

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

NEW PRIME, INC., d/b/a PRIME  
INC.,

Defendant.

## COMPLAINT

## JURY TRIAL DEMAND

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to three female employees, Virginia King, Willa Burke and Cynthia Huffman, all of whom were adversely affected by such practices. The Complaint alleges that, while employed by Defendant, New Prime, Inc., King, Burke and Huffman were subjected to egregious harassment on account of their sex, thereby altering the terms or conditions of their employment. Defendant failed to take corrective action following this sexual harassment and otherwise condoned the sexual assault of Virginia King, a truck driver trainee, by Kenneth Littlejohn, a truck driver trainer, the sexual assault of Willa Burke, a truck driver trainee, by Sam Turner, a truck driver trainer, and sexual misconduct toward Cynthia Huffman, a truck driver trainee, by Abel Lormand, a truck driver trainer. The Complaint further alleges the constructive discharge of King and Burke because of the intolerable working conditions created by the sexual assaults committed against them.

## **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and Section 102(d) of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Missouri.

3. A related case was filed in the United States District Court for the Western District of Missouri, Central Division, on March 29, 2001, Cynthia Huffman v. New Prime, Inc. and Abel Joseph Lormand, No. 01-3144-ODS.

## **PARTIES**

4. Plaintiff, the Equal Employment Opportunity Commission ("the Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

5. At all relevant times, Defendant, New Prime, Inc., d/b/a Prime, Inc., a Nebraska corporation, has continuously been doing business in the State of Missouri and has continuously had at least 15 employees.

6. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

## **STATEMENT OF CLAIMS**

7. More than thirty days prior to the institution of this lawsuit, Virginia King, Willa Burke and Cynthia Huffman each filed a charge with the Commission alleging sexual harassment by Defendant in violation of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Defendant has engaged in unlawful employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a), by:

(a) subjecting Virginia King, a truck driver trainee, to unlawful sexual harassment during her employment in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a). The unlawful conduct, consisting of the sexual assault of Virginia King by a truck driver trainer, Kenneth Littlejohn, was unwelcome, sexual in nature, and directed at King because of her sex. The unlawful conduct was sufficiently severe or pervasive to create a hostile working environment for King which altered the terms or conditions of her employment, and Defendant failed to take adequate corrective or remedial action in response to such unlawful conduct;

(b) constructively discharging King on or about October 1, 1997, in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a) by creating intolerable working conditions for King;

(c) subjecting Willa Burke to unlawful sexual harassment during their employment in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a). The unlawful conduct, consisting of two sexual assaults of Willa Burke, a truck driver trainee, by a truck driver trainer, Sam Turner, was unwelcome, sexual in nature, and directed at Burke because of her sex. The unlawful conduct was

sufficiently severe or pervasive to create a hostile working environment for Burke which altered the terms or conditions of her employment, and Defendant failed to take adequate corrective or remedial action in response to such unlawful conduct;

(d) constructively discharging Burke on or about December 6, 1999, in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a) by creating intolerable working conditions for Burke;

(e) subjecting Cynthia Huffman to unlawful sexual harassment during their employment in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a). The unlawful conduct, consisting of highly offensive comments, unwanted touching and threats of sexual assault, of Cynthia Huffman, a truck driver trainee, by a truck driver trainer, Abel Lormand, was unwelcome, sexual in nature, and directed at Huffman because of her sex. The unlawful conduct was sufficiently severe or pervasive to create a hostile working environment for Huffman which altered the terms or conditions of her employment, and Defendant failed to take adequate corrective or remedial action in response to such unlawful conduct.

9. The effect of the unlawful employment practices complained of in paragraphs 8(a)-(e) above was to deprive King, Burke and Huffman of equal employment opportunities and otherwise to adversely affect their status as employees because of their sex in violation of Title VII.

10. The unlawful employment practices complained of in paragraphs 8(a)-(e) above were intentional.

11. The unlawful employment practices complained of in paragraphs 8(a)-(e) above were done with malice or with reckless indifference to the federally protected rights of King, Burke and

Huffman.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in harassment, intimidation, constructive discharge and any other employment practice which discriminates on the basis of sex.

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

C. Order Defendant to make King and Burke whole by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief as necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement.

D. Order Defendant to make King, Burke and Huffman whole by providing compensation for past and future pecuniary losses resulting from its unlawful employment practices in amounts to be determined at trial.

E. Order Defendant to make King, Burke and Huffman whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraphs 7(a)-(e) above, including emotional pain, suffering, inconvenience, loss of

enjoyment of life, loss of reputation, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraphs 7(a)-(e) above in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

### **JURY TRIAL DEMAND**

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

Respectfully submitted,

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