

Kelly M. Dermody (SBN 171716)
 Daniel M. Hutchinson (SBN 239458)
 Barbra L. Williams (SBN 249967)
 LIEFF, CABRASER, HEIMANN &
 BERNSTEIN, LLP
 Embarcadero Center West
 275 Battery Street, 30th Floor
 San Francisco, CA 94111-3339
 Telephone: (415) 956-1000
 Facsimile: (415) 956-1008

Todd M. Schneider (SBN 158253)
 Guy B. Wallace (SBN 176151)
 Nancy Park (SBN 236750)
 Naomi Sunshine (SBN 244094)
 SCHNEIDER & WALLACE
 180 Montgomery Street, Suite 2000
 San Francisco, CA 94104
 Telephone: (415) 421-7100
 Facsimile: (415) 421-7105

Attorneys for Plaintiffs and the Proposed Class

James M. Finberg (SBN 114850)
 Eve H. Cervantez (SBN 164709)
 Jamie L. Crook (SBN 245757)
 ALTSHULER BERZON LLP
 177 Post Street, Suite 300
 San Francisco, CA 94108
 Telephone: (415) 421-7151
 Facsimile: (415) 362-8064

Bill Lann Lee (SBN 108452)
 Vincent Cheng (SBN 230827)
 Lindsay Nako (SBN 239090)
 Nina Wasow (SBN 242047)
 LEWIS, FEINBERG, LEE, RENAKER &
 JACKSON, P.C.
 1330 Broadway, Suite 1800
 Oakland, CA 94612
 Telephone: (510) 839-6824
 Facsimile: (510) 839-7839

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO / OAKLAND DIVISION

JASMEN HOLLOWAY, AMY GARCIA,
 CHERYL CHAPPEL, ERIC
 BLACKSHER, JESSICA TREAS,
 LAWRENCE SANTIAGO, JR.,
 MUEMBO MUANZA, MAURICE
 CALHOUN, and NICHOLAS DIXON, on
 behalf of themselves and all others
 similarly situated,

Plaintiffs,

v.

BEST BUY CO., INC. and BEST BUY
 STORES, L.P.,

Defendants.

Case No. C-05-5056 PJH (MEJ)

**THIRD AMENDED CLASS ACTION
 COMPLAINT FOR INJUNCTIVE AND
 DECLARATORY RELIEF AND
 DAMAGES, FOR VIOLATIONS OF**

**(1) 42 U.S.C. § 2000e, et seq. ("Title VII"),
 (2) 42 U.S.C. § 1981, and
 (3) Cal. Gov't Code § 12940. et seq.**

DEMAND FOR JURY TRIAL

INTRODUCTION

1
2 1. Defendants Best Buy Company, Inc. and Best Buy Stores, L.P. (hereinafter
3 identified as “Best Buy” or “the Company”) are national retail electronics sellers that provide
4 modern, high-technology products to their customers. Best Buy’s treatment of women and
5 minority employees and job applicants, however, remains outdated and obsolete. Best Buy
6 discriminates against African Americans by refusing to hire them for entry-level positions, and
7 when it does hire them, discriminates against its African-American employees with respect to job
8 assignments, promotions/transfers, and exempt compensation. Best Buy similarly discriminates
9 against its Latino employees with respect to job assignments and promotions/transfers. Best Buy
10 also discriminates against its female employees with respect to job assignments, promotions/
11 transfers, and exempt compensation.

12 2. Best Buy operates through a corporate culture of racial and gender
13 stereotypes. For example, a corporate policy known as “Segmentation” requires Best Buy
14 managers and salespeople to target one of four composite customer types, all white, most of
15 whom are young and male with Anglo-sounding names: “Barry,” a male with a six-figure
16 income who purchases what he wants regardless of cost; “Ray,” a male who likes electronic
17 gadgets but may not always be able to afford what he wants; or “Buzz,” a young male interested
18 in gaming and playstations who makes small purchases. The only female customer to whom Best
19 Buy marketed only confirms gender stereotypes: “Jill” is “Barry’s” wife—a stay-at-home soccer
20 mom. Thus, the Company’s website discusses segmentation in terms of appealing to “affluent
21 professional males” and “upscale suburban moms.” It was only after the filing of the
22 administrative charges of discrimination and this lawsuit that Best Buy augmented the customer
23 types to add more women to its “customer centricity” model.

24 3. The corporate culture of racial and gender stereotypes permeates Best Buy
25 and its predominately white male management force, who operate under the adage that “Girls
26 can’t sell.” Women are accordingly steered into cashier jobs, and away from the more lucrative
27 sales positions from which promotions to management are made. Similarly, those African
28 Americans who are hired, and Latinos, (together, “minorities”) are steered away from sales

1 positions and into behind-the-scenes “inventory control” (warehouse) positions or lower-paid
2 cashier jobs. Even when women and minorities are allowed on the sales floor, they are not
3 permitted to work in major sales departments selling big-ticket items such as televisions, stereos,
4 computers, or the high-end Magnolia home theater line, but are segregated in relatively minor
5 sales departments, such as media (compact discs), digital imaging (cameras), and wireless (cell
6 phones).

7 4. Best Buy enforces a nationwide corporate policy of preferring white male
8 employees for high-level employment and for desirable job assignments—including major sales,
9 senior, supervisor, and managerial positions—in its stores throughout the United States. Best
10 Buy reserves the most desirable job assignments and positions—and the sales experience
11 necessary to achieve them and advance in the Company—for white male employees. Best Buy’s
12 predominantly white male sales employees are better paid and receive greater opportunities for
13 advancement than Best Buy’s female and minority employees, who overwhelmingly are
14 segregated in the lowest paying positions with the least chance of advancement.

15 5. The low numbers of African Americans employed by Best Buy and the low
16 number of African-American, Latino, and female employees in sales, supervisory, and
17 management positions set it apart from other large retailers. Like many large retailers, Best Buy
18 has low educational and experience requirements and promotes many managers and other high-
19 level employees from within the Company. One might expect Best Buy to have a workforce
20 similar to other large retailers that employ large numbers of women and minorities in supervisory
21 and managerial roles. Instead, Best Buy’s supervisors and managers are overwhelmingly white
22 and male. More than 75% of Best Buy general managers (the individuals who operate and
23 manage each Best Buy store) are white men. Fewer than 10% of general managers are women
24 and fewer than 20% are minorities. Even when women or African Americans are permitted to be
25 managers, Best Buy pays them less than white male managers.

26 6. This class action is accordingly brought on behalf of all past, present, and
27 future African-American applicants for non-exempt store-level positions who passed the pre-
28 hiring test but have been or may be denied entry-level positions at Best Buy retail stores

1 throughout the United States; all past, present, and future store-level African-American
 2 employees who have been or may be subjected to Best Buy's challenged job assignment,
 3 promotion/transfer, and exempt compensation policies or practices in Best Buy retail stores
 4 throughout the United States; all past, present, and future store-level female employees who have
 5 been or may be subjected to Best Buy's challenged job assignment, promotion/transfer, and
 6 exempt compensation policies or practices in Best Buy retail stores throughout the United States;
 7 all past, present, and future store-level Latino employees who have been or may be subjected to
 8 Best Buy's challenged job assignment and promotion/transfer policies or practices in Best Buy
 9 stores throughout the United States.

10 7. Best Buy has maintained and continues to maintain a pervasive policy or
 11 practice of discrimination based on gender, race, color, and/or national origin in denying
 12 employment, desirable job assignments, promotions/transfers, and equal exempt compensation to
 13 African Americans; denying desirable job assignments, promotions/transfers, and equal exempt
 14 compensation to women; and denying desirable job assignments and promotions/transfers to
 15 Latino employees in Best Buy stores throughout the United States. This class action seeks an end
 16 to these discriminatory policies and practices, an award of backpay and front pay, punitive
 17 damages, and injunctive relief, including rightful place relief for all class members.

18 **JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT**

19 8. Plaintiffs' federal claims arise under Title VII of the Civil Rights Act of
 20 1964, 42 U.S.C. §§ 2000e *et seq.*; and 42 U.S.C. § 1981. This Court has jurisdiction over this
 21 action pursuant to 28 U.S.C. §§ 1331 and 1343. The Court has supplemental jurisdiction
 22 pursuant to 28 U.S.C. § 1367 over claims under the California Fair Employment & Housing Act
 23 ("FEHA"), Government Code § 12940 *et seq.* ("California Claims").

24 9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b). The
 25 named Plaintiffs all resided in California at the time the first amended complaint was filed, and
 26 most reside in this District. Members of the Plaintiff Class reside in California and throughout
 27 the United States. Defendant Best Buy is licensed to do business in California. It has retail stores
 28 throughout California and this District. Indeed, over 10% of Best Buy stores are located in

1 California. Many of the acts complained of occurred in this State and this District and gave rise
2 to the claims alleged.

3 10. Intradistrict assignment is proper in the San Francisco/Oakland Division
4 because a substantial part of the events and omissions that give rise to the claims of Plaintiffs
5 Jasmen Holloway, Muembo Muanza, Maurice Calhoun, and Nicholas Dixon occurred in Marin
6 County, and a substantial part of the events and omissions that give rise to the claims of Plaintiff
7 Jessica Treas occurred in Alameda and Contra Costa Counties.

8 **PARTIES**

9 11. Plaintiff Jasmen Holloway is a minority female. At the time Plaintiffs filed
10 the original Class Action Complaint, she was a resident of Vallejo, California. She was denied
11 promotions/transfers and received unequal job assignments at the Best Buy store in Marin City,
12 California, from January 2001 until her termination in September 2005, on account of her gender,
13 race, color, and/or national origin.

14 12. Plaintiff Amy Garcia is a female resident of Chico, California. She was
15 denied promotions/transfers and received unequal job assignments at the Best Buy store in Chico,
16 California, from August 2001 until her termination in October 2006, on account of her gender.

17 13. Plaintiff Cheryl Chappel is a female and minority resident of Chula Vista,
18 California. She has been paid less, been denied promotions/transfers, and received unequal job
19 assignments at the Best Buy stores in Chico, California, from July 2001 until September 2004 and
20 in Mira Mesa, California, from September 2004 until the present, on account of her gender, race,
21 color, and/or national origin.

22 14. Plaintiff Eric Blacksher is a minority resident of Canyon Country,
23 California. He was denied employment at the Best Buy store in Santa Clarita, California, in or
24 around November 2005, on account of his race, color, and/or national origin.

25 15. Plaintiff Jessica Treas is a female and minority resident of Richmond,
26 California. She was paid less, denied promotions/transfers, and received unequal job assignments
27 at the Best Buy stores in Pinole, Pleasant Hill, Union City, and Emeryville, California, from July
28

1 1999 until her termination in February 2006, on account of her gender, race, color, and/or national
2 origin.

3 16. Plaintiff Lawrence Santiago, Jr., is a minority. At the time Plaintiffs filed
4 the First Amended Class Action Complaint, he was a resident of San Jose, California. He was
5 denied promotions/transfers and received unequal job assignments at the Best Buy Blossom Hill
6 Store in San Jose and other Best Buy stores in Modesto and Sacramento, California, from July
7 2003 until his termination in May 2006, on account of his race, color, and/or national origin.

8 17. Plaintiff Muenbo Muanza is a minority resident of Hercules, California.
9 He was denied promotions/transfers and received unequal job assignments at the Best Buy store
10 in Marin City, California, from September 2004 until his resignation in June 2006, on account of
11 his race, color, and/or national origin.

12 18. Plaintiff Maurice Calhoun is a minority resident of Oakland, California.
13 He was denied promotions/transfers and received unequal job assignments at the Best Buy store
14 in Marin City, California, from October 2003 until May 2007, on account of his race, color and/or
15 national origin.

16 19. Plaintiff Nicholas Dixon is a minority resident of Oakland, California. He
17 was denied promotions/transfers and received unequal job assignments at the Best Buy store in
18 Marin City, California, from October 2003 until February 2005, on account of his race, color,
19 and/or national origin.

20 20. Defendant Best Buy Company, Inc. is a Minnesota corporation that owns
21 and operates retail stores in California and throughout the United States.

22 21. Defendant Best Buy Stores, L.P. is a Virginia corporation that owns and
23 operates retail stores in California and throughout the United States.

24 22. Best Buy is one of the country's largest retail electronics sellers and
25 specializes in consumer electronics, home office supplies, entertainment software, appliances, and
26 related services. As of February 2006, Best Buy operated 742 retail stores in the United States,
27 and employed approximately 128,000 people. According to the Company, it took in \$30,848
28

1 billion in revenue during fiscal year 2006. Best Buy now operates well over 800 retail stores in
2 the United States.

3 **BEST BUY'S GENERAL PRACTICE OR POLICY OF DISCRIMINATION**

4 23. The denials and abridgments of employment opportunities suffered by the
5 Representative Plaintiffs are part of a general policy or practice of discrimination on the basis of
6 gender, race, color, and/or national origin in employment that has existed at Best Buy throughout
7 the relevant time period. These are not isolated examples of employment practices or individual
8 decisions. On the contrary, these incidents are representative of Best Buy's systematic
9 discrimination against women and minorities and in favor of white males.

10 24. Throughout its over 800 stores in the United States, Best Buy engages in an
11 intentional policy or practice of discrimination on the basis of gender, race, color, and/or national
12 origin with regard to: (1) hiring of qualified African-American applicants into entry-level
13 positions; (2) job assignments and promotions/transfers for female and minority employees; and
14 (3) exempt compensation paid to those few female and African-American employees permitted to
15 be managers. "Entry-level" refers to jobs previously or currently defined at Best Buy as grade 2
16 or grade 3 positions and any similar jobs in the future. "Promotion/transfer" refers to (a)
17 advancement in grade with a change in job; (b) moves from occasional/seasonal to permanent
18 positions (for African Americans only); and (c) moves from part-time to full-time (for African
19 Americans only).

20 25. Additionally, Best Buy's standard employment policies or practices have a
21 disparate impact on qualified African-American applicants with respect to hiring into entry-level
22 positions; on female and minority employees with respect to job assignments and promotions/
23 transfers; and on female and African-American employees with respect to exempt compensation,
24 without any corresponding business necessity for such policies and practices.

25 26. Best Buy has pursued policies or practices on a continuing basis that have
26 denied or restricted entry-level job opportunities to qualified African-American applicants and
27 have denied or restricted job opportunities to all female and minority retail store employees.
28

1 27. Best Buy stores follow the same human resources policies or practices,
2 participate in the same discrimination, and are run by the same senior management.

3 28. At each store, Best Buy maintains the same hierarchy of job positions.
4 This hierarchy includes the following classifications: (1) occasional/seasonal employees,
5 (2) permanent employees, (3) part-time employees, (4) full-time employees, (5) senior
6 employees, (6) supervisors, (7) area managers, (8) assistant managers, (9) sales managers, and
7 (10) general managers. The proportion of minority and women employees is greatest at the base
8 of the hierarchy and diminishes as one moves up.

9 29. Within this hierarchy, Best Buy maintains three groupings of employees:
10 (1) operations employees (*i.e.*, cashiers and customer service representatives) at the bottom;
11 (2) product process employees (*i.e.*, warehouse employees with responsibilities for inventory, loss
12 prevention, and merchandising); and (3) sales employees at the top.

13 30. Sales is the elite position for Best Buy employees. Best Buy
14 disproportionately assigns white men to sales positions and disproportionately assigns women
15 and minorities to non-sales positions. On the rare occasions when Best Buy does assign female or
16 minority employees to sales positions, it is frequently to minor sales departments like media or
17 wireless.

18 31. Best Buy views major electronics sales as the engine that drives the
19 company. A major sales position at Best Buy is the gateway to high pay and promotion to
20 management. Employees who sell “big-ticket” items such as televisions and computers, or who
21 work in the high-end Magnolia home theater “store within a store” receive higher pay and get
22 placed on the fast track to promotion. When Best Buy promotes current employees to senior,
23 supervisor, and manager positions, it overwhelmingly does so from the major sales ranks.

