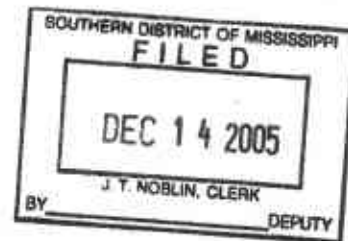


**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION**



EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

JA & P RESTAURANTS, INC.
dba CRECHALE'S RESTAURANT

Defendant.

CIVIL ACTION # *2:05cv2182KS-JMB*

COMPLAINT
JURY TRIAL 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 sex and to provide appropriate relief to Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of women who were adversely affected by such practices. As alleged with greater particularity in paragraph 7 below, the Defendant Employer discriminated against Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of women on the basis of their sex by subjecting them to sexual harassment.

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 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 the Southern District of Mississippi Hattiesburg 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, JA & P Restaurants, Inc. dba Crechale's Restaurant (the "Employer"), has continuously been a Mississippi corporation doing business in the State of Mississippi and the City of Hattiesburg, 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, Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry filed charges 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 before the beginning of April, 2004, and continuing thereafter Defendant Employer engaged in unlawful employment practices at its Hattiesburg, Mississippi facility, in violation of Section 703(a)(1) and Section 704(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and §

2000e-3(a). In particular, the Defendant Employer engaged in unlawful employment practices at and around its facility in Hattiesburg, Mississippi, through the actions of one its supervisors, Restaurant Manager Nick Crechale. Since at least the beginning of April, 2004 and continuing thereafter, Crechale sexually harassed Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women by subjecting them to unwelcome and offensive sexual actions, comments and, in some instances, unwelcome and inappropriate touching of their private body parts.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women of equal employment opportunities and otherwise adversely affect their status as employees, in some instances up to and including discharge, because of their sex.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women.

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 sexual harassment and any other employment practice which discriminate on the basis of sex.

B. Order Defendant Employer 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 Defendant Employer to institute and carry out a complaint procedure which encourages employees to come forward with complaints regarding violations of its policies against discrimination, harassment and retaliation.

D. Order Defendant Employer to institute and carry out a training program which shall promote supervisor accountability imposing on all managers and supervisory personnel a duty to actively monitor their work areas to ensure compliance with policies on non-discrimination and anti-retaliation; and requiring all managers and supervisors to report any incidents and/or complaints of harassment and/or retaliation of which they become aware to the department charged with handling such complaints.

E. Order Defendant Employer to make whole Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

F. Order Defendant Employer to make whole Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above in amounts to be determined at trial.

G. Order Defendant Employer to make whole Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women by

providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

H. Order Defendant Employer to pay Laura Quinn, Christina King, Kathleen McCann, Andrea Powell and Stephanie Usry and a class of similarly situated women punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

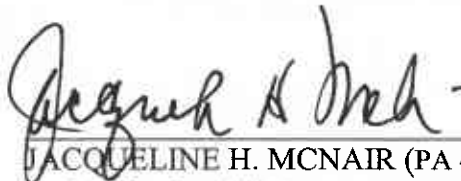
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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