

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
Baltimore District Office )  
10 S. Howard Street, 3d Floor )  
Baltimore, Maryland 21201 )

Plaintiff, )

v. )

Civil Action No.  
C O M P L A I N T

THE GREAT ATLANTIC & PACIFIC )  
TEA COMPANY, INC., )  
245 W. Chase Street )  
Baltimore, Maryland 21202 )

JURY TRIAL DEMAND

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 retaliation, and to provide appropriate relief to Shirley Taylor who was adversely affected by such practices. As alleged with greater particularity in paragraph 7 below, the Commission alleges that Shirley Taylor was discharged in retaliation for engaging in protected activities.

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 Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 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 Maryland, Southern Division.

#### PARTIES

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) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, the Great Atlantic & Pacific Tea Company, Inc. (the "Employer"), has continuously been a Maryland corporation doing business in the State of Maryland and the City of Landover, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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, Shirley Taylor filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. On or about June 19, 2003, Defendant Employer engaged in unlawful employment practices at its Landover, Maryland facility, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3. These practices include unlawfully discharging Shirley Taylor in retaliation for opposing discriminatory employment practices against a white, subordinate employee.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Shirley Taylor of equal employment opportunities and otherwise adversely affect her status as an employee, because of her opposition.

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 the federally protected rights of Shirley Taylor.

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 retaliation;

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals who oppose discrimination, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make whole Shirley Taylor by providing appropriate back pay with prejudgment interest, in amounts to be proven at trial, rightful place reinstatement, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

D. Order Defendant to implement non-discriminatory, objective, written policies and practices regarding the terms and conditions of employment and sign and conspicuously post, for a designated period of time, a notice to all employees that sets forth the remedial action required by the Court and inform all employees that it will not take any action against employees because they have exercised their rights under that statute;

E. Order Defendant to make whole Shirley Taylor by providing compensation for past pecuniary losses including job search expenses;

F. Order Defendant to make whole Shirley Taylor by

providing compensation for non-pecuniary losses including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, embarrassment, frustration, and humiliation, in an amount to be proven at trial;

G. Order Defendant to pay to Shirley Taylor punitive damages for its callous indifference to her federally protected right to be free from retaliation in the workplace;

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

I. Award the Commission its costs in this action.

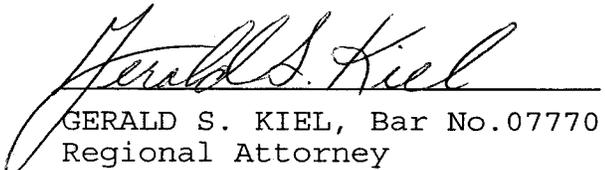
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

ERIC S. DREIBAND  
General Counsel

JAMES L. LEE  
Deputy General Counsel

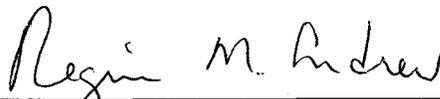
GWENDOLYN YOUNG REAMS  
Associate General Counsel

  
GERALD S. KIEL, Bar No. 07770  
Regional Attorney



DEBRA M. LAWRENCE

Supervisory Trial Attorney



REGINA M. ANDREW, Bar No. 7756

Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Baltimore District Office  
10 S. Howard Street, 3rd Floor  
Baltimore, Maryland 21201  
(410) 962-4220