

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

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U.S. DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
MEDIA PLAY, INC., and)
THE MUSICLAND GROUP INC.)
d/b/a MEDIA PLAY,)
)
Defendants.)
_____)

CIVIL ACTION NUMBER

3:02CV361-H

JURY TRIAL DEMANDED

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 (female), and to provide appropriate relief to Sara Eastwood and other similarly situated current and former employees who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that Sara Eastwood and other similarly situated female employees were subjected to a sexually hostile work environment by Media Play, Inc. and The Musicland Group, Inc. d/b/a Media Play ("Defendants" or "Media Play").

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.

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2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of North Carolina, Charlotte Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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, Defendants, Media Play Inc. and The Musicland Group Inc. d/b/a Media Play, have continuously been Delaware corporations doing business in the State of North Carolina and the City of Charlotte, and have continuously had at least fifteen (15) employees.

5. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

CONCILIATION

6. More than thirty days prior to the institution of this lawsuit, Sara Eastwood filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

7. Since at least October 2000, Defendants engaged in unlawful employment practices at their South Boulevard, Charlotte, North Carolina facility, in violation of Section

703(a)(1) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1). The unlawful practices include subjecting Sara Eastwood and other similarly situated female employees to a sexually hostile work environment, including sexual comments and sexual advances, made by a male co-worker. Although Defendants received complaints about the sexual harassment, and otherwise knew or reasonably should have known about the sexual harassment, Defendants failed to take appropriate action to stop it.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Sara Eastwood and other similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees because of 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 Sara Eastwood and other similarly situated female employees

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex.

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

C. Order Defendants to make whole Sara Eastwood and other similarly situated current and former employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to medical expenses.

D. Order Defendants to make whole Sara Eastwood and other similarly situated current and former employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, loss of civil rights and humiliation, in amounts to be determined at trial.

E. Order Defendants to pay Sara Eastwood and other similarly situated current and former employees punitive damages for their malicious and reckless conduct described in paragraph 7 above in amounts to be determined at trial.

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

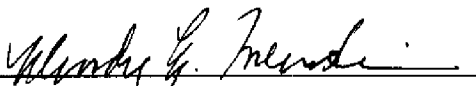
G. Award the Commission its costs of this action.


JURY TRIAL DEMAND

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

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