

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

V.

SPEEDWAY SUPERAMERICA, LLC,

Defendant.

02-73585

Case No.

LAWRENCE P. ZATKOFF

MAGISTRATE JUDGE CARLSON

Honorable

**COMPLAINT AND JURY
DEMAND**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race, and to provide appropriate relief to Dorothy Y. Helvey, and other similarly situated persons, who have been adversely affected by such practices. The EEOC alleges that Speedway SuperAmerica LLC refused to hire Helvey and other similarly situated persons, because of their race, African American.

FILED
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U.S. DIST. COURT OF ENCL.
EAST DIST. MICHIGAN
DETROIT

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) and 707(e) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e-5(f)(1) and (3) and 42 U.S.C. 2000e-6(e) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, Southern Division.

3. Plaintiff, the Equal Employment Opportunity Commission (“EEOC” or “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 Section 706(f)(1) and (3) and 707(e) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and 2000e-6(e).

4. At all relevant times, Defendant, Speedway SuperAmerica, L.L.C., (“Employer” or “Speedway”), has continuously been a corporation doing business in the State of Michigan and the City of Detroit, and has continuously had at least 15 employees.

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

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit Dorothy Helvey 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 May 2001, Defendant Employer has engaged in unlawful employment practices at its Wayne, Michigan facility, in violation of Section 703(a), 42 U.S.C. § 2000e-2(a). The Defendant’s unlawful employment practices include failing or refusing to hire Dorothy Helvey and other similarly situated persons because of their race, African American.

8. The effect of the pattern and practice of conduct complained of in paragraph 7 above has been to deprive Helvey and others similarly situated of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

9. The unlawful employment practices complained of in paragraph 7 above were and

are intentional.

10. As the result of the unlawful employment practices, Helvey has suffered emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

11. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Helvey and others similarly situated.

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 any employment practice which discriminates on the basis of race.
- b. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for African Americans, and which eradicate the effects of its past and present unlawful employment practices.
- c. Order Defendant Employer to make whole Helvey and others similarly situated by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above in amounts to be proven at trial.
- d. Order Defendant Employer to make whole Helvey and others similarly situated by providing nominal damages and compensatory damages for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, in amounts to be proven at trial.
- e. Order Defendant Employer to pay Helvey and others similarly situated punitive

damages for its malicious or reckless conduct described in paragraph 7 above, in amounts to be proven at trial.


- f. Order Defendant to provide training for all employees regarding diversity in the workplace and Title VII's prohibitions against racial discrimination;
- 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.

Respectfully submitted,

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EQUAL EMPLOYMENT
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