

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAY 20 2004

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

BOB EVANS FARMS, INC.

Defendant.

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)
) CIVIL ACTION NO.

4 04CV00622MLM

)
) COMPLAINT

) JURY TRIAL DEMANDED
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)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Kim Lynch, Becky Atchison and Tiffany Green who were adversely affected by such practices. The Complaint alleges that Lynch, Atchison and Green were sexually harassed by their supervisor. The Complaint further alleges that the sexual harassment was so severe or pervasive that it resulted in the constructive discharge of Atchison and Green.

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 Section 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 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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

PARTIES

3. Plaintiff, the 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 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, Bob Evans Farms, Inc. ("Bob Evans"), has continuously been doing business in the State of Missouri and the city of Bridgeton, and has continuously had at least 15 employees.

5. At all relevant times, Bob Evans, 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).

6. At all relevant times, Lynch, Atchison and Green worked at a Bob Evans' restaurant located at 3583 Pennridge Dr., Bridgeton, Missouri 63044 (the "Bridgeton Restaurant").

STATEMENT OF CLAIMS

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

8. Since at least October 2001, Bob Evans has engaged in unlawful employment practices at the Bridgeton Restaurant, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), as follows:

(a) Bob Evans subjected Kim Lynch to unlawful sexual harassment during her

employment. The unlawful conduct was unwelcome, sexual in nature, and directed at Lynch because of her sex. The unlawful conduct was sufficiently severe or pervasive to create a hostile working environment for Lynch, which altered the terms or conditions of her employment.

- (b) Bob Evans subjected Becky Atchison to unlawful sexual harassment during her employment. The unlawful conduct was unwelcome, sexual in nature, and directed at Atchison because of her sex. The unlawful conduct was sufficiently severe or pervasive to create a hostile working environment for Atchison, which altered the terms or conditions of her employment. The hostile working environment created by Bob Evans made Atchison's working conditions so intolerable that she had no choice but to quit.
- (c) Bob Evans subjected Tiffany Green to unlawful sexual harassment during her employment. The unlawful conduct was unwelcome, sexual in nature, and directed at Green because of her sex. The unlawful conduct was sufficiently severe or pervasive to create a hostile working environment for Green, which altered the terms or conditions of her employment. The hostile working environment created by Bob Evans made Green's working conditions so intolerable that she had no choice but to quit.

9. The effect of the practices complained of in paragraphs 8 above has been to deprive Kim Lynch, Becky Atchison and Tiffany Green of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

10. The unlawful employment practices complained of in paragraphs 8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 8 above were done with malice or with reckless indifference to the federally protected rights of Kim Lynch, Becky Atchison and Tiffany Green.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Bob Evans, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in harassment, constructive discharge and any other employment practice which discriminates on the basis of sex.

B. Order Bob Evans to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Bob Evans to make Lynch, Atchison and Green whole by providing compensation for past and future pecuniary losses resulting from its unlawful employment practices in amounts to be determined at trial.

D. Order Bob Evans to make Lynch, Atchison and Green whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, loss of reputation, and humiliation, in amounts to be determined at trial.

- E. Order Defendants to pay punitive damages for its malicious and reckless conduct described in paragraphs 8 above in amounts to be determined at trial.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. 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.

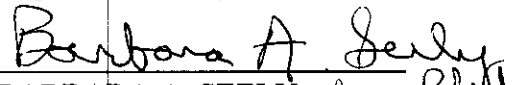
Respectfully submitted,

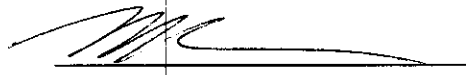
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