24 32. Best Buy hires and maintains a disproportionately white male sales force
25 from which it then promotes a disproportionately white male management force.

26 33. Best Buy systematically refuses to hire qualified African-American
27 applicants who pass Best Buy’s pre-hiring tests into entry-level positions. When African
28 Americans who do not conform to the young, white, male culture at Best Buy inquire about

1 employment, senior managers sometimes tell them to fill out online applications even though they
2 have no intention of considering them for employment. When African-American applicants
3 submit applications, senior managers often never review their applications. Even when African-
4 American applicants who pass Best Buy's pre-hiring tests are called in for interviews, senior
5 managers often refuse to hire them upon learning that they are African-American.

6 34. When Best Buy does "hire" African Americans, it places them into
7 temporary positions for the busy holiday season, and does not transfer/promote them to
8 permanent positions once the holidays are over. Even when Best Buy does allow African-
9 American temporary workers to become permanent, the Company keeps them as part-time rather
10 than promoting/transferring them to full-time positions.

11 35. Best Buy generally does not permit its female and minority employees to
12 work on the sales floor. Instead, it segregates them in operations, stock room, cashier, and minor
13 sales positions, denying them assignment to major sales positions, including the Magnolia home
14 theater "store within a store."

15 36. Best Buy provides fewer opportunities for promotions/transfers and
16 training to female and minority employees in stock room, cashier, operations, and minor sales
17 positions than to its predominantly white male workforce in major sales positions.

18 37. Best Buy systematically pays employees in major sales positions more than
19 female and minority employees in stock room, cashier, operations, and minor sales positions.

20 38. Best Buy implements its discriminatory employment policies or practices
21 in part through an overly discretionary hiring, job assignment, promotion/transfer, and exempt
22 compensation review process. Best Buy fails to publish explicit guidelines and qualifications for
23 senior managers attempting to hire and promote/transfer employees, and instead allows senior
24 managers to rely on subjective, arbitrary, standardless, and unvalidated criteria in making
25 employment decisions, which focus on whether employees reflect senior managers' perceptions
26 of what Best Buy employees should be rather than whether they would perform their jobs
27 responsibly and effectively.
28

1 39. Best Buy’s corporate culture of race and gender stereotypes encourages
2 senior managers to rely upon such stereotypes in making employment decisions.

3 40. Because Best Buy senior managers are overwhelmingly white male, they
4 tend to hire, assign to sales positions, and transfer/promote those like themselves—that is, more
5 white males.

6 41. Best Buy generally does not advertise job openings to the public. When
7 individuals are interviewed for job openings, they often are not informed of specific jobs, but are
8 assigned to positions that senior managers subjectively believe would be a good “fit,” based on
9 gender and racial stereotyping and unconscious bias.

10 42. Best Buy furthers its discriminatory employment policies or practices by
11 systematically utilizing its predominantly white male work force to recruit managers and major
12 sales employees, which leads to hiring disparities for Africans Americans and to unequal job
13 assignments and denials of transfers/promotions for women and minorities. Current employees
14 receive pay bonuses if Best Buy hires someone whom they refer. The predominantly white male
15 employees at Best Buy overwhelmingly refer applicants who are white and/or male. When
16 minority and female employees refer minority and female applicants to Best Buy senior
17 managers, these minority and female applicants do not receive the same consideration as white
18 male applicants, particularly for sales jobs.

19 43. Although Best Buy purportedly requires senior managers to post senior,
20 supervisor, and managerial job openings on its internal Job Opening System (“JOS”), Best Buy
21 systematically fails to post all job openings on JOS. This tap-on-the-shoulder practice prevents
22 qualified female and minority employees from learning of and applying for promotions/transfers.
23 When Best Buy senior managers do post job openings, they usually do not consider female and
24 minority applicants because they already have a person in mind to fill the position. When
25 considering applicants for transfer/promotion, senior managers’ subjective determinations are
26 tainted by gender and racial stereotyping and unconscious bias.

27 44. Best Buy also implements its discriminatory exempt pay policies or
28 practices in part through subjective, arbitrary, and standardless exempt pay determinations.

1 45. When employees complain of discrimination through Best Buy's internal
2 complaint system, which is supposed to be anonymous, Best Buy fails to maintain the
3 confidentiality of their complaints or properly to investigate their complaints. Instead, senior
4 managers are permitted to retaliate against employees who complain of discrimination.

5 **CLAIMS OF REPRESENTATIVE PLAINTIFFS**

6 **Jasmen Holloway**

7 46. Plaintiff Jasmen Holloway is an African-American female. Ms. Holloway
8 worked as a part-time cashier, or customer service representative ("CSR") I; part-time sales
9 representative in wireless; full-time sales representative in home theater, car audio, and wireless;
10 senior in media, car audio, and wireless; and full-time CSR II at the Best Buy store in Marin City,
11 California, from January 2001 until September 2005.

12 47. As it does with most women, Best Buy originally assigned Ms. Holloway
13 to a cashier position, rather than to a sales position.

14 48. Managers did not provide Ms. Holloway with the same training as white
15 male employees. For example, managers did not coach Ms. Holloway by providing advice,
16 support, or areas for improvement as required by the Best Buy customer service evaluations that
17 managers conduct.

18 49. When Ms. Holloway was eventually transferred to the sales floor, she was
19 often assigned to minor sales departments such as wireless, media, and car audio.

20 50. During her employment at Best Buy, Ms. Holloway repeatedly expressed
21 to Best Buy managers her interest in promotions/transfers but was denied promotion/transfer
22 opportunities offered to similarly situated white male employees.

23 51. For example, in or around February 2005, after Ms. Holloway complained
24 to her general manager about the lack of coaching, Ms. Holloway was informed by her manager
25 that she could apply for a senior position in the wireless department that would be opening up
26 soon. She repeatedly inquired about the position and was told it was not yet available. She also
27 checked JOS, but the position was not listed on JOS. Finally, Ms. Holloway learned that the
28

1 position, which had never been posted, and for which she had not been given an opportunity to
2 interview, had been given to a white male.

3 52. In or around August 2005, Ms. Holloway applied for a promotion from
4 full-time CSR II to operations senior. Instead, the position was given to a white male with less
5 experience than she.

6 53. Ms. Holloway also sought and was denied promotions/transfers to car
7 audio supervisor, appliance sales representative, and administrative corporate positions in or
8 around September 2004, April 2005, and August 2005, respectively.

9 54. In addition to denying her favorable job assignments and
10 promotion/transfer opportunities, Best Buy paid Ms. Holloway less than male employees in
11 comparable positions.

12 55. On or around March 2005, Ms. Holloway requested a pay increase. Best
13 Buy informed Ms. Holloway that she could not receive a pay increase because she had reached
14 the maximum salary cap for her position and refused to grant her a raise. Ms. Holloway
15 subsequently learned that white male Best Buy employees with less experience and fewer
16 qualifications were not being subjected to the same salary cap and were being paid more than she.

17 56. In or around April 2005, Ms. Holloway formally complained to Best Buy's
18 Department of Human Resources. Ms. Holloway complained again about race and gender
19 discrimination in or around June 2005. One week after Ms. Holloway's second complaint, her
20 car audio sales position was "eliminated," only to be reinstated and reassigned to a white male
21 shortly thereafter. Although Ms. Holloway was assigned to a different position (off the sales
22 floor), approximately two months later she was terminated from that position for a pretextual
23 reason. Best Buy's decision in August 2005 (before her termination) to deny her request for a
24 promotion to operations senior was based in part on her complaints; she was informed that the
25 white male who was promoted or transferred instead of her was a "cheerleader" (*i.e.*, someone
26 who did not complain).

1 57. Best Buy has discriminated against Ms. Holloway on the basis of her sex,
2 race, color, and/or national origin by, *inter alia*, denying her promotion/transfer opportunities and
3 giving her unequal job assignments because she is neither white nor male.

4 58. On or about December 2, 2005, Ms. Holloway filed a charge of
5 discrimination with the Equal Employment Opportunity Commission (“EEOC”), which was
6 cross-filed with the California Department of Fair Employment and Housing (“DFEH”). On or
7 about December 5, 2005, the EEOC issued Ms. Holloway a notice of right to sue. On or about
8 December 5, 2005, the DFEH issued Ms. Holloway a notice of right to sue. Attached to this
9 Complaint as Exhibit A and incorporated by reference are copies of the charge and notices of
10 right to sue.

11 **Amy Garcia**

12 59. Plaintiff Amy Garcia is female. From August 2001 until October 2006, she
13 worked as a CSR II, media sales representative, media senior, merchandising senior, media
14 supervisor, merchandising specialist, and inventory SWAT specialist at the Best Buy store in
15 Chico, California.

16 60. Ms. Garcia was regularly assigned to positions off the sales floor, despite
17 her interest in working in sales. When she was assigned to a sales position, it was in media, a
18 minor sales department.

19 61. During her employment at Best Buy, Ms. Garcia repeatedly expressed her
20 interest in a promotion/transfer to Best Buy managers but was denied promotion/transfer
21 opportunities offered to similarly situated male employees. For example, in or around January
22 2005, Ms. Garcia was denied a promotion to product process manager. In early January 2005,
23 Ms. Garcia informed her general manager that she wanted to apply for the vacant position of
24 product process manager. The general manager confirmed that the position was available but
25 advised Ms. Garcia that Best Buy was not posting the position and had already decided whom to
26 promote. He further indicated that Best Buy would not consider Ms. Garcia’s application for
27 promotion because of her status as a single mother. Best Buy subsequently promoted a male
28 employee with less experience than Ms. Garcia to the product process manager position. When

1 the same position opened up again several months later, Ms. Garcia was told that another white
2 male who fit the “Buzz” profile had already been selected for the position before she had an
3 opportunity to apply.

4 62. Between October 2004 and September 2005, Best Buy promoted
5 approximately ten male employees to manager positions at the Chico store. Best Buy never
6 posted any of these positions as vacant on JOS and did not accept formal applications for these
7 vacancies. Although her managers repeatedly told Ms. Garcia that she was qualified for
8 promotion to manager, Ms. Garcia was denied the opportunity to apply for any of these positions.

9 63. In addition to denying her promotion/transfer opportunities, Best Buy paid
10 Ms. Garcia less than male employees in comparable positions. In or around April 2004, Best Buy
11 denied Ms. Garcia a salary increase. Ms. Garcia’s manager advised her that Best Buy would not
12 increase her pay because she had reached the maximum salary cap for her position. Ms. Garcia
13 subsequently learned that the salaries of similarly situated male employees exceeded the alleged
14 salary cap represented to her and that male employees in comparable positions were receiving
15 higher pay. Upon information and belief, Ms. Garcia continued to receive a lower salary than
16 male employees in comparable positions.

17 64. In or around November 2004, and again in January 2005, Ms. Garcia
18 complained to Best Buy’s Department of Human Resources and to store management about the
19 discriminatory treatment to which she was subjected. After receiving her complaints, Best Buy
20 retaliated and further discriminated against Ms. Garcia by removing her job functions, granting
21 her fewer hours, scheduling her for hours that conflicted with her child care responsibilities,
22 downgrading her performance evaluations, and terminating her.

23 65. Best Buy has discriminated against Ms. Garcia on the basis of her sex by,
24 *inter alia*, denying her promotion/transfer opportunities and giving her unequal job assignments
25 because she is not male.

26 66. On or about October 6, 2005, Ms. Garcia filed a charge of discrimination
27 with the EEOC, which was cross-filed with the DFEH. Ms. Garcia received a Notice of Right to
28 Sue from the EEOC on or about December 7, 2005. On or about October 19, 2005, the DFEH

1 issued Ms. Garcia a notice of right to sue. Attached to this Complaint as Exhibit B and
2 incorporated by reference are copies of the charge and notices of right to sue.

3 **Cheryl Chappel**

4 67. Plaintiff Cheryl Chappel is an African-American female. From July 2001
5 to the present Ms. Chappel has worked at the Best Buy stores in Chico and Mira Mesa,
6 California. She was employed as an administrative senior and customer service senior at the
7 Chico store. She became an operations senior at the Mira Mesa store in October 2004. After the
8 filing of this lawsuit, Ms. Chappel was promoted to operations supervisor and then operations
9 manager at the Mira Mesa Best Buy store in October 2006 and December 2007, respectively.

10 68. Ms. Chappel repeatedly expressed an interest in promotions to supervisor
11 and manager positions to her superiors.

12 69. In April 2003, Ms. Chappel applied for a promotion to operations
13 supervisor at the Chico store. Although Ms. Chappel had two years' experience in the operations
14 department and received excellent performance reviews, Best Buy did not promote her to the
15 supervisor position and instead promoted a part-time male employee who had worked at the store
16 for only four months and had never worked in operations prior to receiving the promotion. A
17 Best Buy manager told Ms. Chappel that she was not promoted to supervisor because it was "a
18 man thing." She was also told by a Best Buy manager that she would not be promoted because
19 she had a husband who could support her. Later, Ms. Chappel was told by a Best Buy manager
20 that Best Buy employed few women on the sales floor because "girls can't sell."

21 70. In September 2004, Ms. Chappel learned that a supervisor position was
22 available at the Best Buy store in Mira Mesa and applied for the position. Despite her stated
23 interest in applying for supervisor, Mira Mesa management suggested to Ms. Chappel during the
24 interview process that she consider non-supervisor positions in customer service. Ms. Chappel
25 replied that she was not interested in customer service positions since they were lower in seniority
26 than her current administrative senior position at the Chico store, and reiterated her interest in
27 becoming a supervisor. Best Buy subsequently selected a male employee who had less
28 experience than Ms. Chappel for the supervisor position and assigned Ms. Chappel to operations

1 senior. After more than five years of employment at Best Buy, Ms. Chappel was finally
2 promoted to operations supervisor in October 2006 and to operations manager on or about
3 December 31, 2007.

4 71. In addition to denying Ms. Chappel favorable job assignments and
5 promotion and transfer opportunities, Best Buy has also denied Ms. Chappel pay and
6 compensation offered to similarly situated white and male employees. During her tenure at both
7 the Chico and Mira Mesa Best Buy stores, Ms. Chappel has received lower pay than white and
8 male employees in comparable positions. In her present position as an operations manager, Ms.
9 Chappel is paid less than similarly situated white male managers. Ms. Chappel has observed that
10 other female employees are paid less than males in comparable positions.

11 72. Best Buy has discriminated against Ms. Chappel on the basis of her sex,
12 race, color, and/or national origin by, *inter alia*, paying her less than white male managers,
13 denying her promotion/transfer opportunities, and giving her unequal job assignments because
14 she is not a white male.

15 73. On or about April 1, 2005, Ms. Chappel filed a charge of discrimination
16 with the EEOC, which was cross-filed with the DFEH. Ms. Chappel received a Notice of Right
17 to Sue from the EEOC on or about December 7, 2005. On or about April 25, 2005, the DFEH
18 issued Ms. Chappel a notice of right to sue. Attached to this Complaint as Exhibit C-1 and
19 incorporated by reference are copies of the charge and notices of right to sue.

20 74. On or about October 24, 2008, Ms. Chappel filed a charge of
21 discrimination with the EEOC, which was cross-filed with the DFEH. Ms. Chappel received a
22 Notice of Right to Sue from the EEOC on or about December 24, 2008. On or about December
23 17, 2008, the DFEH issued Ms. Chappel a notice of right to sue. Attached to this Complaint as
24 Exhibit C-2 and incorporated by reference are copies of the charge and notices of right to sue.

25 **Eric Blacksher**

26 75. Plaintiff Eric Blacksher is an African-American male. He applied to work
27 at the Best Buy store in Santa Clarita, California, in November 2005, and later returned for three
28 in-person interviews. Mr. Blacksher was qualified for the job, in part based on his prior retail

1 sales experience at Finish Line and Sears. Best Buy refused to hire Mr. Blacksher, despite
2 knowing of his qualifications, based on his race, color and/or national origin.

