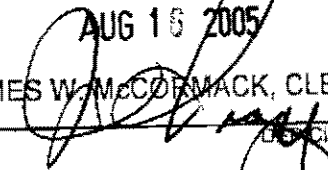


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

AUG 16 2005

JAMES W. MCCORMACK, CLERK
By:  CLERK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

A. TENENBAUM COMPANY, INC.

Defendant.

4-05 CV00001117 GIE
CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

This case is filed pursuant to the
and to Maryland, etc.



NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 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 Nila McPherson who has been adversely affected by such practices. Nila McPherson was denied hire at A. Tenenbaum Company, Inc. because of her sex in violation of Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This is an action authorized and instituted pursuant to §706(f)(1) and (3) and §706 and §707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Western Division.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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 §706(f)(1) and (3) and §707 of Title VII, 42 U.S.C. §2000-5(f)(1) and (3), and 42 U.S.C. §2000-6.

4. At all relevant times, Defendant, A. Tenenbaum Company, Inc. ("Defendant Employer"), was a corporation doing business in the State of Arkansas and the City of North Little Rock and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of §701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Nila McPherson filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From on or around July 1, 2004, and continuing, Defendant Employer has engaged in unlawful employment practices at its facility in North Little Rock, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to, discrimination against Nila McPherson by refusing to hire Ms. McPherson because of her sex (female).

8. The effect of the practices complained of above has been to deprive Nila McPherson of equal employment opportunities and otherwise adversely affect her status as an

applicant or employee.

9. The unlawful employment practices complained of above were and are intentional.

10. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Nila McPherson.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully prays that this Court:

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

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for females which eradicate the effects of its past and present unlawful employment patterns and practices.

C. Order Defendant Employer to make whole Nila McPherson by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and provide other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to placement in a job comparable to the one for which she applied.

D. Order Defendant Employer to make whole Nila McPherson by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including medical and/or counseling expenses, job search expenses, and other appropriate expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Nila McPherson by providing

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

F. Order Defendant Employer to pay Nila McPherson punitive damages for its malicious and/or reckless conduct described above, in an amount to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

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