1 MARY JO O'NEILL AZ Bar No. 005924 SALLY C. SHANLEY AZ Bar No. 012251 2 P. DAVID LOPEZ DC Bar No. 426463 EQUAL EMPLOYMENT OPPORTUNITY 3 COMMISSION Phoenix District Office 4 3300 North Central Avenue, Suite 690 Phoenix, Arizona 85012 5 Telephone: (602) 640-5016 e-mail: mary.oneill@eeoc.gov 6 sally.shanley@eeoc.gov patrick.lopez@eeoc.gov 7 Attorneys for Plaintiff 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE DISTRICT OF ARIZONA 10 11 **Equal Employment Opportunity CIV 06-2331 PHX FJM** Commission, 12 FIRST AMENDED Plaintiff. 13 COMPLAINT VS. 14 Target Stores, Inc. d/b/a Target Financial 15 JURY TRIAL DEMANDED Services, 16 Defendant. 17 18 NATURE OF THE ACTION 19 This is an action under Title VII of the Civil Rights Act of 1964 to correct 20 unlawful employment practices on the basis of race and to make whole Bridget Shores. 21 Plaintiff Equal Employment Opportunity Commission ("EEOC" or the "Commission") 22 alleges that Defendant, Target Stores, Inc., d/b/a Target Financial Services ("Target 23 Financial"), failed and refused to promote Bridget Shores because of her race, African-24 American. In addition, Defendant failed to retain materials relevant to the employment 25 actions at issue in this case, as required by federal law. 26 **JURISDICTION AND VENUE** 27 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 28 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. §2000e, et seq. ("Title VII").

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2. The employment practices alleged below to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the District of Arizona.

PARTIES

- 3. The EEOC 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 to this action, Target Financial has continuously been a Minnesota corporation doing business in the State of Arizona, and has continuously had at least twenty employees.
- 5. At all relevant times to this action, Target Financial 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).
- 6. Prior to institution of this lawsuit, representatives of the Commission attempted to eliminate the unlawful employment practices alleged below, 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. §2000e-5(b).

STATEMENT OF CLAIMS

- 7. More than thirty days prior to the institution of this lawsuit, Bridget Shores filed a charge with the Commission alleging violations of Title VII by Target Financial. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 8. Since at least October 2002, Target Financial has engaged in unlawful employment practices at its Tempe, Arizona facility in violation of Title VII. These unlawful employment practices include failing and refusing to promote Bridget Shores to the position of Collections Credit Specialist, Collections Crediting Coordinator, VISA Chargeback, and Guest Service Team Lead because of her race, African-American, in violation of Section 703(a) of Title VII.

- 9. The effect of the practices complained of in Paragraph Eight (¶ 8) has been to deprive Bridget Shores of equal employment opportunities and to otherwise adversely affect her status as an employee because of her race, African-American.
- 10. The unlawful employment practices complained of in Paragraph Eight (¶8), above were and are intentional.
- 11. The unlawful employment practices complained of in Paragraph Eight (¶ 8), above were and are done with malice or with reckless indifference to the federally protected rights of Bridget Shores.
- 12. Since at least October 2002, Defendant has failed, in violation of Section 709(c) of Title VII, 42 U.S.C. §2000e-8(c) and 29 C.F.R. §1602.14 (2001), to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed, including interview notes for the VISA Chargeback Specialist position.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Target Financial, 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;
- B. Order defendant Target Financial to institute and carry out policies, practices and programs which provide equal employment opportunities for African-American individuals, and which eradicate the effects of its past and present unlawful employment practices;
- C. Grant a judgment requiring Defendant Target Financial to pay appropriate back wages in an amount to be determined at trial, and prejudgment interest to Bridget Shores, whose wages are being unlawfully withheld as a result of the acts complained of above;
- D. Order defendant Target Financial to make whole Bridget Shores, whose wages are being unlawfully withheld as a result of the acts complained of above, by restraining the continued withholding of amounts owing as back wages with prejudgment

1 2	s/ Mary Jo O'Neill MARY JO O'NEILL Regional Attorney
3 4	s/ Sally C. Shanley SALLY C. SHANLEY Supervisory Trial Attorney
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