3 76. Mr. Blacksher took and passed Best Buy's pre-hiring test. Within a few
4 hours after he submitted his on-line application, Mr. Blacksher was invited to interview with Best
5 Buy. About two days later, Mr. Blacksher attended an in-person interview where the manager
6 conducting the interview could see that Mr. Blacksher was African American. Best Buy had Mr.
7 Blacksher attend two additional interviews. Although Best Buy indicated during each interview
8 that it had job openings, no store employee has since contacted Mr. Blacksher regarding his
9 application nor explained why Best Buy refused to offer Mr. Blacksher a job.

10 77. Best Buy has discriminated against Mr. Blacksher on the basis of his race,
11 color, and/or national origin by denying him employment because he is not white.

12 78. On or about April 11, 2006, Mr. Blacksher filed a charge of discrimination
13 with the EEOC, which was cross-filed with the DFEH. Mr. Blacksher received a Notice of Right
14 to Sue from the EEOC on or about October 4, 2006. On or about April 22, 2006, the DFEH
15 issued Mr. Blacksher a notice of right to sue. Attached to this Complaint as Exhibit D and
16 incorporated by reference are copies of the charge and notices of right to sue.

17 **Jessica Treas**

18 79. Plaintiff Jessica Treas is a Latina female of Mexican origin. She worked at
19 Best Buy stores in Pinole, Pleasant Hill, Union City, and Emeryville as a CSR II, operations team
20 leader, customer service supervisor, operations manager, media supervisor, and administrative
21 senior from July 1999 through February 2006.

22 80. Despite her prior management experience and stated desire to work in
23 sales, Best Buy initially assigned Ms. Treas to a CSR II position off the sales floor.

24 81. Best Buy managers refused to cross-train Ms. Treas in sales and
25 discouraged her from transferring to the sales floor.

26 82. After approximately two years of being passed over for promotions/
27 transfers to higher-level positions and/or sales, Best Buy finally promoted Ms. Treas to operations
28

1 manager at the Pleasant Hill store. She then transferred, at Best Buy's request, to serve as
2 operations manager at the Pinole, Union City, and then Emeryville stores.

3 83. Throughout her employment with Best Buy, the Company treated Ms.
4 Treas less favorably than white male employees. Best Buy disciplined Ms. Treas more frequently
5 and for less serious offenses than white male employees even though Ms. Treas performed as
6 well or better than employees in other areas of the Emeryville store, as measured by Best Buy's
7 national department rankings. Best Buy successively demoted Ms. Treas from manager to
8 supervisor and then from supervisor to senior. On each occasion, Best Buy replaced Ms. Treas
9 with a white male employee.

10 84. Throughout her employment at Best Buy, and even after she was demoted
11 from her manager position, Ms. Treas repeatedly expressed her interest in a promotion/transfer to
12 Best Buy managers but was denied promotion/transfer opportunities offered to similarly situated
13 white male employees. For example, although white males who replaced Ms. Treas following her
14 demotions did not achieve higher sales numbers or perform better than Ms. Treas, each white
15 male who succeeded Ms. Treas received transfers/promotions to the sales floor and/or to segment
16 manager positions. Ms. Treas applied and interviewed for several job openings that Best Buy
17 instead gave to white males with lesser or comparable qualifications.

18 85. In addition to denying Ms. Treas promotion/transfer opportunities, Best
19 Buy also denied Ms. Treas pay and compensation offered to similarly situated white male
20 employees. During her tenure at Best Buy stores, including her tenure as a manager, Ms. Treas
21 received lower pay than white male employees in comparable positions. Ms. Treas observed that
22 other female and minority employees were paid less than whites and males in comparable
23 positions.

24 86. Best Buy retaliated against Ms. Treas for her complaints regarding Best
25 Buy's discriminatory treatment. Ms. Treas complained to Best Buy's Department of Human
26 Resources about the discriminatory treatment to which she was subjected. After receiving her
27 complaints, Best Buy retaliated and further discriminated against Ms. Treas by, *inter alia*,
28 subjecting her to retaliatory write-ups, demoting, and terminating her.

1 87. Best Buy has discriminated against Ms. Treas on the basis of her sex, race,
2 color, and/or national origin by, *inter alia*, paying her less than white male managers, denying her
3 promotion/transfer opportunities, and giving her unequal job assignments because she is not a
4 white male.

5 88. On or about September 15, 2006, Ms. Treas filed a charge of
6 discrimination with the EEOC, which was cross-filed with the DFEH. Ms. Treas received a
7 Notice of Right to Sue from the EEOC on or about November 2, 2006. On or about September
8 26, 2006, the DFEH issued Ms. Treas a notice of right to sue. Attached to this Complaint as
9 Exhibit E and incorporated by reference are copies of the charge and notices of right to sue.

10 **Lawrence Santiago, Jr.**

11 89. Plaintiff Lawrence Santiago, Jr., is an Asian American and Latino of
12 Japanese and Puerto Rican descent. He worked at Best Buy's Blossom Hill store in San Jose,
13 California, as a CSR II, appliance supervisor, appliance sales representative, and Appliance
14 Customer Expert ("ACE") professional from July 2003 until May 2006.

15 90. Mr. Santiago applied to Best Buy in July 2003 with extensive supervisory
16 and managerial experience. Despite his prior experience and stated desire to work as a
17 supervisor, Best Buy initially assigned Mr. Santiago to a CSR II position off the sales floor.

18 91. During his employment at Best Buy, Mr. Santiago repeatedly expressed his
19 interest in a promotion to a higher-level position and/or transfer to sales to Best Buy managers but
20 was denied promotion and transfer opportunities offered to similarly situated white employees.

21 92. For example, Best Buy denied five applications for promotions/transfers
22 that Mr. Santiago submitted in 2003 without even granting him a single interview. Mr. Santiago
23 applied for ten positions from late 2004 through 2006. Best Buy did not grant Mr. Santiago a
24 promotion or transfer to any of these positions.

25 93. In addition to denying Mr. Santiago promotion and transfer opportunities,
26 Best Buy also denied Mr. Santiago pay and compensation offered to similarly situated white
27 employees. During his tenure at Best Buy stores, Mr. Santiago received lower pay and fewer
28 scheduled hours than white employees in comparable positions.

1 94. Best Buy did not provide Mr. Santiago with the same training opportunities
2 as white employees. For example, although it was common practice to train each person starting
3 a supervisor position, Best Buy managers denied Mr. Santiago's requests for training when he
4 worked as an appliance supervisor in early 2004. After about six months in this position without
5 receiving the necessary training, Mr. Santiago was forced to step down because he did not have
6 the necessary support to succeed in this position.

7 95. Best Buy treated Mr. Santiago less favorably than white employees in other
8 ways as well. Mr. Santiago's managers and co-workers constantly used racially and sexually
9 derogatory language. On one occasion, the Best Buy operations manager told Mr. Santiago that
10 "it looks like you're getting a little fat. It must be because you're Hawaiian." Another time, this
11 manager referred to Mr. Santiago as a "mutt." Mr. Santiago also witnessed other Asian-
12 American, African-American, Latino, and female employees receive similar treatment.

13 96. Best Buy retaliated against Mr. Santiago for his complaints regarding Best
14 Buy's discriminatory treatment. For example, Mr. Santiago complained to Best Buy's
15 Department of Human Resources to report discriminatory conduct, including, *inter alia*, his
16 demotion, pay cut, and lack of training. Although Best Buy maintains that complaints to its Open
17 Line are confidential, a manager shortly thereafter stated to Mr. Santiago, "so I heard you called
18 Open Line." After receiving his complaints, a Best Buy general manager referred to Mr. Santiago
19 as a "cry baby" and retaliated and further discriminated against Mr. Santiago by, *inter alia*,
20 subjecting him to repeated discriminatory treatment and terminating him.

21 97. Best Buy has discriminated against Mr. Santiago on the basis of his race,
22 color, and/or national origin by, *inter alia*, denying him promotion/transfer opportunities and
23 giving him unequal job assignments because he is not white.

24 98. On or about September 5, 2006, Mr. Santiago filed a charge of
25 discrimination with the EEOC, which was cross-filed with the DFEH. Mr. Santiago received a
26 Notice of Right to Sue from the EEOC on or about November 2, 2006. On or about September 8,
27 2006, the DFEH issued Mr. Santiago a notice of right to sue. Attached to this Complaint as
28 Exhibit F and incorporated by reference are copies of the charge and notices of right to sue.

1 **Muembo Muanza**

2 99. Plaintiff Muembo Muanza, an African-American male, worked as a part-
3 time warehouse employee in Best Buy's Marin City store from September 2004 through June
4 2006.

5 100. Mr. Muanza applied to Best Buy in 2004 with two years of electronic sales
6 experience from his tenure at The Good Guys and general sales experience at Home Depot. A
7 Best Buy manager told Mr. Muanza that Best Buy had no sales openings and that, as a "big guy,"
8 Mr. Muanza would be good for the warehouse. Best Buy placed Mr. Muanza in a product
9 process position in the warehouse. Nearly all his co-workers in the warehouse were minorities.

10 101. Mr. Muanza's only job assignments throughout his tenure at Best Buy were
11 to part-time positions in merchandising and inventory.

12 102. Mr. Muanza earned less working in the warehouse than he would have
13 earned in a sales and/or full-time position. Additionally, Mr. Muanza received less pay than
14 white Best Buy employees in inventory with identical job titles.

15 103. Despite Mr. Muanza's repeated requests for a promotion/transfer to a full-
16 time position and/or a position on the sales floor, Best Buy never gave him a full-time position or
17 a position on the sales floor in the almost two years that he worked at Best Buy.

18 104. Best Buy has discriminated against Mr. Muanza on the basis of his race,
19 color, and/or national origin by, *inter alia*, denying him promotions/transfers and giving him
20 unequal job assignments because he is not white.

21 105. On or about December 2, 2005, Mr. Muanza filed a charge of
22 discrimination with the EEOC, which was cross-filed with the DFEH. Mr. Muanza received a
23 Notice of Right to Sue from the EEOC on or about October 2, 2006. On or about December 2,
24 2005, the DFEH issued Mr. Muanza a notice of right to sue. Attached to this Complaint as
25 Exhibit G and incorporated by reference are copies of the charge and notices of right to sue.
26
27
28

1 **Maurice Calhoun**

2 106. Plaintiff Maurice Calhoun is an African-American male who was
3 employed at the Best Buy store in Marin City, California, from October 2003 to May 2007 as an
4 inventory specialist and sales representative in digital imaging and car audio.

5 107. Mr. Calhoun applied to Best Buy on or around September 2003 with three
6 years of sales experience, including electronics sales. Mr. Calhoun expressed an interest in sales
7 during his initial interview. Despite Mr. Calhoun's interest and experience in sales, Best Buy
8 assigned Mr. Calhoun to an inventory position in the back of the store, paid him less, and
9 assigned him fewer hours than similarly situated employees with comparable or less experience.

10 108. Furthermore, although Best Buy informed Mr. Calhoun that his position
11 was permanent at the time he was hired, Best Buy instead classified him as an
12 occasional/seasonal worker and paid him less than permanent employees. Best Buy managers
13 informed him that he deserved the highest pay raise possible, but then Best Buy refused to grant
14 Mr. Calhoun a higher pay raise because Best Buy had wrongly classified him as an
15 occasional/seasonal employee.

16 109. Mr. Calhoun repeatedly expressed his interest in obtaining a vacant sales
17 and/or full-time position but was always told that part-time inventory was the only position
18 available and that Best Buy had no openings for promotion/transfer to sales or to other full-time
19 positions. But while Mr. Calhoun remained stuck in inventory, he witnessed dozens of white
20 employees fill vacancies in Best Buy's sales department.

21 110. After volunteering for a special project team, Mr. Calhoun was finally
22 assigned to a part-time position in Best Buy's digital imaging department, a minor sales
23 department where he sold cameras. Even though his location changed, his pay remained stuck.
24 Best Buy did not conduct Mr. Calhoun's evaluations in a timely fashion and delayed his yearly
25 evaluation for six months, during which time he continued to be assigned to work fewer hours
26 than white employees with fewer or comparable qualifications.

111. Best Buy has discriminated against Mr. Calhoun on the basis of his race, color, and/or national origin by, *inter alia*, denying him promotion/transfer opportunities and giving him unequal job assignments because he is not white.

112. On or about December 7, 2005, Mr. Calhoun filed a charge of discrimination with the EEOC, which was cross-filed with the DFEH. Mr. Calhoun received a Notice of Right to Sue from the EEOC on or about October 2, 2006. On or about December 8, 2005, the DFEH issued Mr. Calhoun a notice of right to sue. Attached to this Complaint as Exhibit H and incorporated by reference are copies of the charge and notices of right to sue.

Nicholas Dixon

113. Plaintiff Nicholas Dixon, an African-American male, worked as a CSR I at Best Buy's Marin City store from October 2003 until February 2005 and as a part-time computer sales representative at Best Buy's Summerlin store in Las Vegas, Nevada, from February until June 2005.

114. Best Buy initially assigned Mr. Dixon to a part-time position off the sales floor, even though he had prior experience in cell phone sales for WorldCom. Although Best Buy informed Mr. Dixon that his position was permanent, Best Buy instead classified him as occasional/seasonal, which meant that he was paid less than permanent employees.

115. Best Buy continued to give Mr. Dixon unfavorable job assignments off the sales floor until February 2005, when he finally obtained a part-time position in home office sales.

116. Throughout his employment at Best Buy, Mr. Dixon received less pay than white employees with fewer or comparable qualifications. Mr. Dixon received positive evaluations from Best Buy and was awarded store MVP by his supervisors and managers, but Best Buy did not conduct Mr. Dixon's evaluations in a timely fashion even though it promptly conducted evaluations for white employees in the same job classification. After Mr. Dixon finally received his evaluations, he continued to receive less pay than white employees. For example, in March 2004, Best Buy granted Mr. Dixon a pay raise of only \$0.21 per hour because

1 Best Buy had wrongly classified him as an occasional/seasonal employee instead of a permanent
2 employee.

3 117. Mr. Dixon tried on numerous occasions to secure a transfer/promotion to a
4 sales and/or full-time position where he could receive higher compensation. For example, Mr.
5 Dixon sought transfers or promotions to both the digital imaging and wireless specialist positions
6 in early 2004.

7 118. Even as a cashier, Mr. Dixon demonstrated his sales acumen by selling
8 additional items to customers. Although Best Buy would not transfer Mr. Dixon to a sales floor
9 position, Best Buy asked Mr. Dixon to train new employees how to sell. Despite Mr. Dixon's
10 sales experience, interest in sales, and sales results in a non-sales position, Best Buy refused to
11 transfer/promote him to a sales floor position where he would have received approximately \$2
12 per hour more than he received as a cashier.

13 119. Best Buy has discriminated against Mr. Dixon on the basis of his race,
14 color, and/or national origin by, *inter alia*, denying him promotion/transfer opportunities and
15 giving him unequal job assignments because he is not white.

16 120. On or about November 1, 2005, Mr. Dixon filed a charge of discrimination
17 with the EEOC, which was cross-filed with the DFEH. Mr. Dixon received a Notice of Right to
18 Sue from the EEOC on or about October 2, 2006. On or about November 10, 2005, the DFEH
19 issued Mr. Dixon a notice of right to sue. Attached to this Complaint as Exhibit I and
20 incorporated by reference are copies of the charge and notices of right to sue.

