

ORIGIN...

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BILLY BOB'S GAMEROOM )  
FURNISHINGS, INC. )  
 )  
Defendant. )  
\_\_\_\_\_ )

JUDGE : Borman, Paul D.  
DECK : S. Division Civil Deck  
DATE : 08/26/2004 @ 10:58:51  
CASE NUMBER : 2:04CV73327  
CMP EEOC VS BILLY BOBS GAMEROOM  
FURNISHING INC (LE)

MAGISTRATE JUDGE DONALD A. SCHEER

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful discriminatory employment practices and to make whole Aaron Johnson ("Johnson") and other similarly situated African American and Hispanic employees who were adversely affected by the unlawful employment practices. Billy Bob's Gameroom Furnishings, Inc. ("Defendant"), discriminated against Johnson and others with respect to terms and conditions of employment because of their race and national origin.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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. Section 2000e, et seq. ("Title VII").
2. The unlawful employment practices alleged below were committed within the

jurisdiction of the United States District Court for the Eastern District of Michigan, Southern 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 Section 706(f)(1), of Title VII, 42 U.S.C. Section 2000e-5(f)(1).

4. At all relevant times, Defendant has continuously been a Michigan Corporation doing business in the State of Michigan, including but not limited to, the City of Royal Oak, and has continuously had and does now have at least fifteen employees.

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

### CONCILIATION

6. Prior to the institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged and to effect voluntary compliance with Title VII through informal methods of conciliation, conference, and persuasion within the meaning of Section 706(b) of Title VII, 42 U.S.C. Section 2000e-5(b).

### STATEMENT OF CLAIMS

7. More than thirty (30) days prior to the institution of this lawsuit, Aaron Johnson filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since as early as January of 2001, the Defendant has engaged in unlawful discriminatory employment practices at its Royal Oak facility in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). The unlawful employment practices complained of include compensation paid to Johnson and other warehouse employees (African Americans and Hispanics) at a wage rate lower than that paid to similarly-situated warehouse employees not within the protected class (Caucasians). In addition, Defendant also failed or refused to hire qualified African-American employees or prospective employees for Driver positions.

9. The unlawful employment practices complained of in paragraph 8 above were intentional.

10. The unlawful employment practices complained of in paragraph 8 above were done with malice and/or reckless indifference to the federally protected rights of Johnson and other employees and prospective employees.

#### PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant, 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 race and national origin.

B. ORDER Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities for African Americans and Hispanics, and which eradicate the effects of its past and present unlawful employment practices, including institution of training and recruitment programs to ensure compliance with Title VII.

C. ORDER Defendant Employer to make whole Johnson and others in the protected class by providing compensation for back pay damages with pre-judgement interest.

D. ORDER Defendant Employer to make whole Johnson and others in the protected class by providing them with appropriate punitive damages in amounts to be determined at trial, and by providing them with other affirmative relief necessary to eradicate the effects of Defendant's unlawful practices.

E. ORDER Defendant Employer to provide training to its management employees regarding Title VII's prohibitions against discrimination.

F. AWARD the Commission its costs in this action.

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

JURY TRIAL DEMAND

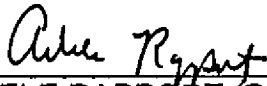
The Commission requests a jury trial on all questions of fact raised by this Complaint.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

ERIC S. DREIBAND  
General Counsel

JAMES N. LEE  
Deputy General Counsel

DATE: August 26, 2004

  
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JB 73327 DAS.

04-73327

JS 44 11/99

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: OAKLAND

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

I. (a) PLAINTIFFS

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(b) County of Residence of First Listed

(c) Attorney's (Firm Name, Address, and Telephone Number)

Omar Weaver (P58861), Equal Employment Opportunity Commission, 477 Michigan Avenue, Room 865 Detroit, MI 48226 (313) 226-3407

DEFENDANTS

PAUL D. BORMAN

BILLY BOB'S GAMEROOM FURNISHINGS INC

MAGISTRATE JUDGE DONALD A. SCHEER

County of Residence of First Listed OAKLAND

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Max J. Newman, Schafer and Weiner, PLLC 40950 Woodward Avenue, Suite 100 Bloomfield Hills, MI 48304

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item 111)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business in This State, Incorporated and Principal of Business in Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor, etc.

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multi district Litigation, 7 Appeal to District Judge from Magistrate

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful discriminatory employment practices with respect to terms and conditions of employment because of race and national origin

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD Omar Weaver

**PURSUANT TO LOCAL RULE 83.11**

1. Is this a case that has been previously dismissed?

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes  
 No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

\_\_\_\_\_

\_\_\_\_\_