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ROBERT H. SHEM WELL, CLERK
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

OCT 01 2001

ROBERT H. SHEM WELL, CLERK
BY *W* DEPUTY

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff

v.

LORILLARD TOBACCO COMPANY

Defendant

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*
* CIVIL ACTION NO.
* **C V 01-2035 S**
* DIVISION
*
* JUDGE WALTER
* JUDGE
* MAG. MAGISTRATE JUDGE PAYNE
*
* JURY DEMAND

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, the United States Equal Employment Opportunity Commission, and files its Complaint with Jury Demand. Plaintiff respectfully avers as follows:

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 race, and to provide appropriate relief to Ms. Jackie Strickland ("Strickland"), who was adversely affected by such practices. Specifically, Defendant discriminated against Strickland by denying her a promotion or employment opportunity as a sales representative because of her race (White).

①

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), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2.

Venue is proper in this Court under 28 U.S.C. § 1391 and Section 706(f)(3) of Title VII, 42 U.S.C. § 2000e-5(f)(3). The unlawful actions which are the subject of the instant lawsuit occurred within the district of this Court.

PARTIES

3.

Plaintiff, the United States 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.

Made Defendant herein is Lorillard Tobacco Company (a Delaware-domiciled corporation), referred to hereinafter as “Defendant” or “Lorillard.” At all relevant times, Defendant has continuously been doing business within the State of Louisiana and has continuously had at least fifteen (15) employees.

5.

At all relevant times, Defendant 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 (30) days prior to the institution of this lawsuit, Strickland filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7.

Defendant was at all times relevant and continues to be Strickland's "employer" within the meaning of Title VII.

8.

Since at least March 2000, Defendant engaged in unlawful employment practices at its facility in Shreveport, Louisiana, in violation of Section 703 of Title VII, 42 U.S.C. §§ 2000e-2. Defendant discriminated against Strickland by denying her promotional and/or employment opportunity as a sales representative on the basis of her race, white. As a matter of its business operations, Defendant illegally classified or "set aside" vacant sales representative positions, which were sought to be filled by Strickland, on the basis of race. Strickland witnessed her supervisors' efforts to fill such positions with Black applicants by trying to determine whether applicants had "Black voices," "Black names," or went to "Black schools."

In March 2000, Strickland's supervisors were forbidden to promote Strickland or to hire any other White applicant. In May 2000, Chris Banks, a former supervisor of Ms. Strickland's, was instructed by his superiors to hire "a Black male preferably . . . female if you have to . . . for the "black route" in Shreveport. Strickland's supervisors were instructed to give Strickland false reasons for Lorillard's failure to promote her to a sales position.

9.

The effect of the practices complained of in paragraph 8 above has been to deprive Strickland of equal employment opportunities, caused her to suffer pecuniary and nonpecuniary damages, and otherwise adversely affected her status as an employee of Defendant because of her race.

10.

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

11.

The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Strickland.

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 discrimination on the basis of race in any employment practice, including but not limited to hiring, territorial assignments, promotion, and discharge;

- B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for White and Black persons, and which eradicate the effects of its unlawful employment practices;
- C. Order Defendant to make whole Strickland, by providing her compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including but not limited to lost wages, in amounts to be determined at trial;
- D. Order Defendant to make whole Strickland, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of herein, including but not limited to emotional pain, suffering, and mental anguish in amounts to be determined in the course of the proceedings;
- E. Order Defendant to pay Strickland punitive damages for its malicious and reckless conduct described in paragraph 8 above, in amounts to be determined at trial;
- G. Grant such further relief as the Court deems necessary and proper in the public interest; and
- H. Award the Commission its costs of this action.

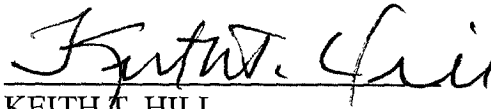
JURY TRIAL DEMAND

The Commission requests a jury trial on all issues raised by this Complaint.

Date: 9/28/01

Respectfully submitted,

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