21 **CLASS ACTION ALLEGATIONS**

22 121. Plaintiffs bring this Class Action pursuant to Federal Rules of Civil
23 Procedure 23(a), (b)(2), and (b)(3) on behalf of a Class of all past, present, and future African-
24 American applicants for non-exempt positions who passed the pre-hiring test but have been or
25 may be denied entry-level positions at Best Buy retail stores throughout the United States from
26 December 8, 2003 through the date of judgment; all past, present, and future store-level African-
27 American employees who have been or may be subjected to Best Buy's challenged job
28 assignment, promotion/transfer, and exempt compensation policies or practices in Best Buy retail

stores throughout the United States from December 8, 2001 through the date of judgment; all past, present, and future store-level Latino employees who have been or may be subjected to Best Buy's challenged job assignment and promotion/transfer policies or practices in Best Buy retail stores throughout the United States from December 8, 2001 through the date of judgment; and all past, present, and future store-level female employees who have been or may be subjected to Best Buy's challenged job assignment, promotion/transfer, and exempt compensation policies or practices in Best Buy retail stores throughout the United States from June 5, 2004 through the date of judgment. This Class excludes Best Buy general managers (for the time period during which Best Buy employed them as general managers); persons who occupied Geek Squad positions (for the time period during which they occupied those positions); persons who applied for a Geek Squad position (for the decisions Best Buy made regarding those applications); employees of Magnolia stand-alone stores (for the time period during which Magnolia employed them); and persons who applied for a position at a Magnolia stand-alone store (for the decisions Magnolia made regarding those applications).

122. Plaintiffs also bring this Class Action pursuant to Federal Rules of Civil Procedure 23(a), (b)(2), and (b)(3) on behalf of a Class of all past, present, and future African-American applicants for non-exempt positions who passed the pre-hiring test but have been or may be denied entry-level positions at Best Buy retail stores throughout California from November 1, 2004 through the date of judgment; all past, present, and future store-level African-American employees who have been or may be subjected to Best Buy's challenged job assignment, promotion/transfer, and exempt compensation policies or practices in Best Buy retail stores throughout California from November 1, 2004 through the date of judgment; all past, present, and future store-level Latino employees who have been or may be subjected to Best Buy's challenged job assignment and promotion/transfer policies or practices throughout California from November 1, 2004 through the date of judgment; and all past, present, and future store-level female employees who have been or may be subjected to Best Buy's challenged job assignment, promotion/transfer, and exempt compensation policies or practices in Best Buy retail stores throughout California from April 1, 2004 through the date of judgment. This Class

1 excludes Best Buy general managers (for the time period during which Best Buy employed them
2 as general managers); persons who occupied Geek Squad positions (for the time period during
3 which they occupied those positions); persons who applied for a Geek Squad position (for the
4 decisions Best Buy made regarding those applications); employees of Magnolia stand-alone
5 stores (for the time period during which Magnolia employed them); and persons who applied for
6 a position at a Magnolia stand-alone store (for the decisions Magnolia made regarding those
7 applications).

8 123. Plaintiffs reserve the right to amend the definitions of the Class and
9 subclass based on discovery or legal development.

10 124. Plaintiffs are members of the Class they seek to represent.

11 125. The members of the Class identified herein are so numerous that joinder of
12 all members is impracticable. The number of class members is currently indeterminate, but is
13 certainly larger than can be addressed through joinder. In fiscal year 2006, Best Buy had
14 approximately 128,000 employees working in approximately 742 stores. In addition, temporary
15 employees are hired during peak periods, such as the holiday season, and are often denied
16 transfers/promotions to permanent positions on account of race, color, and/or national origin.
17 Thus, although the precise number of female and minority employees subjected to Best Buy's
18 discriminatory employment practices is not presently known, it is certainly a larger number than
19 can feasibly be addressed through joinder. Additionally, each of Best Buy's now approximately
20 800 stores annually receives numerous applications from qualified potential African-American
21 employees. Thus, although the precise number of qualified, African-American applicants who
22 are not hired into entry-level positions or are otherwise discriminated against is currently
23 unknown, it is far greater than can be feasibly addressed through joinder.

24 126. There are questions of law and fact common to the Class, and these
25 questions predominate over any questions affecting only individual members. Common
26 questions include, among others: (1) whether Best Buy's policies or practices discriminate
27 against qualified African-American applicants with respect to entry-level employment and against
28 minority and female employees; (2) whether Best Buy's use of subjective selection criteria as an

1 employment policy or practice discriminates against qualified African-American applicants with
2 respect to entry-level hiring and against minority and female employees; (3) whether Best Buy's
3 policies or practices violate Title VII, including whether Best Buy engages in a systemwide
4 pattern or practice of employment discrimination against females and minorities; (4) whether Best
5 Buy's policies or practices violate 42 U.S.C. § 1981; and (5) whether punitive damages,
6 injunctive relief, and other equitable remedies for the Class are warranted.

7 127. The representative Plaintiffs' claims are typical of the claims of the Class.

8 128. The representative Plaintiffs will fairly and adequately represent and
9 protect the interests of the members of the Class. Plaintiffs have retained counsel competent and
10 experienced in complex class actions, employment discrimination litigation, and the intersection
11 thereof.

12 129. Class certification is appropriate pursuant to Federal Rules of Civil
13 Procedure 23(b)(2) because Best Buy has acted and/or refused to act on grounds generally
14 applicable to the Class, making appropriate declaratory and injunctive relief with respect to
15 Plaintiffs and the Class as a whole. The class members are entitled to injunctive relief to end Best
16 Buy's common, uniform, and unfair personnel policies or practices that discriminate on the basis
17 of race, color, national origin, and/or gender.

18 130. Class certification is also appropriate pursuant to Federal Rules of Civil
19 Procedure 23(b)(3) because common questions of fact and law predominate over any questions
20 affecting only individual members of the Class, and because a class action is superior to other
21 available methods for the fair and efficient adjudication of this litigation. The class members
22 have been damaged and are entitled to recovery as a result of Best Buy's common, uniform, and
23 unfair discriminatory personnel policies or practices. Best Buy has computerized payroll and
24 personnel data that will make calculation of damages for specific class members relatively
25 simple. The propriety and amount of punitive damages are issues common to the Class.
26
27
28

FIRST CLAIM FOR RELIEF
(Race, Color, and/or National Origin Discrimination)
(42 U.S.C. § 2000e *et seq.*)

(Brought on behalf of Eric Blacksher, Jasmen Holloway, Jessica Treas, Lawrence Santiago, Jr., Muembo Muanza, Maurice Calhoun, Nicholas Dixon, Cheryl Chappel, and the Class)

131. Plaintiffs incorporate paragraphs 1 through 130 as alleged above.

132. This Claim is brought on behalf of representative Plaintiffs Eric Blacksher, Jasmen Holloway, Jessica Treas, Lawrence Santiago, Jr., Muembo Muanza, Maurice Calhoun, Nicholas Dixon, Cheryl Chappel, and the Class they represent.

133. Best Buy has maintained as its standard operating procedure an employment system that intentionally discriminates against or imposes disparate treatment upon African Americans with respect to hiring into entry-level positions and compensation for exempt managers, and intentionally discriminates against or imposes disparate treatment upon African Americans and Latinos with respect to job assignments and promotions/transfers.

134. Best Buy's employment policies or practices, which are overly subjective, discretionary, standardless, and arbitrary, have an adverse disparate impact on African-American applicants with respect to entry-level employment and have an adverse disparate impact on African-American and Latino employees. Best Buy's system is not and cannot be justified by business necessity, but even if it could be so justified, less discriminatory alternatives exist that could equally serve any alleged necessity.

135. Best Buy's discriminatory policies or practices described above have denied entry-level positions to qualified African-American applicants and equal compensation to African-American exempt employees, resulting in the loss of past and future wages and other job benefits. These discriminatory policies or practices have also denied African-American and Latino employees favorable job assignments and promotions/transfers, resulting in the loss of past and future wages and other job benefits.

136. The foregoing conduct constitutes illegal race, color, and/or national origin discrimination prohibited by 42 U.S.C. § 2000e *et seq.*

137. Plaintiffs request relief as hereinafter provided.

SECOND CLAIM FOR RELIEF
(Race, Color, and/or National Origin Discrimination)
(42 U.S.C. § 1981)

(Brought on behalf of Eric Blacksher, Jasmen Holloway, Jessica Treas, Lawrence Santiago, Jr., Muembo Muanza, Maurice Calhoun, Nicholas Dixon, Cheryl Chappel, and the Class)

138. Plaintiffs incorporate paragraphs 1 through 130 alleged above.

139. This claim is brought on behalf of representative Plaintiffs Eric Blacksher, Jasmen Holloway, Jessica Treas, Lawrence Santiago, Jr., Muembo Muanza, Maurice Calhoun, Nicholas Dixon, Cheryl Chappel, and the Class they represent.

140. Best Buy has maintained an intentionally discriminatory system with respect to hiring, job assignments, promotions/transfers, and exempt compensation.

141. Best Buy's discriminatory policies or practices described above have denied entry-level positions to qualified African-American applicants and equal compensation to exempt African-American employees, resulting in the loss of past and future wages and other job benefits. These discriminatory policies or practices have also denied African-American and Latino employees favorable job assignments and promotions/transfers, resulting in the loss of past and future wages and other job benefits.

142. The foregoing conduct constitutes illegal intentional race, color, and/or national origin discrimination with respect to the making, performance, modification, and termination of contracts prohibited by 42 U.S.C. § 1981.

143. Plaintiffs request relief as hereinafter provided.

THIRD CLAIM FOR RELIEF
(Race, Color, and/or National Origin Discrimination)
(California Fair Employment and Housing Act, Government Code § 12940 et seq.)

(Brought on Behalf of Plaintiffs Nicholas Dixon, Muembo Muanza, Maurice Calhoun, Eric Blacksher, Jasmen Holloway, Jessica Treas, Lawrence Santiago, Jr., Cheryl Chappel, and the California Subclass)

144. Plaintiffs incorporate paragraphs 1 through 130 as alleged above.

145. This claim is brought on behalf of Nicholas Dixon, Muembo Muanza, Maurice Calhoun, Eric Blacksher, Jasmen Holloway, Jessica Treas, Lawrence Santiago, Jr.,

Cheryl Chappel, and the California Subclass they represent of similarly situated minority employees and applicants for employment in Best Buy stores in California.

146. Best Buy has maintained an employment system that intentionally discriminates against or imposes disparate treatment upon African Americans with respect to hiring into entry-level positions and compensation for exempt managers, and upon African Americans and Latinos with respect to job assignments and promotions/transfers.

147. Best Buy's employment policies or practices, which are overly subjective, discretionary, standardless, and arbitrary, have an adverse disparate impact on African-American applicants with respect to entry-level employment and have an adverse disparate impact on African-American and Latino employees. Best Buy's system is not and cannot be justified by business necessity, but even if it could be so justified, less discriminatory alternatives exist that could equally serve any alleged necessity.

148. Best Buy's discriminatory policies or practices described above have denied entry-level positions to qualified African-American applicants and equal compensation to exempt African-American employees, resulting in the loss of past and future wages and other job benefits. These discriminatory policies or practices have also denied African-American and Latino employees favorable job assignments and promotions/transfers, resulting in the loss of past and future wages and other job benefits.

149. Best Buy's actions as described above constitute unlawful race, color, and/or national origin discrimination prohibited by FEHA, California Government Code section 12940 *et seq.*

150. Plaintiffs request relief as hereinafter provided.

FOURTH CLAIM FOR RELIEF
(Gender Discrimination)
(42 U.S.C. § 2000e *et seq.*)

**(Brought on behalf of Plaintiffs Jasmen Holloway, Amy Garcia,
Cheryl Chappel, Jessica Treas, and the Class)**

151. Plaintiffs incorporate paragraphs 1 through 130 as alleged above.

152. This Claim is brought on behalf of representative Plaintiffs Jasmen Holloway, Amy Garcia, Cheryl Chappel, and Jessica Treas, on behalf of themselves and the Class they represent.

153. Best Buy has maintained as its standard operating procedure an employment system that intentionally discriminates against and imposes disparate treatment on women with respect to job assignments, promotions/transfers, and exempt compensation.

154. Best Buy's standard employment policies or practices, which are overly subjective, standardless, and arbitrary, have an adverse disparate impact on female employees. Best Buy's system is not and cannot be justified by business necessity, but even if it could be so justified, less discriminatory alternatives exist that could equally serve any alleged necessity.

155. Best Buy's discriminatory policies or practices described above have denied female employees favorable job assignments, promotions/transfers, and equal exempt compensation, resulting in the loss of past and future wages and other job benefits.

156. The foregoing conduct constitutes illegal gender discrimination prohibited by 42 U.S.C. § 2000e *et seq.*

157. Plaintiffs request relief as hereinafter provided.

FIFTH CLAIM FOR RELIEF
(Gender Discrimination)
(California Fair Employment and Housing Act, Government Code § 12940 *et seq.*)

**(Brought on Behalf of Jasmen Holloway, Amy Garcia,
Cheryl Chappel, Jessica Treas, and the California Subclass)**

158. Plaintiffs incorporate paragraphs 1 through 130 as alleged above.

159. This Claim is brought on behalf of representative Plaintiffs Jasmen Holloway, Amy Garcia, Cheryl Chappel, and Jessica Treas, on behalf of themselves and the California Subclass they represent of similarly situated women employees in Best Buy stores in California.

160. Best Buy has maintained as its standard operating procedure an employment system that intentionally discriminates against and imposes disparate treatment on women with respect to job assignments, promotions/transfers, and exempt compensation.

161. Best Buy's standard employment policies or practices, which are overly subjective, standardless, and arbitrary, have an adverse disparate impact on female employees. Best Buy's system is not and cannot be justified by business necessity, but even if it could be so justified, less discriminatory alternatives exist that could equally serve any alleged necessity.

162. Best Buy's discriminatory policies or practices described above have denied female employees favorable job assignments, promotions/transfers, and equal exempt compensation, resulting in the loss of past and future wages and other job benefits.

163. Best Buy's actions as described above constitute unlawful gender discrimination prohibited by FEHA, California Government Code section 12940 *et seq.*

164. Plaintiffs request relief as hereinafter provided.

ALLEGATIONS REGARDING RELIEF

165. Plaintiffs, and the Class and Subclass they seek to represent, have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein, and the injunctive relief sought in this action is the only means of securing complete and adequate relief. Plaintiffs, and the Class and Subclass they seek to represent, are now suffering and will continue to suffer irreparable injury from defendants' discriminatory acts and omissions.

166. Best Buy performed the acts herein alleged with malice or reckless indifference. Plaintiffs and class members are thus entitled to recover punitive damages in an amount according to proof.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs and the Class pray for relief as follows:

167. Certification of the case as a class action on behalf of the proposed Class;

168. Designation of Representative Plaintiffs Jasmen Holloway, Amy Garcia, Cheryl Chappel, Eric Blacksher, Lawrence Santiago, Jr., Jessica Treas, Muembo Muanza, Maurice Calhoun, and Nicholas Dixon as representatives of the Class and California Subclass;

169. Designation of Representative Plaintiffs' counsel of record as class counsel;

1 170. A declaratory judgment that the policies or practices complained of herein
2 are unlawful and violate 42 U.S.C. § 1981, Title VII, and California Government Code § 12940 *et*
3 *seq.*;

4 171. A preliminary and permanent injunction against Best Buy and its officers,
5 agents, successors, employees, representatives, and any and all persons acting in concert with
6 them, from engaging in each of the unlawful policies, practices, customs, and usages set forth
7 herein;

8 172. An order that Best Buy institute and carry out policies, practices, and
9 programs that provide equal employment opportunities for all women and minorities, and that it
10 eradicate the effects of its past and present unlawful employment policies or practices;

11 173. An order restoring Plaintiffs and class members to their rightful positions at
12 Best Buy, or in lieu of reinstatements, an order for front pay benefits;

13 174. Back pay (including interest and benefits) for individual Plaintiffs and class
14 members;

15 175. Exemplary and punitive damages in an amount commensurate with Best
16 Buy's ability to pay and to deter future conduct;

17 176. Costs incurred herein, including reasonable attorneys' fees to the extent
18 allowable by law;

19 177. Pre-judgment and post-judgment interest, as provided by law; and

20 178. Such other and further legal and equitable relief as this Court deems
21 necessary, just, and proper.

