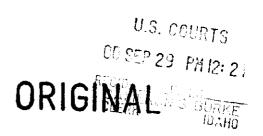
A. LUIS LUCERO, JR., REGIONAL ATTORNEY CLAIRE CORDON, SUPERVISORY TRIAL ATTORNEY LISA GUARNERO, SENIOR TRIAL ATTORNEY EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 909 FIRST AVENUE, SUITE 400 SEATTLE, WA 98104 TEL: (206) 220-6892



ATTORNEYS FOR PLAINTIFF

UNITED STATES DIS FOR THE DISTRIC	
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,	CIVO O - 570 - E - BLW CIVIL ACTION NO.
Plaintiff,) COMPLAINT
v.) JURY TRIAL DEMAND
J. C. PENNEY COMPANY, INC.,)))
Defendant.)))

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 and retaliation and to provide appropriate relief to Becky Turner, Merribeth Parris Hicks, and a group of similarly situated employees. The Equal Employment Opportunity Commission alleges that defendant J. C. Penney Company, Inc. subjected Ms. Turner and Ms. Parris Hicks and a group of similarly situated employees to sex discrimination and retaliation. Plaintiff seeks monetary

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Seattle District Office 909 First Avenue, Suite 400 Seattle, Washington 98104-1061 Telephone: (206) 220-6883 Facsimile: (206) 220-6911 TDD: (206) 220-6882 and injunctive relief, including pecuniary and nonpecuniary compensatory damages and punitive

damages, on behalf of Ms. Turner, Ms. Parris Hicks and a group of similarly situated employees.

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) and (3)

("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 District of Idaho.

<u>PARTIES</u>

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) of

Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendant, J. C. Penney Company, Inc. ("J. C. Penney") has

been a corporation continuously doing business in the State of Idaho and has continuously had at

least 15 employees.

5. At all relevant times, defendant J. C. Penney 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, Becky Turner and

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Merribeth Parris Hicks filed charges with the Commission alleging violations of Title VII by

defendant J. C. Penney. All conditions precedent to the institution of this lawsuit have been

fulfilled.

7. On or before March1992, defendant J. C. Penney engaged in unlawful

employment practices at its Idaho Falls, Idaho facility in violation of §§ 703(a) and 704(a) of

Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendant J. C. Penney affected the terms and

conditions of employment of Ms. Turner, Ms. Parris Hicks, and a group of similarly situated

employees by subjecting them to ongoing harassment based on sex and retaliation for their

complaints of discrimination.

8. The effect of the practices complained of in paragraph 7 above has been to

deprive Ms. Turner, Ms. Parris Hicks and a group of similarly situated employees of equal

employment opportunities and otherwise adversely affect their status as employees because of

sex and retaliation.

9. The unlawful employment practices complained of in paragraph 7 above were

intentional.

The unlawful employment practices complained of in paragraph 7 above were 10.

done with malice or with reckless indifference to the federally protected rights of Ms. Turner,

Ms. Parris Hicks and a group of similarly situated employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

Grant a permanent injunction enjoining defendant, its officers, successors, agents, A.

assigns, and all persons in active concert or participation with it, from engaging in any

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Seattle District Office

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employment practices which discriminate on the bases of sex and retaliation.

B. Order defendant to institute and carry out policies, practices, and programs which

provide equal employment opportunities for all employees, and which eradicate the effects of its

past and present unlawful employment practices.

C. Order defendant to make whole Ms. Turner, Ms. Parris Hicks, and a group of

similarly situated employees by providing appropriate back pay with prejudgment interest, in

amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of

its unlawful employment practices.

D. Order defendant to make whole Ms. Turner, Ms. Parris Hicks, and a group of

similarly situated employees by providing compensation for past and future pecuniary losses

resulting from the unlawful employment practices described in paragraph 7 above, including past

and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order defendant to make whole Ms. Turner, Ms. Parris Hicks, and a group of

similarly situated employees by providing compensation for past and future nonpecuniary losses

resulting from the unlawful practices complained of in paragraph 7 above, including without

limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined

at trial.

F. Order defendant to pay Ms. Turner, Ms. Parris Hicks, and a group of similarly

situated employees punitive damages for its malicious and reckless conduct described in

paragraph 7 above, in amounts to be determined at trial.

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

interest.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Telephone: (206) 220-6883 Facsimile: (206) 220-6911 TDD: (206) 220-6882 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.

DATED this 25th day of Frember

C. GREGORY STEWART A. LUIS LUCERO, JR.

Regional Attorney General Counsel

CLAIRE CORDON GWENDOLYN YOUNG REAMS

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