevant to the determination of whether unlawful employment practices have been or are being committed;

G. Grant such further relief as the Court deems proper; and

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

\_\_\_\_\_The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

GWENDOLYN YOUNG REAMS  
Associate General Counsel

/s/

\_\_\_\_\_  
GERALD S. KIEL  
Regional Attorney

/s/

\_\_\_\_\_  
DEBRA M. LAWRENCE  
Supervisory Trial Attorney

/s/

---

MARIA SALACUSE  
Trial Attorney  
MD Bar No. 15562

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
10 S. Howard Street, 3rd Floor  
Baltimore, Maryland 21201  
(410) 962-4341