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 Dated: January 6, 2009

ALTSHULER BERZON LLP

2
3 By: /s/ Eve H. Cervantez
Eve H. Cervantez

4 James M. Finberg
5 Eve H. Cervantez
6 Jamie L. Crook
7 ALTSHULER BERZON LLP
8 177 Post Street, Ste. 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

9 Kelly M. Dermody
10 Daniel M. Hutchinson
11 Barbra L. Williams
12 275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

13 Todd M. Schneider
14 Guy B. Wallace
15 Nancy Park
16 Naomi Sunshine
17 SCHNEIDER & WALLACE
18 180 Montgomery Street, Suite 2000
19 San Francisco, CA 94104
20 Telephone: (415) 421-7100
21 Facsimile: (415) 421-710

22 Bill Lann Lee
23 Vincent Cheng
24 Lindsay Nako
25 Nina Wasow
26 LEWIS, FEINBERG, LEE, RENAKER & JACKSON
27 436 14th Street, Suite 1505
28 Oakland, CA 94612-2703
Telephone: (510) 839-6824
Facsimile: (510) 839-7839

Attorneys for Plaintiffs and the Proposed Class

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all issues so triable.

Dated: January 6, 2009

ALTSHULER BERZON LLP

By: /s/ Eve H. Cervantez
Eve H. Cervantez

James M. Finberg
Eve H. Cervantez
Jamie L. Crook
ALTSHULER BERZON LLP
177 Post Street, Ste. 300
San Francisco, CA 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

Kelly M. Dermody
Daniel M. Hutchinson
Barbra L. Williams
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Todd M. Schneider
Guy B. Wallace
Nancy Park
Naomi Sunshine
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 421-7100
Facsimile: (415) 421-710

Bill Lann Lee
Vincent Cheng
Lindsay Nako
Nina Wasow
LEWIS, FEINBERG, LEE, RENAKER & JACKSON
436 14th Street, Suite 1505
Oakland, CA 94612-2703
Telephone: (510) 839-6824
Facsimile: (510) 839-7839

Attorneys for Plaintiffs and the Proposed Class

EXHIBIT A

Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

370-2006-00381

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

(Indicate Mr., Ms., Mrs.)

Jasmen Holloway

Home Phone No. (Incl Area Code)

Date of Birth

Address

City, State and ZIP Code

is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe
 Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

T. BUY STORES, L.P.

No. Employees, Members

Phone No. (Include Area Code)

500 or More

Address

City, State and ZIP Code

Donahue Street, Muir Beach, CA 94965

No. Employees, Members

Phone No. (Include Area Code)

Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE

☐

COLOR

☒

SEX

☐

RELIGION

☐

NATIONAL ORIGIN

☒

RETALIATION

☐

AGE

☐

DISABILITY

☐

OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

12-02-2005☐

CONTINUING ACTION

PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

attached.

RECEIVED**DEC 02 2005****EEOC-SFDO**

This charge is filed with both the EEOC and the State or local Agency, if any. I will
 keep the agencies if I change my address or phone number and I will cooperate fully
 in the processing of my charge in accordance with their procedures.

I swear under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to
 the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

Date

Charging Party Signature

STATEMENT

EEOC CHARGE STATEMENT

I, JASMEN HOLLOWAY, state as follows:

1.

I am years of age. I am African American. My Social Security number is
My date of birth is I reside at
My home telephone number is

2.

My complaint is against Best Buy Stores, L.P. ("Best Buy"), headquartered at 7601 Penn Avenue South, Richfield, Minnesota 55423, and incorporated in Minnesota. I worked at the Best Buy location at 180 Donahue Street, Marin City, CA 94965. I began my employment with Best Buy on or about January 2001, and my employment with Best Buy ended on or about August 2005. My immediate supervisor was Terry Mason.

3.

Respondent is an entity with 15 or more employees during each of the last 20 calendar weeks.

4.

I, and other women, African American and Latino employees, have been subjected to race and gender based discrimination by Best Buy, including, among other things, discrimination with respect to compensation and promotions, unequal job assignments, unequal training opportunities, other terms and conditions of employment, and a hostile work environment. Best Buy maintains a discriminatory employment system that uses subjective criteria to prefer white men and to disadvantage women and African American and Latino employees and applicants for employment. In addition, I was terminated from my employment because of my race and gender and in retaliation for raising issues of discrimination with my managers.

5.

During my employment at Best Buy, I have complained to company officials regarding the discrimination. Despite these complaints, Best Buy officials have done little or nothing to address my concerns.

6.

DC

RelayFax via port COM4

12/81/2005 16:14 7875549571

From: 7075549571

12/1/2005 3:11:55 PM (Page 3 of 3)

PAGE 83

From: Schneider and Wallace

12/1/2005 2:48:37 PM (Page 3 of 7)

STATEMENT

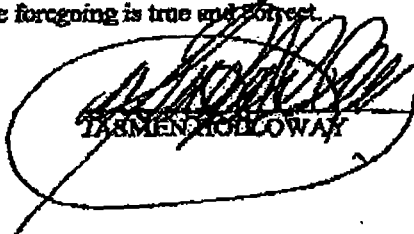
Respondent's agents, including Terry Mason, David Clark, Richard Uchida, Jim Bowles, Paul Mullig, and Raymond Godbeer, are responsible for the discrimination, hostile work environment, and retaliation, to which I was subjected, and for not taking all reasonable steps to prevent the discrimination, hostile work environment, and retaliation from occurring.

7.

I bring this charge on behalf of myself and other similarly situated African American, Latino, and women employees and applicants for employment.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: Dec 1, 2005


TARMEN HOLLOWAY

DC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Jasmen Holloway

From: San Francisco District Office
350 The Embarcadero
Suite 500
San Francisco, CA 94105On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

0-2006-00381

Scott H. Doughtie,
Investigator

(415) 625-5663

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Under Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Under the Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Under the Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


 for H. Joan Ehrlich,
 District Director

12-05-05

(Date Mailed)

Enclosure(s)

 To: BEST BUY STORES, L.P.
 180 Donahue Street
 Marin City, CA 94965

 Hank Wilson
 Attorney at Law
 Schneider & Wallace
 180 Montgomery, Suite 200
 San Francisco, CA 94104

Enclosure with EEOC
Form 161-B (3/98)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),

PRIVATE SUIT RIGHTS --

or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02 -- not 12/1/02** -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request **within 6 months** of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**(E ADDRESS CHECKED BELOW)**

(800) 700-2320

EEOC NUMBER: 370-2006-00381

1001 Tower Way, Suite 250
Bakersfield, CA 93309
(661) 385-2729

**CASE NAME : JASMEN HOLLOWAY v.
BEST BUY STORES, L.P.**

1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
(559) 244-4760

D A T E : December 5, 2005**NOTICE TO COMPLAINANT AND RESPONDENT**

611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 822-2941

No response to the DFEH is required by the respondent.

2000 "O" Street, Suite 120
Sacramento, CA 95814
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

1350 Front Street, Suite 3005
San Diego, CA 92101
(619) 645-2681

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

San Francisco District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 822-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

111 North Market Street, Suite 810
San Jose, CA 95113
(408) 277-1277

The DFEH does not retain case records beyond three years after a complaint is filed.

2101 East Fourth Street, Suite 255-B
Santa Ana, CA 92705
(714) 558-4266

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Chief Deputy Director

CP Enclosure with EEOC Form 5 (5/01)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (5/01).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII or the ADA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge if retaliation is taken against you or others who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA, it is unlawful for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against anyone, or for a union to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

EXHIBIT B

CHARGE OF DISCRIMINATION	AGENCY	CHARGE NUMBER
Form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing form.	<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	345-2006-00059

CA DEPT FAIR EMPLOYMENT AND HOUSING and EEOC*State or local Agency, if any*

(Indicate Mr., Ms. or Mrs.) my Garcia		HOME TELEPHONE (include area code)
ADDRESS	CITY, STATE AND ZIP CODE	DATE OF BIRTH

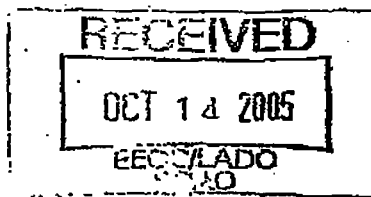
ED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY THAT I BELIEVE DISCRIMINATED AGAINST ME OR OTHERS. (If more than one, list under PARTICULARS)

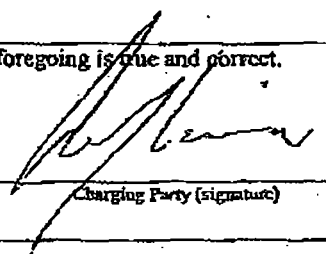
Buy, Inc.	NUMBER OF EMPLOYEES, MEMBERS Approx. 100,000	TELEPHONE (include area code) (530) 566-1012 (Chico)
ADDRESS	CITY, STATE AND ZIP CODE	COUNTY
Forest Ave.	Chico, CA 95928	Butte

OF DISCRIMINATION BASED ON (Check appropriate box(es))	DATE DISCRIMINATION TOOK PLACE EARLIEST April 2004 LATEST Oct. 2005
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input checked="" type="checkbox"/> OTHER (specify) EPA	<input checked="" type="checkbox"/> CONTINUING ACTION

PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

(see attached)



want this charge filed with both the EEOC and the State or local Agency, if will advise the agencies if I change my address or telephone number and ate fully with them in the processing of my charge in accordance with their are.	NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
re under penalty of perjury that the foregoing is true and correct. 9/17/05  Charging Party (signature)	SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

Charge of Discrimination – Amy Garcia

I. I am female. I was hired by Best Buy in August 2001 as a customer service employee in its Chico, California store. During my tenure with the company, I have also held the positions of Media Product Specialist, Media Senior, Merchandise Senior, and Media Supervisor. I have repeatedly expressed interest in being promoted to manager. Although Best Buy managers have told me that I am qualified for this position, I have yet to be promoted and have been denied promotions as recently as July 2005. In addition, I have been paid less than male employees in comparable positions and have been retaliated against for complaining of discrimination.

I have received excellent performance reviews during my tenure at Best Buy which have indicated that I am eligible for promotion to manager. During my entire employment I have been interested and available for promotion and have repeatedly made clear to my managers my interest in advancement. However, despite my excellent performance evaluations, Best Buy has continued to deny me promotional opportunities and has instead promoted male employees who are less qualified.

There have been a number of promotions to senior, supervisor, and manager in the Chico store during the four years I have worked at Best Buy. I am informed and believe that there have been scores of senior, supervisor and manager positions filled across the country during this time, the vast majority of which have gone to men.

In or around January 13, 2005 I was denied a promotion to Product Process Manager. When I learned that a manager position might be available in the Product Process Department, I immediately expressed my desire to be promoted to Manager, as I had done several times in the past, and informed the General Manager that I would like to apply for the position. The General Manager confirmed that a manager position was available, but advised me that it would not be posted and there was no use applying because someone had already been chosen. The General Manager further stated that I was qualified for the position but inferred that I would not be considered for promotion at the Chico store because of my status as a single mother. Shortly thereafter, Best Buy promoted a male employee who had less experience than me to the Product Process manager position.

Best Buy routinely fails to post job openings for manager and other high-level positions on Best Buy's internal job opening system ("JOS"). Between October 2004 and September 2005, approximately ten male employees were promoted to manager positions at the Chico store. Despite being well-qualified for these positions, I was denied the opportunity to apply and was not considered because the positions were not posted on JOS. If I had known these manager positions were available I would have applied. I am aware of at least one other female employee who was qualified for these positions and would have applied had they been posted.

In addition to denying me promotional opportunities, Best Buy has paid me less than male employees in comparable positions. In April 2004 my Operations Manager advised me that my salary could not be raised any higher because I had reached the maximum salary cap for my position as supervisor. In August 2004 I learned that male employees in comparable positions with less qualifications were receiving higher pay. I raised this issue with my district manager

who confirmed that males were, in fact, receiving higher salaries. Although I eventually received a raise, I was told as recently as April 2005 that Best Buy would not increase my salary any higher and that I would not receive a raise at my next review. I am informed and believe that I am still receiving a lower salary than male employees in comparable positions. In addition, I have also observed that other female employees are paid less than male employees in comparable positions.

I have routinely brought to the attention of my supervisors the company's compensation and promotion practices which unfairly favored male colleagues. In November 2004 and again in January 2005, I complained to Best Buy's Department of Human Resources and to my district manager of the discriminatory treatment to which I was subjected. Upon receiving my complaints, Best Buy has further discriminated and retaliated against me by removing my job functions, assigning me fewer and less favorable shifts, and downgrading my performance evaluations, as recently as April 2005.

For example, Best Buy retaliated against me by changing my shifts so that they conflicted with my child care responsibilities. When I asked why my shifts were changed, my direct manager stated it was because the numbers in my department were low. However, at the time the department I headed was ranked one of the top 50 departments in the company and was the most profitable department in the Chico store. Best Buy continued to retaliate against me by assigning me to shifts that my managers knew were impossible for me to work. When I complained to my manager about this retaliation, he told me that I should get off the sales floor and stated that a position in the merchandising department would "better suit me" given that I had children. Best Buy refused to restore my hours to what they had been before I complained of discrimination. As a result, on February 27, 2005, I was forced to step down from my supervisor position in the media department to take a non-managerial position in another department. Upon moving to this new position, Best Buy continued to retaliate against me by requiring me to perform certain managerial tasks without compensation, and giving me fewer and less favorable shifts.

II. I believe I have been discriminated against by Best Buy because of my sex for the following reasons: I am well qualified for promotion but have been repeatedly passed over in favor of males with lesser experience and abilities. I have also received less compensation than male employees with comparable qualifications. Best Buy has retaliated against me in the form of unequal terms and conditions of employment for complaining of discrimination on the basis of sex.

III. I believe that Best Buy has a pattern and practice of discriminating against its female employees in filling senior, supervisor and store management positions and by subjecting female employees to discrimination with respect to promotions, training, job assignments, and compensation in its stores nationwide. In addition, I believe Best Buy has a pattern and practice of retaliating against female employees who have complained of discrimination based on sex. I bring this charge on behalf of myself and other similarly situated women who have been denied promotional opportunities, paid less, and retaliated against as a result of their sex.

