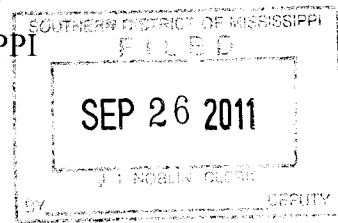


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
*VENTURE, INC. d/b/a Save-A-Lot,)
Defendant.)

CIVIL ACTION NO. 3:11 CV 596 WHB-LRA
C O M P L A I N T
JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. §2000e et seq. (“Title VII”), and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex (female) and retaliation, and to provide appropriate relief to Yumeiko Hodge (“Hodge”) and a class of female employees who were adversely affected by such practices. As alleged with greater particularity in paragraphs six (6) through eight (8) below, Defendant Venture, Inc., d/b/a Save-A-Lot (“Defendant” or “Sav-A-Lot”) sexually harassed Hodge and a class of female employees at Defendant’s Jackson, Mississippi store, and terminated Hodge in retaliation for her opposition to Defendant’s unlawful conduct. Moreover, as alleged with greater particularity below, the Defendant failed to post and keep posted the notices required by Section 711(a) of Title VII, 42 U.S.C. § 2000e-10(a).

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. Sections 2000e-5(f)(1) (“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.

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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Employer has continuously been a Mississippi corporation doing business in the State of Mississippi and in the City of Jackson, 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, Hodge 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 June, 2009, Defendant Employer has engaged in unlawful employment practices at its Jackson, Mississippi store in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and 2000e-2(a). Specifically, Defendant subjected Hodge and a class of female employees who worked at Defendant’s Jackson, Mississippi store from 2006 through the present

date to routine unwanted, degrading and offensive sexual misconduct, often culminating in adverse employment actions, based on their sex (female):

a. for example, Jeff Stewart (“Stewart”), Defendant’s Operations Manager, would proposition Hodge and other female employees for sex, including offering them money, higher salaries, and other benefits for sex, or taking or threatening adverse actions against them depending on their response to his sexual aggression (e.g. termination, cutting their pay);

b. for example, Stewart would propose performing graphic and lewd sex acts with Hodge and other female employees, and make graphic and lewd sexual comments to them (e.g. “that his penis belongs in an employee’s vagina, “that he wanted to f—k” a female employee “real bad”, that he wanted to see an employee naked; Stewart commented about employees’ “butts” and breasts, invited an employee to hold his penis while he urinated, told an employee that his penis was bigger than her boyfriend’s, invited an employee into the bathroom for a sexual encounter, cornered an employee in an office for a sexual encounter, and inquired of another employee whether she liked “cream filling,” and whether she liked sex with females);

d. for example, Stewart sexually groped female employees and touched them in their private areas, including sticking his hands down their pants;

e. for example, Stewart took sexual photographs and made videos of female employees’ bodies and then displayed them in the workplace;

f. for example, Stewart engaged in sexually graphic demonstrations and gestures, including grabbing or pointing to his penis, pointing to female employee’s private parts, and stuffing food in his groin area to simulate a sexual organ;

g. Stewart’s conduct was open and notorious among employees, supervisors and managers;

h. Some employees were afraid to complain about Stewart's conduct because Stewart was intimidating and had a reputation for penalizing employees who resisted, complained about, or challenged him;

i. Some Employees and managers believed or knew Defendant was aware of Stewart's conduct and complaints by employees about it, and did not believe Defendant would correct it even if they complained.

j. Defendant was aware of complaints about Stewart sexually harassing female employees, but failed to take effective preventive or corrective action;

k. Employee protests directly to Stewart did not stop his conduct.

l. Stewart's conduct was severe and pervasive.

8. On or about August 2009, Defendant Employer engaged in unlawful employment practices at its Jackson, Mississippi store in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a).

a. Hodge complained to Defendant's Store Manager, Sam Whitehead ("Whitehead") about Stewart sexually harassing her.

b. Shortly after Hodge reported the harassment to Whitehead, Hodge became involved in a minor, verbal altercation with another cashier after that cashier slammed a door into a chair in which Hodge was sitting. After the altercation, Stewart contacted Hodge to inform her that she was terminated. In contrast, no action was taken against the other cashier.

c. Whitehead later contacted Hodge and apprised her that the incident was not her fault.

9. Since at least June, 2011, Defendant Save-A-Lot has willfully failed, in violation of Section 711(a) and (b) of Title VII, 42 U.S.C. § 2000e-10(a) and (b), to post and keep posted notices which have been prepared or approved by the Commission setting forth excerpts from or

summaries of the pertinent provisions of Title VII and information pertinent to the filing of a charge or complaint.

a. During an onsite investigation at Defendant's premises on June 2, 2011, an EEOC investigator noted that Defendant failed to have posted in conspicuous places where notices to employees and applicants for employment are customarily posted, the requisite notice.

10. The effect of the practices complained of in paragraph(s) six (6) through eight (8) above has been to deprive Hodge and a class of female employees who worked at Defendant's Jackson, Mississippi store of equal employment opportunities and, otherwise, adversely affect their status as employees, because of their sex, female.

11. The unlawful employment practices complained of in paragraphs six (6) through eight (8) above were intentional.

12. The unlawful employment practices complained of in paragraphs six (6) through eight (8) above were done with malice or with reckless indifference to the federally protected rights of Hodge and a class of females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Sav-A-Lot, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in sexual harassment, any other employment practices which discriminate on the basis of sex, and retaliation for opposition to such practices.
- B. Order Defendant Sav-A-Lot to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and for persons who oppose conduct prohibited by Title VII, and which eradicate the effects of its past and present unlawful employment practices.

- C. Order Defendant Sav-A-Lot to make whole Hodge and class of female employees, 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, including but not limited to front pay.
- D. Order Defendant Save-A-Lot to make whole Hodge and class of female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs six (6) through eight (8) above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.
- E. Order Defendant Save-A-Lot to pay Hodge and class of female employees punitive damages for its malicious and reckless conduct described in paragraphs six (6) through eight (8) above, in amounts to be determined at trial.
- F. Order Defendant Sav-A-Lot to post and keep posted notices in accordance with the provisions of Section 711(a) of Title VII, 42 U.S.C. § 2000e-10(a) and assess appropriate civil fines against the Defendant pursuant to Section 711(b) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-10(b).
- 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.

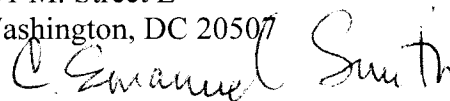
RESPECTFULLY SUBMITTED,

P. David Lopez
General Counsel

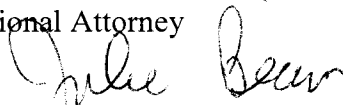
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