

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )

Plaintiff, )

Kim Lynch and Becky Atchison )

Case No.: 04CV00622MLM

Plaintiff/Intervenors, )

**JURY TRIAL DEMAND**

v. )

BOB EVANS FARMS, INC., )

Defendant. )

**PLAINTIFF/INTERVENORS COMPLAINT  
FOR VIOLATIONS OF TITLE VII**

COMES NOW Plaintiff/Intervenors, Kim Lynch and Becky Atchison, through counsel, and for their cause of action for violations of Title VII against Bob Evans, Inc., state as follows:

**COUNT I**

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sec. 451, 1331, 1337, 1343 and 1345. this action is authorized and instituted pursuant to Sec. 706(f)(1) and (3) of Title VII pf the Civil Rights Act of 1964, as amended, 42 U.S.C. Sec. 2000e-5(f)(1) and (3) (“Title VII”) and Sec. 102 of the Civil Rights Act of 1991, 42 U.S.C. Sec. 1981a.

2. All of the actions that comprise the claim occurred within the jurisdiction of the United States District Court for the Eastern District of Missouri.

**PARTIES**

3. Defendant Bob Evans Farms, Inc. is a Missouri corporation and continuously doing business in the State of Missouri and the City of Bridgeton during all relevant times to this lawsuit.

4. Defendant Bob Evans Farms, Inc. has continuously employed 15 or more employees during all relevant times to this lawsuit.

5. At all relevant times, Plaintiff Kim Lynch worked at Bob Evans restaurant located at 3583 Penridge Drive, Bridgeton, MO 63044.

6. At all relevant times, Plaintiff Becky Atchison worked at Bob Evans restaurant located at 3583 Penridge Drive, Bridgeton, MO 63044.

**STATEMENT OF CLAIMS**

7. Kim Lynch filed a Charge of Discrimination with the EEOC alleging violations of Title VII more than thirty (30) days prior to initiating this lawsuit.

8. Since at least October 2001 Bob Evans has engaged in unlawful employment practices at its Bridgeton restaurant located at 3583 Penridge Drive, in violations of Section 703(a) of Title VII, 42 U.S.C. Sec. 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) Defendants 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.

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

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

11. As a direct and proximate result of Defendant's conduct, Plaintiffs have suffered emotional distress.

12. Defendant's aforementioned conduct was done with an evil motive or reckless indifference to Plaintiffs' rights.

13. A jury trial is requested on all questions of fact.

**WHEREFORE**, Plaintiffs pray for judgment in their favor and requests that this court enter a judgment:

A. Declaring the acts and practices complained of by Plaintiffs in violation of the Title VII;

B. Directing Defendant to place Plaintiffs in the position they would have occupied but for Defendant's discriminatory treatment, and make them whole for all earnings they would have received but for Defendant's discriminatory conduct including, but not limited to wages, tips, pension, and lost benefits;

C. Awarding Plaintiffs the cost of this action together with reasonable attorney's fees and expert witness fees, as provided by Section 706(k) of Title VII, 42 U.S.C. Section 2000e-5(k), as amended;

D. Directing Defendant to pay Plaintiffs compensatory damages, and damages for emotional distress, and humiliation for the maximum amount recoverable under Title VII and 42 U.S.C. Section 1981a;

E. Awarding Plaintiffs such punitive damages as will punish the Defendant and deter future relief as this Court deems just and proper.

**WHEREFORE**, Plaintiff/Intervenors respectfully request judgment be entered in their favor and against Defendant for lost wages and other financial incidents and benefits of employment, compensatory damages, punitive damages, attorney fees, costs, and such other relief as may be fair and reasonable under the circumstances.

Respectfully submitted,

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/s/Christopher B. Bent  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2004, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

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/s/Christopher B. Bent

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