OC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Ms. Amy Garcia

From: EEOC
401 "B" Street, Suite 510
San Diego, CA 92101☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

45-2006-00059

Legal Officer of the Day

(619) 557-7235

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☐ The EEOC is terminating its processing of this charge.
- ☒ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosure(s)



Bettie Isaka, Acting Director

12/7/05

(Date Mailed)

CC: Shalanda D. Ballard, Best Buy
Corporate Employment Counsel

Gena E. Wiltsek, Lief, Cabraser, Heimann & Bernstein,
LLP

Enclosure with EEOC
Form 161-B (3/98)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02 -- not 12/1/02** -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

STATE OF CALIFORNIA - State and Consumer Services Agency

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



EEOC Number: 345-2006-00059

TTY: (800) 700-2320

Ms Shalanda Ballard
Corporate Employment Counsel
BEST BUY
7601 Penn Avenue South
Richfield, MN 55423

Garcia, Amy Vs. BEST BUY

Date: October 19, 2005

☐ 1001 Tower Way, Suite 250
H Bakersfield, CA 93309
(561) 395-2729

☐ 1320 E. Shaw Avenue, Suite 150
C Fresno, CA 93710
(559) 244-4760

☐ 611 West Sixth Street, Suite 1500
S/T Los Angeles, CA 90017
(213) 439-8799

☐ 1515 Clay Street, Suite 701
M Oakland, CA 94612
(510) 622-2941

☐ 2000 "O" Street, Suite 120
E Sacramento, CA 95814
(916) 445-5523

☐ 1350 Front Street, Suite 3005
D San Diego, CA 92101
(619) 645-2681

☐ San Francisco District Office
A 1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-2973

☐ 111 North Market Street, Suite 810
B San Jose, CA 95113
(408) 277-1277

☐ 2101 East Fourth Street, Suite 255-B
C Santa Ana, CA 92705
(714) 558-4268

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Chief Deputy Director

EXHIBIT C1

CHARGE OF DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER 340-2005-02093
Form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
CA DEPT FAIR EMPLOYMENT AND HOUSING and EEOC <i>State or Local Agency, if any</i>			
Indicate Mr., Ms. or Mrs. Crystal Chappel		HOME TELEPHONE (include area code)	
ADDRESS CITY, STATE AND ZIP CODE		DATE OF BIRTH	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY THAT I BELIEVE DISCRIMINATED AGAINST ME OR OTHERS. (If more than one, list under PARTICULARS)			
Employer, Inc.		NUMBER OF EMPLOYEES, MEMBERS Approx. 100,000	TELEPHONE (include area code) (858) 831-9003 (Mira Mesa) (530) 566-1012 (Chico)
ADDRESS CITY, STATE AND ZIP CODE		COUNTY	
Mira Mesa Blvd. San Diego, CA 92126		San Diego	
Forest Ave. Chico, CA 95928		Butte	
TYPE OF DISCRIMINATION BASED ON (Check appropriate boxes)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST April 2003 September 2004 <input checked="" type="checkbox"/> CONTINUING ACTION	
<input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (specify)			
PARTICULARS ARE (If additional space is needed, attach extra sheet(s)): see attached			
I want this charge filed with both the EEOC and the State or local Agency, if I will advise the agencies if I change my address or telephone number and rate fully with them in the processing of my charge in accordance with their procedure.		NOTARY - (When necessary for State and Local Requirements)	
I am under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
3/21/05 Crystal L. Chappel Charging Party (signature)		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

RECEIVED

APR 21 2005

EEOC/DOJ

Charge of Discrimination – Cheryl Chappel

I. I am female. I was hired by Best Buy in July 2001 as an Administrative Senior in its Chico, California store. In September 2004 I transferred to the Best Buy store in Mira Mesa, California, where I have continued to work as an Administrative Senior. During my tenure with the company, I have repeatedly expressed interest in being promoted to Supervisor. Although Best Buy managers have told me that I am qualified for this position, I have yet to be promoted and have been denied promotions as recently as September 2004. In addition, I have been paid less than male employees in comparable positions.

I have received excellent performance reviews during my tenure at Best Buy which have indicated that I am eligible for promotion to Supervisor. During my entire employment I have been interested and available for promotion and have repeatedly made clear to my managers my interest in advancement. However, despite my excellent performance evaluations, Best Buy has continued to deny me promotional opportunities and has instead promoted male employees who are less qualified.

In both the Chico and Mira Mesa stores there have been a number of promotions to senior, supervisor, and manager during the three and a half years I have worked at Best Buy. I am informed and believe that there have been scores of senior, supervisor and manager positions filled across the country during this time, the vast majority of which have gone to men.

In April 2003 I applied for a promotion to Operations Supervisor. I had already worked in the Operations Department for almost two years at the time of my application, and my managers had told me that I was well-qualified for the promotion. However, when I asked the hiring manager the status of my application he informed me that he had decided to promote a male employee to the position instead. The male employee who was promoted had worked at the store for only four months, on a part-time basis, and had never worked in the Operations Department prior to receiving this promotion. When I inquired why the manager had chosen this male employee over myself and the other female applicant who had applied for the position, the manager replied, "it's a man thing." Later, when I asked why so few female employees held positions on the sales floor, I was told that "girls can't sell."

In September 2004 I transferred to Best Buy's store in Mira Mesa, California and again expressed my desire to be promoted to Supervisor. I was informed by my managers that the Mira Mesa store had a Supervisor position open and both the Operations Manager and the District Manager of the Chico store indicated that I was more than qualified for the job. When I spoke to the Operations Manager at the Mira Mesa store he confirmed that the supervisor position was open. However, when I arrived at the Mira Mesa store I was told that the position had already been filled. I subsequently learned that Best Buy had promoted a male employee who had less experience than me to the Supervisor position.

During my employment, Best Buy has paid me less than male employees in comparable positions. I have learned that male employees with less qualifications are receiving higher pay. I raised this issue with my direct manager in July 2004 who initially refused to adjust my salary so that it was commensurate with male employees doing the same job. Although I was eventually told that I would receive a raise, effective July 14, 2004, I still have not received the retroactive

pay that I am due. I have also observed that other female employees are paid less than male employees in comparable positions.

II. I believe I have been discriminated against by Best Buy because of my sex for the following reasons: I am well qualified for promotion but have been repeatedly passed over in favor of males with lesser experience and abilities. I have received less compensation than male employees with comparable qualifications.

III. I believe that Best Buy has a pattern and practice of discriminating against its female employees in filling senior, supervisor and store management positions and by subjecting female employees to discrimination with respect to promotions, training, job assignments, and compensation in its stores nationwide. I bring this charge on behalf of myself and other similarly situated women who have been denied promotional opportunities and paid less as a result of their sex.

EEOC Form 161-B (3/99)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Ms. Cheryl Chappel

From: EEOC
401 "B" Street, Suite 510
San Diego, CA 92101

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

340-2005-02093

Legal Officer of the Day

(619) 557-7235

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☐ The EEOC is terminating its processing of this charge.
- ☒ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Bettie Isiaka, Acting Director

12/7/05

(Date Mailed)

Enclosure(s)

cc: Shalanda D. Ballard, Best Buy
Corporate Employment Counsel

Gena E. Wiltsek, Lief, Cabraser, Heimann & Bernstein,
LLP

Enclosure with EEOC
Form 161-B (3/98)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment; backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

ADDRESS CHECKED BELOW



(800) 700-2320

1001 Tower Way, Suite 250
Bakersfield, CA 93309
(805) 395-2729

1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
(559) 244-4760

611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-6793

1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 822-2341

2000 "O" Street, Suite 120
Sacramento, CA 95814
(916) 445-5523

1350 Front Street, Suite 3005
San Diego, CA 92101
(619) 645-2681

121 Spear Street, Suite 430
San Francisco, CA 94105
(415) 904-2303

111 North Market Street, Suite 810
San Jose, CA 95113
(408) 277-1277

2101 East Fourth Street, Suite 205-B
Santa Ana, CA 92705
(714) 558-4286

Chief Executive Officer
Legal Department EEOC Number: 340-2005-02093
Best Buy
Attn.: HSBC Retail Services Case Name: Cheryl Chappel
2700 Sanders
Prospect Heights, IL 60070 Date: April 25, 2005

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

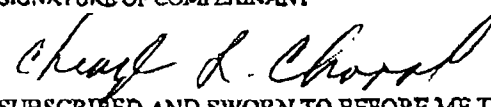
Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Deputy Director
Enforcement Division

DFEH-200-02 (01/04)

EXHIBIT C2

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
CA DEPT FAIR EMPLOYMENT AND HOUSING and EEOC			
(Indicate Mr., Mrs. or Mrs.) Cheryl Chappel		HOME TELEPHONE (include area code)	
ST ADDRESS CITY, STATE AND ZIP CODE		DATE OF BIRTH	
I AM THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY THAT I BELIEVE DISCRIMINATED AGAINST ME OR OTHERS. (If more than one, list under PARTICULARS)			
Buy Co., Inc. Buy Stores, L.P.		NUMBER OF EMPLOYEES, MEMBERS Approx. 100,000	TELEPHONE (include area code) (858) 831-9003 (Mira Mesa)
ST ADDRESS CITY, STATE AND ZIP CODE		COUNTY	
Mira Mesa Blvd. San Diego, CA 92126		San Diego	
TYPE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST April 2003 present <input checked="" type="checkbox"/> CONTINUING ACTION	
PARTICULARS ARE (If additional space is needed, attach extra sheet(s)): attached charge.			
I want this charge filed with both the EEOC and the State or local Agency, if I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their rules.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I am under penalty of perjury that the foregoing is true and correct.		SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) 10/24/08	

I. I am an African-American female who filed a class charge of discrimination on April 21, 2005 (No. 05-02093), attached hereto as Exhibit A. I am hereby supplementing that charge on behalf of myself, Cheryl, and all others similarly situated to include the allegations set forth herein. Like other female, African-American, and Latino employees at Best Buy, I have been harmed by a continuing pattern and practice or policy of discrimination.

II. When I filed a Charge of Discrimination on April 21, 2005, I was working at the Best Buy store in Mira California, as an Administrative Senior. Effective December 31, 2007, I became an Operations Manager. Best Buy has paid me less than white male managers in comparable positions. I have also observed that other female and Latino managers are paid less than white male managers in comparable positions.

III. I believe that Best Buy has discriminated against me because of my sex, race, and/or color for the following reasons: I have received less compensation than white male managers with comparable qualifications. I am a well qualified for promotion but have been repeatedly passed over in favor of white males with lesser qualifications and abilities.

IV. I believe that Best Buy has a pattern and practice of discriminating against its African-American, Latino, and female employees in filling major sales, senior, supervisor, and store management positions and by subjecting African-American, Latino, and female employees to discrimination with respect to hiring, job assignments, promotions, and compensation in its stores nationwide. I bring this charge on behalf of myself and other similarly situated African-Americans, Latinos, and women who have received disparate treatment, been denied equal job assignments, been denied promotional opportunities, and/or been paid less as a result of their race, color, national origin, and/or sex.

EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Cheryl Chappel

From: San Francisco District Office
350 The Embarcadero
Suite 500
San Francisco, CA 94105On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

550-2009-00190

Scott H. Doughtie,
Investigator

(415) 625-5663

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

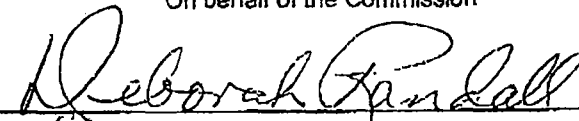
The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


 for Michael Baldonado,
 District Director

12/24/08

(Date Mailed)

Enclosures(s)

cc: BEST BUY STORES, LP
9540 Mira Mesa Boulevard
San Diego, CA 92154

Enclosure with EEOC
Form 181-B (3/98)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit **before 7/1/02** -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request **within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(PRESS CHECKED BELOW)



Date: December 17, 2008

700-2320

Case Name: CHERYL CHAPPEL vs. BEST BUY CO., INC.

1800 Stockdale Hwy., Suite 216
 Sakersfield, CA 93308
 6811 386-2720

EEOC No: 550-2009-00190

320 E. Blaw Avenue, Suite 160
 Fresno, CA 93710
 5881 244-4700

NOTICE TO COMPLAINANT AND RESPONDENT

311 West Sixth Street, Suite 1600
 Los Angeles, CA 90017
 2131 438-6708

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

516 Clay Street, Suite 701
 Oakland, CA 94612
 4151 822-2841

No response to the DFEH is required by the respondent.

100 "O" Street, Suite 120
 Sacramento, CA 95814
 9161 446-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

80 Front Street, Suite 3005
 San Diego, CA 92101
 6191 846-2881

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

1 Francisco District Office
 16 Clay Street, Suite 701
 Oakland, CA 94612
 4151 822-2873

10 North First Street, Suite 480
 Fresno, CA 93701
 5591 325-0344

1 East Fourth Street, Suite 256-B
 Los Angeles, CA 90013
 2131 660-4280

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.


The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

John M. Jefferson

EXHIBIT D

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
CA DEPT FAIR EMPLOYMENT AND HOUSING and EEOC			
<i>State or local Agency, if any</i>			
E (indicate Mr., Ms. or Mrs.) Eric Blacksher		HOME TELEPHONE (include area code)	
STREET ADDRESS CITY, STATE AND ZIP CODE		DATE OF BIRTH	
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY THAT I BELIEVE DISCRIMINATED AGAINST ME OR OTHERS. (If more than one, list under PARTICULARS v.)			
E t Buy, Inc.		NUMBER OF EMPLOYEES, MEMBERS Approx. 100,000	TELEPHONE (include area code)
STREET ADDRESS CITY, STATE AND ZIP CODE		COUNTY	
TYPE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST November 2005 February 2006 <input type="checkbox"/> CONTINUING ACTION	
PARTICULARS ARE (If additional space is needed, attach extra sheet(s)): (see see attached)			
I want this charge filed with both the EEOC and the State or local Agency, if I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
I declare under penalty of perjury that the foregoing is true and correct.		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	
3/27/06  Charging Party (signature)			

Charge of Discrimination – Eric Blacksher

I. I am African American. Best Buy refused to hire me in or around November 2005. Although I am well qualified, Best Buy denied my application for employment.

I applied to Best Buy on or around November 14, 2005 as a student looking for part-time employment. I learned that Best Buy usually hires part-time employees with little or no experience for the holiday season. I completed Best Buy's online application, and listed my retail sales experience at Finish Line and Sears.

I received a prompt and positive response to my application. Within only a few hours, a Best Buy manager called me to ask about my availability to interview. He confirmed that I had the desire and ability to work as a salesperson or cashier, and encouraged me to interview as soon as possible.

About two days later, I attended an in-person interview at the Best Buy store in or near Valencia, California. The Best Buy manager conducting the interview could see that I was black. I explained my employment history and work experience, and expressed my desire to work in any available sales or cashier position. Although I thought the interview went well, Best Buy informed me that I had to interview again. About ten days later, I interviewed with another manager. He stated that Best Buy had job openings in the Home Theater department and seemed impressed at my extensive work experience for so young an age. Still, Best Buy asked me to interview again. I interviewed for a third time about ten days later. I was encouraged because I interviewed well and have more experience than other part time applicants my age. I did not think Best Buy would ask me to interview three times unless they were seriously interested in hiring me.

I waited for a call from Best Buy, but they never contacted me again and never explained why they refused to offer me a job. I called Best Buy repeatedly, but could not get an answer as to whether or not Best Buy would hire me. I finally called Best Buy several times in late February 2006 and directly asked whether Best Buy planned to hire me. Best Buy stated that they did not know and that the Best Buy manager responsible for making this decision was not available. I understood these repeated refusals to mean that Best Buy had no intention of hiring me.

While Best Buy refused to hire me, I applied to Vons Grocery and received a job almost immediately.

II. I believe I have been discriminated against by Best Buy because of my race and/or color for the following reason: I was and am well qualified for employment at Best Buy, but was passed over in favor of other applicants.

III. I believe that Best Buy has a pattern and practice of discriminating against African-American, Latino, and Asian-American job applicants in filling all employment positions, including major sales, senior, supervisor and store management positions. I bring this charge on behalf of myself and other similarly situated African Americans, Latinos, and Asian Americans who have been denied employment opportunities as a result of their race and/or color.

EEOC Form 161-B (3/88)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Eric Blacksher

From: Los Angeles District Office - 480
255 E. Temple St. 4th
Los Angeles, CA 90012On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

550-2006-00783

Joyce L. Mills, Investigator

(213) 894-1022

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to our case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


 Olophius E. Perry
 District Director
October 4, 2006
(Date Mailed)

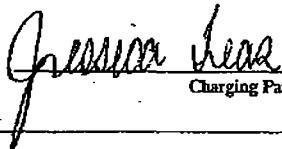
Enclosures(s)

cc:

BEST BUY, INC.

Daniel H. Hutchinson, Esq.
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111

EXHIBIT E

CHARGE OF DISCRIMINATION		AGENCY <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	CHARGE NUMBER 550-2006-02089
m is affected by the Privacy Act of 1974; See Privacy Act Statement before completing n.			
CA DEPT FAIR EMPLOYMENT AND HOUSING and EEOC <i>State or local Agency, if any</i>			
indicate Mr., Ms. or Mrs.) sica Treas		HOME TELEPHONE (include area code)	
ADDRESS CITY, STATE AND ZIP CODE		DATE OF BIRTH	
IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR GOVERNMENT AGENCY THAT I BELIEVE DISCRIMINATED AGAINST ME OR OTHERS. (If more than one, list under PARTICULARS			
ay Stores, L.P. ADDRESS CITY, STATE AND ZIP CODE fandela Pkwy. Oakland, CA 94608		NUMBER OF EMPLOYEES, MEMBERS Approx. 100,000	TELEPHONE (include area code) (510) 420-0323
		COUNTY Alameda	
OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST July 1999 February 26, 2006 <input type="checkbox"/> CONTINUING ACTION	
PARTICULARS ARE (If additional space is needed, attach extra sheet(s): see attached)			
want this charge filed with both the EEOC and the State or local Agency, if will advise the agencies if I change my address or telephone number and ate fully with them in the processing of my charge in accordance with their are.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
e under penalty of perjury that the foregoing is true and correct. 13.06  Charging Party (signature)		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

RECEIVED

SEP 21 2006

EEOC-SFDO

Charge of Discrimination – Jessica Treas

I. I am a Latina female of Mexican origin. I was hired by Best Buy in July 1999 as a Customer Service Rep II (“CSR II”) in the Pinole, California store. During my almost seven-year tenure with the company as a CSR II, customer service senior, customer service supervisor, customer service manager, media supervisor, and administrative senior, I experienced discrimination in promotion, treatment, and training, and job segregation at the Pinole, Pleasant Hill, Union City, and Emeryville stores. In addition, I was paid less than white and male employees in comparable positions.

