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11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 EQUAL EMPLOYMENT OPPORTUNITY)
14 COMMISSION,)

15 Plaintiff,

16 v.

17 CARL KARCHER ENTERPRISES, dba)
18 CARL'S JR. RESTAURANT)

19 Defendant.

CIVIL ACTION NO.

COMPLAINT
Civil Rights
– Employment Discrimination

JURY TRIAL DEMAND

20 NATURE OF THE ACTION

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 race and to
23 provide appropriate relief to Michal Galloway (nee Harris) and other similarly situated
24 African-American and non-White employees who were adversely affected by such practices.
25 As alleged below, defendant, Carl Karcher Enterprises, Inc. ("CKE, Inc") subjected Ms.
26 Galloway and other similarly situated employees to a racially hostile work environment
27 because of their race, non-White. In addition, CKE retaliated against Ms. Galloway by
28 discharging her from her employment because she complained about the harassment.

COMPLAINT

JURISDICTION AND VENUE

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

6 2. The employment practices alleged to be unlawful were and are now being
7 committed within Sacramento County which is within the jurisdiction of the United States
8 District Court for the Eastern District of California.

INTRADISTRICT ASSIGNMENT

9
10 3. This case is appropriate for assignment to Sacramento because the unlawful
11 employment practices alleged were and are being committed within Sacramento County.

PARTIES

12
13 4. Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the
14 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 sections 706(f)(1)
16 and (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and (3).

17 5. At all relevant times, Defendant, Carl Karcher Enterprises, Inc. dba Carl's Jr.
18 Restaurants ("CKE" or "Defendant Employer"), has continuously been doing business in the
19 State of California and the City of Sacramento and has continuously had at least fifteen
20 employees.

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

STATEMENT OF CLAIMS

24
25 7. More than thirty days prior to the institution of this lawsuit, Michal Harris filed
26 a charge of discrimination with the EEOC alleging violations of Title VII by Defendant
27 Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

28 8. Since at least July 2001, Defendant Employer has engaged in unlawful practices

COMPLAINT

1 its Sacramento, California job site in violation of section 703(a)(1) and Section 704(a) of Title
2 VII, 42 U.S.C. §§2000e-2(a) and 2000e-3(a). These practices include subjecting Ms. Harris
3 and other similarly situated non-White employees to racial harassment and to an offensive,
4 abusive, intimidating and hostile work environment based on their race, non-White. The
5 practices also include discharging Ms. Harris for complaining about the harassment.

6 9. The effect of the practices complained of above has been to deprive Ms. Harris
7 and other similarly situated employees of equal employment opportunities and otherwise to
8 adversely affect their status as employees because of their race, non-White.

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

11 11. The unlawful employment practices complained of above were and are done
12 with malice and/or reckless disregard for the federally protected rights of Ms. Harris and other
13 similarly situated employees.

14 PRAYER FOR RELIEF

15 WHEREFORE, the Commission respectfully requests that this Court:

16 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
17 successors, assigns, and all persons in active concert or participation with it, from engaging in
18 racial harassment, race discrimination, retaliation and any other employment practice which
19 discriminates on the basis of race.

20 B. Order Defendant Employer to institute and carry out policies, practices, and
21 programs which provide equal employment opportunities for non-White employees and which
22 eradicate the effects of its past and present unlawful employment practices.

23 C. Order Defendant Employer to make whole Ms. Harris and other similarly
24 situated employees by providing compensation for past and future pecuniary losses resulting
25 from the unlawful employment practices described above, including medical expenses, with
26 interest, in amounts to be determined at trial.

27 D. Order Defendant Employer to make whole Ms. Harris and other similarly
28 situated employees by providing compensation for past and future non-pecuniary losses caused

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1 by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss
2 of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

3 E. Order Defendant Employer to pay Ms. Harris and other similarly situated
4 employees punitive damages for its malicious and reckless conduct described above, in
5 amounts to be determined at trial.

6 F. Grant such further relief as the Court deems proper.

7 G. Award the Commission its costs in this action.

8 JURY TRIAL DEMAND


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

10 Respectfully submitted,

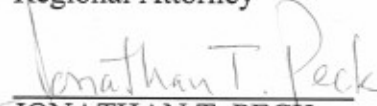
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