

*Strickland*

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
FILED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

AUG 20 2001

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CV01-1564

JACKIE STRICKLAND

CIVIL ACTION NO.

VERSUS

JUDGE WALTER

LORILLARD TOBACCO COMPANY

MAGISTRATE JUDGE PAYNE

**PLAINTIFF'S ORIGINAL COMPLAINT**

NOW INTO COURT, through undersigned counsel, comes Plaintiff, JACKIE STRICKLAND (hereinafter "STRICKLAND"), who files this her Original Complaint, and would respectfully show the Court as follows:

**JURISDICTION**

1. This is an action for declaratory, injunctive and monetary relief for discrimination in employment in violation of 42 U.S.C. §1981. Jurisdiction is based on 42 U.S.C. §1331 and §2201. Pursuant to 28 U.S.C. §1367, plaintiff further invokes the supplemental jurisdiction of this Court to hear and decide claims arising under state law.

**PARTIES**

2. Plaintiff, JACKIE STRICKLAND ("Strickland"), is a person of the full age of majority domiciled in Caddo Parish, Louisiana. Strickland is a white female.

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3. Defendant LORILLARD TOBACCO CO. ("Lorillard") is a foreign corporation qualified to do business and doing business in this parish and state.

**FACTUAL ALLEGATIONS**

4. Strickland has been employed since September 10, 1998 by Lorillard at its offices in Shreveport, Louisiana in the position of part-time clerk typist.

5. On a continuing basis throughout the term of her employment with Lorillard, plaintiff became aware of various practices of Lorillard which violated state and federal employment discrimination laws. These acts include, but are not limited to, the following:

- (a) Lorillard's two sales representatives in Shreveport were assigned sales routes based on their race. Blacks were assigned to one route while whites were assigned to the other route, and the "black route" was an inferior route. In fact, when a white female<sup>1</sup> was eventually assigned to the "black route," the route was materially changed.
- (b) In March 2000, Warren Bigner, Strickland's supervisor, recommended plaintiff for a promotion. Bigner was instructed not to hire a white person, and Bigner was

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<sup>1</sup>The white female was assigned to the route in a last minute ruse by Lorillard to conceal its discrimination.

discouraged from hiring plaintiff by his supervisor and plaintiff ultimately was not promoted.

- (c) In May 2000, Chris Banks, Jackie Strickland's supervisor at Lorillard, was instructed by his superiors to hire "a black male preferably . . . female if you have to . . ." for the "black route" in Shreveport. When plaintiff asked how he could determine an applicant's race based solely on a resume or application, Banks was instructed by his superiors to see whether "they (the applicants) sounded black" or to review resumes and applications to see if the applicants had "black names" or went to "black schools."
- (d) Banks, like Bigner, wanted to promote Strickland to a sales representative's position, but could not do so because he was instructed by his superiors to hire a black male. Banks was instructed to give Strickland false reasons for Lorillard's failure to promote her to a sales position.
- (e) After Banks left his employment (due to his opposition to the discriminatory practices described above), a new manager was hired to supervise plaintiff, Joe Dilger. Although Dilger apparently did not want to discriminate, Dilger was instructed by his supervisors to continue to

seek only blacks for the open sales position. Plaintiff overheard a conversation between Dilger and his supervisor concerning the possible race of an applicant. Dilger was instructed to call an applicant's phone number. When Dilger hung up the phone, Dilger's supervisor asked him "what did they sound like", meaning whether Frank Strickland could determine the caller's race from his voice. Dilger replied "I cannot believe you just asked me that" and Dilger's supervisor replied that "there is no law against that and I deal with that all the time." Dilger stated that "there were kids on the recorder (answering machine)" and Dilger's supervisor replied "I hate when parents let their kids get on recorders" and again asked "what did they sound like". Dilger then reluctantly replied "black".

- (f) Plaintiff, having administrative duties at Lorillard's Shreveport office, had to listen to all of these unlawful and continuing efforts to employ a black male in Shreveport in the sales office while at the same time recognizing that she would never be promoted because she was a white female. Plaintiff also had some clerical duties relating to hiring.

- (g) During the past two years, the issue of the race of various applicants, and unlawful attempts to determine the race of the applicants, has occurred on a regular and continuing basis, generally in the presence of Strickland.
- (h) Lorillard eventually hired a white female for the "black route", but only after it became a necessity to try to cover up and conceal Lorillard's discriminatory practices. However, the hiring of the white female indicates that the reasons previously given to Strickland for her non-promotion, i.e. "it was not safe for a white woman to go on the route", was false and pretextual.
- (i) In February 2001, and after plaintiff complained about race discrimination, plaintiff was written up by her supervisor because she allegedly failed to notify him that she was not coming in to work.
- (j) Additionally, prior to filing her charge, plaintiff set her own hours and worked an average of 10-30 hours per week. In 2001, after plaintiff filed her EEOC charge and complained about race and sex discrimination, plaintiff started receiving continual pressure concerning reporting to work and scheduling hours that clearly was not present until plaintiff filed her charge.

The actions set out in paragraphs 5(i) and 5(j) were in retaliation for plaintiff's complaints of race and sex discrimination.

6. Strickland applied for promotions to a sales representative's position but was regularly declined because she was not black. Furthermore, it was made clear that she would not be considered for the position because she was white.

7. Each of the acts described above constitutes race and/or sex discrimination. The actions described in paragraph 5(i) and 5(j) constitute retaliation. Specifically, Strickland had to endure all of Lorillard's discriminatory policies, including policies that discriminate against blacks by assigning a "black route" that was inferior to the "white route," and which give preference to black males over black females. Moreover, she had to observe her supervisors' efforts to try to determine whether applicants had "black voices", "black names" or went to "black schools", which was insulting and degrading not only to plaintiff, but to all of the black job applicants at Lorillard.

8. The continuing actions described above constitute intentional infliction of emotional distress under Louisiana law. The actions constitute employment discrimination and retaliation under Louisiana law, including but not limited to La. R.S. 23:301 *et seq* and 42 U.S.C. §1981. These actions created a racially and sexually hostile work environment at Lorillard's Shreveport office,

in violation of Louisiana law. These actions also violate 42 U.S.C. §1981.

9. The discriminatory acts described above were intentional and willful, and constitute continuing and purposeful discrimination.

10. Due to the illegal acts of defendant, plaintiff has been irreparably harmed and damaged, both physically and mentally.

11. Additionally, plaintiff has suffered a loss of wages and earning capacity, past and future general damages, pain and suffering and mental anguish in an amount to be proven which is reasonable in the premises. Plaintiff is entitled to punitive damages under 42 U.S.C. 1981. Additionally, the actions, conduct and practices of defendant constitute purposeful race and sex discrimination and retaliation entitling plaintiff to damages under La. R.S. 23:303 et seq., LA. R.S. 51:2264, 42 U.S.C. 1981 (race only), and other applicable state discrimination laws.

WHEREFORE, JACKIE STRICKLAND DEMANDS JUDGMENT AGAINST DEFENDANT AND PRAYS that defendant be served with a copy of this petition for damages and be duly cited to appear and answer same.

WHEREFORE JACKIE STRICKLAND FURTHER PRAYS THAT:

1. after lapse of all legal delays and due proceedings had there by judgment herein in favor of plaintiff and against defendant, in an amount reasonable in the

premises together with legal interest thereon from the date of legal demand;

2. this Court award the plaintiff compensatory and punitive damages and punitive damages to which she is entitled under both Louisiana and federal law;
3. this Court award reasonable and necessary attorneys' fees and other costs of this action; and
4. this Court award the plaintiff such other relief as may be just and equitable.

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