When I applied to work at Best Buy’s Pinole, California store, I had extensive managerial experience. During my interview, I expressed my interest in a supervisor position and articulated my desire to become a Best Buy manager. I also stated my interest in sales and interviewed with a manager for a sales position. Following my interview, Best Buy hired me as a CSR II and assigned me to a location off the sales floor.

As a CSR II, I took on various duties and remained interested in a promotion to the sales floor. Despite my expertise in various Best Buy departments, I felt pressured to remain in customer service. Best Buy managers never “cross trained” me with experiences on the sales floor and discouraged me from transferring to the sales floor. In contrast, Best Buy managers frequently spoke with white and male employees about promotions to the sales floor, where they received higher pay and greater opportunities for promotion. Men who performed as well or less well than me received such promotions. I noticed that customer service employees were predominantly female while sales floor employees were overwhelmingly male. Following several instances where Best Buy passed me over for white males with lesser or comparable qualifications, Best Buy placed me in customer service manager positions off of the sales floor, first in Pleasant Hill, and subsequently in Best Buy’s Pinole, Union City, and Emeryville stores.

When I first transferred to Emeryville in 2004, I was the only female manager in the entire store. Best Buy did not treat me the same as white and male managers. Best Buy regularly singled me out for performance issues and focused disproportionately on my department’s numbers. Best Buy disciplined me more frequently and for less serious offenses than white and male employees. Countless times, Best Buy managers harassed, ridiculed, or otherwise commented upon my performance. I did not understand this criticism, as I had successfully performed my job duties and received positive reviews as customer service manager. Moreover, my department performed as well or better than other areas of the store, as measured by Best Buy’s national department rankings.

Best Buy demoted me from manager to a supervisor position in the media department and replaced me with a white male manager. The differential treatment, however, continued even after the demotion. Best Buy wrote me up for minor infractions, harassed me, and required that my department have higher sales numbers than departments supervised by white men. Best Buy demoted me in June 2005, this time to administrative senior. On each occasion that Best Buy demoted me, none of the white males who replaced me achieved higher numbers or performed better than me. Nonetheless, each white male who succeeded me as manager received promotions to the sales floor or segment manager positions. I also witnessed other white males with comparable or lesser abilities and experience receive promotions.

I applied for and was denied numerous promotions. I regularly sought opportunities to advance at Best Buy and spoke with managers about attaining a sales or inventory manager position. Following my demotion to administrative senior in June 2005, I frequently inquired about supervisor positions in several stores. I also searched Best Buy's internal job opening system (JOS) at least once a month. JOS postings, however, often did not represent actual "vacancies" because Best Buy often decided who they wanted to hire before posting on the JOS. Best Buy often filled positions without posting on the JOS. I applied and interviewed for several job openings that Best Buy instead gave to white males with lesser or comparable qualifications.

During my employment, Best Buy paid me less than white and male employees in comparable positions. White male sales managers routinely received higher pay and greater status. On several occasions, Best Buy did not award me promised pay raises that it awarded to white managers. Following my demotions, Best Buy informed me that I was capped out and refused to grant me any raises. I have also observed that other Asian-American, African-American, Latino, and female employees were paid less than white and male employees in comparable positions.

Throughout my tenure with the company, Best Buy did not provide me with the same timely reviews and trainings opportunities it afforded white male employees. I did not receive any reviews during my time as a customer service manager. As a media supervisor, I received only cursory training. In contrast, white and male employees who began new supervisor assignments received more extensive training that sometimes included moving to another store to shadow an experienced supervisor.

Best Buy retaliated against me for lodging formal complaints about this discriminatory treatment. On one occasion, I lodged a complaint with Best Buy's human resources 800 number after a manager improperly used a store camera to monitor me. Instead of conducting an investigation, Best Buy's human resources department called the manager. This call resulted in numerous retaliatory write ups. Best Buy terminated me in February 2006 for entering a standard time edit to clock in after a period of illness. Best Buy claimed that I improperly altered my time sheet. I believe that this termination was in retaliation for my complaints and illness.

II. I believe I have been discriminated against by Best Buy because of my race, color, national origin, and/or sex for the following reasons: I received different treatment and fewer training opportunities than white and male workers. While I was well qualified for promotion, I was repeatedly passed over in favor of whites and males with lesser experience and abilities. I have received less compensation than white and male employees with lesser qualifications. I was terminated in retaliation for my complaints of discriminatory treatment.

III. I believe that Best Buy has a pattern and practice of discriminating against its Asian-American, African-American, Latino, and female employees in filling senior, supervisor and store management positions and by subjecting Asian-American, African-American, Latino, and female employees to discrimination with respect to promotions, training, job and hours assignments, and compensation in its stores nationwide. I bring this charge on behalf of myself and other similarly situated Asian Americans, African Americans, Latinos, and women who have received disparate treatment, been denied training opportunities, been denied promotional opportunities, and/or been paid less as a result of their race, color, national origin, and/or sex.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

TO: Jessica Treas

From: San Francisco District Office - 550
350 The Embarcadero
Suite 500
San Francisco, CA 94105

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
50-2006-02089	Scott H. Doughtie, Investigator	(415) 625-5663

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Under Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☐ The EEOC is terminating its processing of this charge.
- ☒ The EEOC will continue to process this charge.

Under the Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Under the Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



H. Joan Ehrlich,
District Director

11/2/06

(Date Mailed)

closure(s)

Melinda S. Riechert
Morgan Lewis
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Daniel M. Hutchinson
Lief, Cabraser, Heimann & Bernstein, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111

Enclosure with EEOC
Form 161-B (3/98)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),

PRIVATE SUIT RIGHTS --

or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

ADDRESS CHECKED BELOW



(800) 700-2320

Date: September 26, 2006

Case Name: JESSICA TREAS
vs. BEST BUY STORES, LP

EEOC No: 550-2006-02089

1001 Tower Way, Suite 250
Bakersfield, CA 93309
(661) 395-27291320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
(559) 244-4760611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-67931515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-29412000 "O" Street, Suite 120
Sacramento, CA 95814
(916) 445-55231350 Front Street, Suite 3005
San Diego, CA 92101
(619) 645-2681San Francisco District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-2973111 North Market Street, Suite 810
San Jose, CA 95113
(408) 277-1277101 East Fourth Street, Suite 255-B
Santa Ana, CA 92705
(714) 558-4266**NOTICE TO COMPLAINANT AND RESPONDENT**

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Chief Deputy Director

EXHIBIT F

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
Form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	550-2006-01965
CA DEPT FAIR EMPLOYMENT AND HOUSING and EEOC <i>State or local Agency, if any</i>			
NAME (Indicate Mr., Ms., or Mx.) Lawrence Santiago, Jr.		HOME TELEPHONE (include area code)	
STREET ADDRESS	CITY, STATE AND ZIP CODE	DATE OF BIRTH	
MED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, OR STATE OR LOCAL GOVERNMENT AGENCY THAT I BELIEVE DISCRIMINATED AGAINST ME OR OTHERS. (If more than one, list under PARTICULARS below.)			
ME st. Buy Stores, L.P.	NUMBER OF EMPLOYEES, MEMBERS Approx. 100,000	TELEPHONE (include area code) (408) 979-1591	
STREET ADDRESS 65 Almaden Expressway	CITY, STATE AND ZIP CODE San Jose, CA 95118-2051	COUNTY Santa Clara	
USE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input checked="" type="checkbox"/> RACE <input checked="" type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST July 2003 May 5, 2006 <input type="checkbox"/> CONTINUING ACTION	
PARTICULARS ARE (If additional space is needed, attach extra sheets): Please see attached)			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure. I declare under penalty of perjury that the foregoing is true and correct.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
		SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

RECEIVED

SEP 06 2006

EEOC-SFDO

Charge of Discrimination – Lawrence Santiago, Jr.

I. I am a Latino and Asian American of Puerto Rican and Japanese origin. I was hired by Best Buy in July 2003 as a cashier in the Blossom Hill store in San Jose, California. During my tenure with the company, I experienced race-based discrimination in promotion, treatment, and training. In addition, I was paid less than white employees in comparable positions.

When I applied to work at Blossom Hill store, I had extensive supervisory and managerial experience. During my initial interviews at Best Buy, I expressed my interest in a supervisor position. My resume detailed my extensive supervisory experience. Following my interview, Best Buy offered me a position as a Customer Service Rep II ("CSR II").

Shortly after accepting the CSR II position, I learned that it was little more than a glorified cashier. Best Buy assigned me to a location off the sales floor.

I continued to work hard and sought out all available promotions. While working as a CSR II, I applied for five promotions in 2003. Nonetheless, on each occasion, Best Buy denied my application and did not even grant me an interview.

Best Buy did not provide with the same training opportunities as other employees. Although it common practice to train each person starting a supervisor position, Best Buy managers denied or put off my requests for training when I began work as a supervisor in the appliance department in early 2004. Although I performed well, I suspected that Best Buy was setting me up to fail by placing me in this position without notifying me of the relevant policies, procedures, standards, and expectations. After about six months in this position, Best managers informed me that Best Buy planned to demote me and reduce my pay. I voluntarily stepped down.

From late 2004 through 2006, Best Buy denied my applications for promotion and instead awarded positions to white males with lesser or comparable qualifications. The managers charged with posting Best Buy job vacancies and Best Buy's internal job opening system (JOS) did not adequately inform me of job openings at Best Buy. I therefore took it upon myself to initiate my own searches and tracked down Best Buy job openings by myself during my lunch breaks and off work hours. I successfully identified and applied for ten positions. I interviewed for eight of these positions. Best Buy did not promote me to any of these positions. White employees in comparable positions routinely received promotions.

During my employment, Best Buy paid me less than white employees doing the same or comparable work. I have also observed that other Asian-American, African-American, and Latino employees were paid less than white employees in comparable positions. As an ACE appliance salesperson, Best Buy did not give me the pay or hours assignments that it promised.

I also experienced hostile treatment at Best Buy. My managers and co-workers constantly used racially and sexually derogatory language. On one occasion, the Best Buy operations manager stated to me that "it looks like you're getting a little fat. It must be because you're Hawaiian." Another time, this manager referred to me as a "mutt." I witnessed other Asian-American, African-American, Latino, and female employees receive similar treatment.

For example, I frequently overheard managers state that an African-American woman who was injured at work, was "full of shit" and faking her injury. A sales manager at the store, stated "that's how them ghetto niggers do it." The operations manager often talked about female cashiers and made comments including "look at her tits" and "that's a sweet piece of ass." All upper level store sales and operations positions were filled by whites.

Best Buy retaliated against me for lodging formal complaints about this discriminatory treatment. I called Best Buy's (888) BESTBUY number, contacted human resources, and called the open line to report discriminatory conduct. Although Best Buy maintains that complaints are confidential, a manager stated shortly thereafter "so I heard you called open line." At a subsequent sales meeting, the general manager referred to me and stated "so somebody's a cry baby." Following Best Buy's reorganization in May 2006, a Best Buy general manager laid me off. He informed me that I could only return to Best Buy if I accepted an \$8 pay cut. Most of the white managers affected by this reorganization were given their equivalent positions and pay scales.

II. I believe I have been discriminated against by Best Buy because of my race, color, and/or national origin for the following reasons: I received different treatment and fewer training opportunities than white workers. While I was well qualified for promotion, I was repeatedly passed over in favor of whites with lesser experience and abilities. I have received less compensation than white employees with lesser qualifications.

III. I believe that Best Buy has a pattern and practice of discriminating against its Asian-American, African-American, and Latino employees in filling senior, supervisor and store management positions and by subjecting Asian-American, African-American, and Latino employees to discrimination with respect to promotions, training, job and hours assignments, and compensation in its stores nationwide. I bring this charge on behalf of myself and other similarly situated Asian Americans, African Americans, and Latinos who have received disparate treatment, been denied training opportunities, been denied promotional opportunities, and/or been paid less as a result of their race, color, and/or national origin.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

to: Lawrence Santiago

From: San Francisco District Office - 550
350 The Embarcadero
Suite 500
San Francisco, CA 94105On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29-CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

50-2006-01965

Scott H. Doughtie,
Investigator

(415) 625-5663

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

H. Joan Ehrlich,
District Director

11/2/06

(Date Mailed)

Enclosure(s)

Melinda S. Riechert
Morgan Lewis
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306Daniel M. Hutchinson
Lief, Cabraser, Heimann & Bernstein, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111

Enclosure with EEOC
Form 161-B (3/98)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),

PRIVATE SUIT RIGHTS --

or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

ADDRESS CHECKED BELOW



1800) 700-2320

Date: September 8, 2006

100) Tower Way, Suite 250
Bakersfield, CA 93309
(661) 395-2729

Case Name: LAWRENCE SANTIAGO, JR. vs.
BEST BUY STORES, LLP

1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
(559) 244-4760

EEOC No: 550-2006-01965

NOTICE TO COMPLAINANT AND RESPONDENT

611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-2941

No response to the DFEH is required by the respondent.

2000 "O" Street, Suite 120
Sacramento, CA 95814
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

1350 Front Street, Suite 3005
San Diego, CA 92101
(619) 645-2681

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

San Francisco District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 622-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

111 North Market Street, Suite 810
San Jose, CA 95113
(408) 277-1277

2101 East Fourth Street, Suite 255-B
Santa Ana, CA 92705
(714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Chief Deputy Director

EXHIBIT G

Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

370-2006-00384

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

(Indicate Mr., Ms., Mrs.)

Home Phone No. (Ind. Area Code)

Date of Birth

Muembo Muanza

Address

City, State and ZIP Code

I am the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

T BUY STORES, L.P.

No. Employees, Members

500 or More

Phone No. (Include Area Code)

Address

City, State and ZIP Code

Donahue Street, Marin City, CA 94965

No. Employees, Members

Phone No. (Include Area Code)

Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE

☐

COLOR

☐

SEX

☐

RELIGION

☒

NATIONAL ORIGIN

☐

RETALIATION

☐

AGE

☐

DISABILITY

☐

OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

12-02-2005

☐

CONTINUING ACTION

PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

attached.

RECEIVED

DEC 02 2005

EEOC-SFDO

I have filed this charge with both the EEOC and the State or local Agency, if any. I will cooperate fully with the agencies if I change my address or phone number and I will cooperate fully in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I swear under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

Date

Charging Party Signature

STATEMENT

EROG CHARGE STATEMENT

I, MUEMBO MUANZA, state as follows:

1.

I am _____ years of age. I am African American. My Social Security number is _____.
My date of birth is _____ I reside at _____
94547. My telephone number is _____.

2.

My complaint is against Best Buy Stores, L.P. ("Best Buy"), headquartered at 7601 Penn Avenue South, Richfield, Minnesota 55423, and incorporated in Minnesota. I worked at the Best Buy location at 180 Donahue Street, Marin City, CA 94965. I began my employment with Best Buy on or about September 2004. My immediate supervisor is Mike Tamoua.

3.

Respondent is an entity with 15 or more employees during each of the last 20 calendar weeks.

4.

