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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

12 EQUAL EMPLOYMENT OPPORTUNITY  
13 COMMISSION

14 Plaintiff,

15 v.

16 FEDERAL EXPRESS CORPORATION,  
17 Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

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19 NATURE OF THE ACTION

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21 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil  
22 Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide  
23 appropriate relief to Catherine E. Buckley, who was adversely affected by such practices. The  
24 Equal Employment Opportunity Commission alleges that Federal Express Corporation denied  
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1 Ms. Buckley's request to transfer to a ramp agent position because of her sex, female. Plaintiff  
2 seeks monetary relief, including pecuniary and nonpecuniary compensatory and punitive  
3 damages and injunctive relief, on behalf of Ms. Buckley.

#### 4 JURISDICTION AND VENUE

5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,  
6 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of  
7 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)  
8 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

9  
10 2. The employment practices alleged to be unlawful were committed within the  
11 jurisdiction of the United States District Court for the Western District of Washington at Seattle.

#### 12 PARTIES

13 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is  
14 the agency of the United States of America charged with the administration, interpretation and  
15 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of  
16 Title VII, 42 U.S.C. §2000e-5(f)(1).

17  
18 4. At all relevant times, defendant Federal Express Corp. ("FedEx") has been a  
19 corporation continuously doing business in the State of Washington and has continuously had at  
20 least 15 employees.

21 5. At all relevant times, defendant FedEx has continuously been an employer  
22 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of  
23 Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).  
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STATEMENT OF CLAIMS

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

7. In approximately September 2003, FedEx engaged in unlawful employment practices on the basis of sex by denying Ms. Buckley's request to transfer from a courier position based in Port Orchard, Washington to a ramp agent position based at the Seattle-Tacoma International Airport in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a).

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Buckley of equal employment opportunities.

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 Ms. Buckley's federally protected rights.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex.

1 B. Order defendant to institute and carry out policies, practices, and programs which  
2 provide equal employment opportunities for all employees, and which eradicate the effects of its  
3 past and present unlawful employment practices.

4 C. Order defendant to make whole Ms. Buckley by providing affirmative relief  
5 necessary to eradicate the effects of its unlawful employment practices.

6 D. Order defendant to make whole Ms. Buckley by providing appropriate back pay  
7 and front pay, with prejudgment interest, resulting from the unlawful practices described in  
8 paragraph 7 above.

9 E. Order defendant to make whole Ms. Buckley by providing compensation for past  
10 and future pecuniary losses resulting from the unlawful employment practices described in  
11 paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be  
12 determined at trial.

13 F. Order defendant to make whole Ms. Buckley by providing compensation for past  
14 and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph  
15 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in  
16 amounts to be determined at trial.

17 G. Order defendant to pay Ms. Buckley punitive damages for its malicious and  
18 reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

19 H. Grant such further relief as the Court deems necessary and proper in the public  
20 interest.

21 I. Award the Commission its costs of this action.  
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JURY TRIAL DEMAND

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

DATED this  30th  day of  September , 2005.

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BY:  /s/ \_\_\_\_\_

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