I, and other African American and Latino employees, have been subjected to race-based discrimination by Best Buy, including, among other things, discrimination with respect to compensation and promotions, unequal job assignments, unequal training opportunities, other terms and conditions of employment, and a hostile work environment. Best Buy maintains a discriminatory employment system that uses subjective criteria to prefer whites and to disadvantage African American and Latino employees and applicants for employment.

5.

Respondent's agents, including Mike Tamoua, Dave Clarke, Paul Mulig, Raymond Godbeer, are responsible for the discrimination and hostile work environment to which I was subjected, and for not taking all reasonable steps to prevent the discrimination and hostile work environment from occurring.

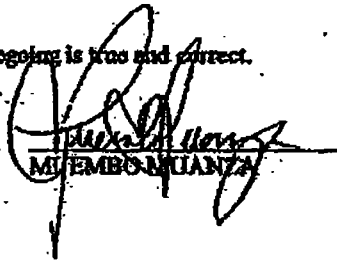
6.

STATEMENT

I bring this charge on behalf of myself and other similarly situated African Americans and Latino employees and applicants for employment.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: 12-1, 2005


MICHAEL A. HENRY

EEOC Form 161-B (3/98)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Muenbo Muanza

From: San Francisco District Office - 550
350 The Embarcadero
Suite 500
San Francisco, CA 94105On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

370-2006-00384

Scott H. Doughtie,
Investigator

(415) 625-5663

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII of the ADA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


 H. Joan Ehrlich,
 District Director

 10/2/06
 (Date Mailed)

Enclosure(s)

 cc: Melinda S. Riechert
 Partner
 Morgan, Lewis & Bockius LLP
 2 Palo Alto Square
 3000 El Camino Real, Suite 700
 Palo Alto, CA 94306

 Daniel M. Hutchinson
 Loeff, Cabraser, Heimann & Bernstein, LLP
 Embarcadero Center West
 275 Battery Street, 30th Floor
 San Francisco, CA 94111-3339

Enclosure with EEOC
Form 181-B (9/00)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),

PRIVATE SUIT RIGHTS --

or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was *mailed* to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING**E ADDRESS CHECKED BELOW)**

(800) 700-2320

Date: December 2, 2005

1001 Tower Way, Suite 250
Bakersfield, CA 93308
(805) 395-2729

Case Name: MUEMBO MUANZA vs. BEST BUY STORES, L.P.

EEOC No: 370-2006-00384

1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
(559) 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-8799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 822-2941

No response to the DFEH is required by the respondent.

2000 "O" Street, Suite 120
Sacramento, CA 95814
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

1350 Front Street, Suite 3005
San Diego, CA 92101
(619) 645-2681

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

San Francisco District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 822-2973

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

111 North Market Street, Suite 610
San Jose, CA 95113
(408) 277-1277

2101 East Fourth Street, Suite 255-B
Santa Ana, CA 92705
(714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Chief Deputy Director

EXHIBIT H

1/07/2005 09:32 FAX 415 958 1608

LIEP CARRASER

002/068

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

Is form is affected by the Privacy Act of 1974, See Privacy Act Statement before completing form.

☐ FEPA☒ EEOC

370-2006-00416

CA DEPT. OF FAIR EMPLOYMENT AND HOUSING and EEOC

State or Local Agency, if any

Name (Last, first, or last)

Maurice Calhoun

Address (Include street code)

City, State and Zip Code

City, State and Zip Code

City, State and Zip Code

Name of the Employer, Labor Organization, Employment Agency, Apparent or Real Committee, or State or Local Government Agency that I believe discriminated against me or others. (If more than one, list under PARTICULARS)

Day, Inc.

Number of Employees (approx.)

Approx. 100,000

Telephone (Include area code)

City, State and Zip Code

City, State and Zip Code

County

Dorchester Street

Mesa City, CA 94547

Mesa

For Discrimination Based On (Check appropriate box(es))

☒ AGE ☒ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)

Other (specify)

no one attached

Date Discrimination Took Place

Month

December 7, 2005

☒ CONTINUING ACTION

RECEIVED

DEC 07 2005

EEOC-SFDO

I am filing this charge with both the EEOC and the State or Local Agency, if I advise the agencies if I change my address or telephone number and to fully with them in the processing of my charge in accordance with their rules.

NOTARY - (With necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

Under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

7-05

Maurice Calhoun
Dorchester Street

Charge of Discrimination – Maurice “Mo” Calhoun

I. I am African American. Best Buy hired me on or around October 25, 2003, and assigned me to do inventory in the back of the Marin City, California store. Later in my tenure with the company, I worked on the projects team, and in the mobile (phones) and digital imaging departments, which are both minor sales departments. Best Buy paid me less and assigned me fewer hours than white employees in comparable positions. Since my initial interview with Best Buy, I have repeatedly expressed an interest in a sales position. Although Best Buy managers told me that I am qualified for a sales position, Best Buy assigned me to inventory, projects, and minor sales departments where I received less pay than Best Buy employees in major sales departments.

Best Buy hired me as a permanent/part-time worker, but wrongfully classified me as a seasonal/occasional employee. This wrongful classification negatively affected my pay for months. For example, prior to my 90-day review the operations manager told me that I deserved the highest raise possible. However, when a manager evaluated me, Best Buy would not grant me a higher raise because Best Buy wrongly classified me as a seasonal/occasional employee.

When I first applied to Best Buy, I had three years of sales experience, including electronics sales. Although I had experience in sales and expressed my interest in sales during my initial interview, Best Buy placed me in inventory. Best Buy told me that this was the only position available, but white and Asian-American applicants started in computer sales around the same time. As an employee in Best Buy's inventory department, I was interested and available for transfer to sales and repeatedly expressed to my managers my interest in a transfer. When I expressed my interest in sales to the Best Buy general manager, operations manager, sales manager, and supervisor, they told me that Best Buy did not have any openings. While I worked in inventory, however, Best Buy hired dozens of white employees to fill vacancies in sales departments.

As an employee in Best Buy's inventory department, Best Buy assigned me fewer hours than white employees in comparable positions. Best Buy's operations manager told me that Best Buy assigned hours based upon a computer-generated schedule. However, white employees with similar availability routinely received 25-35 hours per week while I received 12-28 hours each week.

During my entire employment, Best Buy has paid me less than white employees in comparable positions. I have learned that white employees with fewer or comparable qualifications were and are receiving higher pay. In inventory and digital imaging, I trained new white employees who made more money than me. I raised this issue with my supervisor who talked with the general manager, Raymond Godbeer. The general manager said, "Do not talk to other employees about your pay."

Best Buy gives pay raises based upon yearly customer service evaluations performed by managers. Best Buy delayed my evaluation for six months, during which time I was "stuck" at my old pay rate. I have observed that other African-American and Latino employees also are paid less and receive fewer hours than white employees in comparable positions.

II. I believe I have been discriminated against by Best Buy because of my race and/or color for the following reasons: I was assigned to lower-paying positions than white employees with comparable qualifications. I have received less compensation than white employees with comparable qualifications. I was and am well qualified for a transfer to a major sales department but have been repeatedly passed over in favor of Whites with lesser experience and abilities.

III. I believe that Best Buy has a pattern and practice of discriminating against its African-American and Latino employees in filling major sales, senior, supervisor and store management positions and by subjecting African-American and Latino employees to discrimination with respect to promotions, training, job assignments, and compensation in its stores nationwide. I bring this charge on behalf of myself and other similarly situated African Americans and Latinos who have been denied promotional opportunities and paid less as a result of their race and/or color.

WD

EEOC Form 161-B (2008)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Maurice Calhoun

From: San Francisco District Office - 550
350 The Embarcadero
Suite 500
San Francisco, CA 94105On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

370-2006-00416

Scott H. Doughtie,
Investigator

(415) 625-5663

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

H. Joan Ehrlich,
District Director

10/2/06

(Date Mailed)

Enclosure(s)

cc: Melinda S. Riechert
Partner
Morgan, Lewis & Bockius LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306Daniel M. Hutchinson
Lief, Cabraser, Helmann & Bernstein, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339

Enclosure with EEOC
Form 161-B (3/88)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),

PRIVATE SUIT RIGHTS --

or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

ADDRESS CHECKED BELOW



(800) 700-2320

Date: December 8, 2005

Case Name: MAURICE CALHOUN vs. BEST BUY,
INCORPORATED

EEOC No: 370-2006-00416

1001 Tower Way, Suite 250
Bakersfield, CA 93309
(661) 395-27291320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
(559) 244-4760611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
(213) 439-67991515 Clay Street, Suite 701
Oakland, CA 94612
(510) 822-29412000 "O" Street, Suite 120
Sacramento, CA 95814
(916) 445-55231350 Front Street, Suite 3005
San Diego, CA 92101
(619) 645-2681San Francisco District Office
1515 Clay Street, Suite 701
Oakland, CA 94612
(510) 822-2973111 North Market Street, Suite 810
San Jose, CA 95113
(408) 277-12772101 East Fourth Street, Suite 255-B
Santa Ana, CA 92705
(714) 558-4266**NOTICE TO COMPLAINANT AND RESPONDENT**

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,


WANDA J. KIRBY
Chief Deputy Director

EXHIBIT I

Form 5 (501)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

370-2006-00203

California Department Of Fair Employment & Housing

and EEOC

State or local Agency, if any

(Indicate Mr., Ms., Mrs.)

Nicholas J. Dixon

Home Phone No. (incl Area Code)

Date of Birth

Address

City, State and ZIP Code

ed is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe
Initiated Against Me or Others. (If more than two, list under PARTICULARS below.)**IT BUY STORES, L.P.**

No. Employees, Members

Phone No. (Include Area Code)

500 or More

Address

City, State and ZIP Code

Donahue Street, Marin City, CA 94965

No. Employees, Members

Phone No. (Include Area Code)

Address

City, State and ZIP Code

MINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

01-31-2005

CONTINUING ACTION

PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

attached.

RECEIVED**NOV 01 2005****EEOC-SFDO**

is charge filed with both the EEOC and the State or local Agency, if any. I will
 agencies if I change my address or phone number and I will cooperate fully
 in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to
 the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

Date

Charging Party Signature

STATEMENT

EEOC CHARGE STATEMENT

I, **NICHOLAS J. DIXON**, state as follows:

1.

I am _____ years of age. I am Black. My Social Security number is _____. My date of birth is _____. I reside at _____. My home telephone number is _____.

2.

My complaint is against Best Buy Stores, L.P. ("Best Buy"), headquartered at 7601 Penn Avenue South, Richfield, Minnesota 55423, and incorporated in Minnesota. I worked at the Best Buy location at 180 Donahue Street, Marin City, CA 94965. I began my employment at Best Buy's Marin City store on or about October 2003, and ended my employment with that store on or about January 2005. My job classification was cashier. My immediate supervisors were Janiece Knoblaugh and Terry Mason.

3.

I have been subjected to race-based disparate treatment by Best Buy, including, among other things, discrimination with respect to compensation, promotions, transfers, and the terms of conditions of my employment with Best Buy, including, but not limited to, unequal job assignments, unequal training opportunities, and unequal seniority.

When I was hired at the Marin City store in October 2003, I was told that I would be hired as a "permanent part-time" employee, but instead I was hired only as a "seasonal" employee. I received a starting salary of only \$9.50 per hour, which I am informed and believe is a lower starting salary than non-minority employees. From February through August of 2004, despite repeated requests to be made full time or to be transferred to another position, I was unable to obtain a transfer to a position on the sales floor, which paid more than my cashier position, despite my positive performance reviews.

I did not receive a raise for the first six months of my employment despite my positive performance reviews, while I am informed and believe that non-minority employees with equivalent or lesser performance and experience did receive raises. My supervisors neglected to perform my performance review in a timely fashion; this prevented me from moving into a full-time position and delayed any chance I had at obtaining a raise. In March 2004, after six months on the job, and after repeated requests on my part, my hourly wage finally was raised only \$0.21 per hour. I was told that this \$0.21 was the highest raise I could receive, while I am informed

STATEMENT

and believe that non-minority employees with equivalent or lesser performance and experience received larger raises. In addition, I have found nothing in Best Buy's employee handbook that discusses this raise "cap." Three months later, that raise was increased by \$1 per hour. It was only in August 2004, ten months after I began working for Best Buy, and after repeated requests, that I was made a full-time employee.

Following my requests for a raise, which began in February 2004, I was retaliated against for making those requests. Beginning in February 2004, I was given verbal warnings for wearing my hair down, while other employees were not warned when wearing their hair in a similar fashion. I was also singled out for verbal discipline in a meeting with my supervisors. I am informed and believe that these incidents of discipline were racially motivated and that non-minority employees were not subject to such discipline.

I was subjected to racially charged comments throughout my employment with Best Buy. Throughout my employment with Best Buy, I received more severe punishments than non-minority employees for similar conduct. Throughout my employment with Best Buy, I performed the same work as other employees who were paid higher wages than I was.

In January 2005, when I attempted to transfer between Best Buy stores, I lost seniority, tuition assistance benefits, vacation time and other benefits despite my manager's assurance that I would be able to retain those benefits. In January 2005, because of my treatment by Best Buy, I felt that I had no choice but to leave the Marin City Best Buy store; I felt that I was effectively discharged by Best Buy.

I am informed and believe that Best Buy has a nationwide and company-wide pattern and practice of discrimination against its African-American and Latino employees, including discrimination in hiring, promotions, compensation and the terms and conditions of employment. I am further informed and believe that the discrimination was and is the result of nationwide and company-wide policies, procedures and practices that have a disparate impact on the basis of race. I bring this charge on behalf of myself and other similarly situated African-Americans and Latinos who have been denied hiring and promotional opportunities, paid less, subject to differential discipline, and retaliated against as a result of their race.

4.

During my employment at Best Buy, I have repeatedly complained to company officials regarding the discrimination. Despite these complaints, Best Buy officials have done little or nothing to address my concerns.

5.

Best Buy has retaliated against me for complaining about race-based discrimination.

STATEMENT

6.

Best Buy's agents, including Janice Knoblauch, Terry Mason and Jim Bowles, are responsible for the discrimination to which I was subjected, and for not taking all reasonable steps to prevent this discrimination from occurring.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: DET 31, 2005

Nicholas J. Dixon
NICHOLAS J. DIXON

EEOC Form 161-8 (3/00)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Nicholas J. Dixon

From: San Francisco District Office - 550
350 The Embarcadero
Suite 500
San Francisco, CA 94105On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

370-2006-00203

Scott H. Doughtie,
Investigator

(415) 625-5663

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosure(s)

Michael R. Ehrlich
for H. Joan Ehrlich,
District Director

10/2/06
(Date Mailed)

cc: Melinda S. Riechert
Partner
Morgan, Lewis & Bockius LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306

Daniel M. Hutchinson
Lief, Cabraser, Helmman & Bernstein, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339

Enclosure with EEOC
Form 161-B (3/98)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),

PRIVATE SUIT RIGHTS –

or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS – Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 – not 12/1/02 – in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION – Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE – All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CALIFORNIA - State and County Service Agency

ARND SCHWARTZENBERGER, Governor

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(ADDRESS CHECKED BELOW)



101 700-2320

EEOC NUMBER: 370-2006-00203

101 Tower Way, Suite 250
Irvine, CA 92614
949 995-2729CASE NAME : NICHOLAS J. DIXON v.
BEST BUY STORES, L.P.

DATE : November 10, 2005

120 E. Shaw Avenue, Suite 150
Irvine, CA 92714
949 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

1 West Elch Street, Suite 1600
Anaheim, CA 92801
714 439-6739

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

10 "O" Street, Suite 120
Irvine, CA 92614
949 446-6523

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one-year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

WANDA J. KIRBY
Chief Deputy Director

Enriquez District Office
5 Clay Street, Suite 701
Oakland, CA 94612
415 223-2973North Market Street, Suite 810
San Jose, CA 95113
408 277-1271East Fourth Street, Suite 255-B
San Jose, CA 95206
408 559-4268