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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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9 Attorneys for Plaintiff

10  
 11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE DISTRICT OF ARIZONA

13 EQUAL EMPLOYMENT  
 14 OPPORTUNITY COMMISSION

15 Plaintiff,

16 vs.

17 K-MART CORPORATION,  
 18 a Michigan Corporation

19 Defendants.

**CIV 98-1200PHXROS**

**COMPLAINT**

**JURY TRIAL DEMAND**

20 NATURE OF THE ACTION

21 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil  
 22 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and  
 23 retaliation, and to provide appropriate relief to Debbie Denton and a class of females including  
 24 Maria Garcia who were adversely affected by such practices. The Commission alleges  
 25 defendant sexually harassed Debbie Denton and a class of females, including Maria Garcia.  
 26 The Commission alleges that defendants constructively discharged Debbie Denton and a class  
 27 of females as a result of sexual harassment and/or retaliation. The Commission alleges  
 28 defendants retaliated against Debbie Denton, and a class of females and terminated her  
 employment in retaliation for opposing practices made unlawful by Title VII.

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JURISDICTION AND VENUE

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

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

PARTIES

8  
9           3.      Plaintiff, the Equal Employment Opportunity Commission (the "Commission"),  
10 is the agency of the United States of America charged with the administration, interpretation  
11 and enforcement of Title VII and is expressly authorized to bring this action by Sections  
12 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

13           4.      At all relevant times to this action, Defendant K-Mart Corporation has  
14 continuously been doing business in the State of Arizona and the City of Winslow and has  
15 continuously had at least 600 employees.

STATEMENT OF CLAIMS

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17           5.      More than thirty days prior to the institution of this lawsuit, Debbie Denton  
18 filed a charge with the Commission alleging violations of Title VII by Defendant.

19           6.      All conditions precedent to the institution of this lawsuit have been fulfilled.

20           7.      Since at least April 1993, Defendant has engaged in unlawful employment  
21 practices at the Phoenix, Arizona facility, in violation of Section 703(a) of Title VII, 42  
22 U.S.C. §2000e-2(a) by sexually harassing a class of females because of their sex. As a result  
23 of the sexual harassment Debbie Denton and a class of females were constructively discharged.

24           8.      Since at least April 1993, Defendant has engaged in unlawful employment  
25 practices at the Winslow, Arizona facility, in violation of Section 704(a) of Title VII, 42  
26 U.S.C. §2000e-3(a) by retaliating against Debbie Denton and a class of females because they  
27 opposed practices made unlawful by Title VII. As a result of the retaliation Debbie Denton

1 and a class of females were constructively discharged, terminated, and/or subject to different  
2 terms and conditions of employment.

3 9. The effect of the practices complained of above has been to deprive Debbie  
4 Denton, and a class of females, of equal employment opportunities and otherwise adversely  
5 affect their status as employees because of sex.

6 10. The unlawful employment practices complained of above were intentional.

7 11. The unlawful employment practices complained of above were done with malice  
8 or with reckless indifference to the federally protected rights of Debbie Denton and a class of  
9 females including Maria Garcia.

10 **PRAYER FOR RELIEF**

11 Wherefore, the Commission respectfully requests that this Court:

12 A. Grant a permanent injunction enjoining Defendant, its officers, successors,  
13 assigns and all persons in active concert or participation with them, from engaging in sexual  
14 harassment and retaliation and any other employment practice which discriminates on the basis  
15 of sex.

16 B. Order Defendants to institute and carry out policies, practices and programs  
17 which provide equal employment opportunities for women and for those who oppose practices  
18 made unlawful by Title VII, and which eradicate the effects of their past and present unlawful  
19 employment practices.

20 C. Order Defendants to make whole Debbie Denton and a class of females by  
21 providing appropriate back pay with prejudgment interest in amounts to be determined at trial,  
22 and other affirmative relief to eradicate the effects of their unlawful employment practices,  
23 including, but not limited to front pay and reinstatement.

24 D. Order Defendants to make whole Debbie Denton and a class of females,  
25 including Maria Garcia, by providing compensation for past and future pecuniary losses  
26 resulting from the unlawful employment practices described above, including, but not limited  
27 to job search expenses and medical expenses, in amounts to be determined at trial.

1 E. Order Defendants to make whole Debbie Denton and a class of females  
2 including Maria Garcia, by providing compensation for past and future nonpecuniary losses  
3 resulting from the unlawful practices complained of above, including emotional pain and  
4 suffering, inconvenience, mental anguish, loss of enjoyment of life and humiliation, in  
5 amounts to be determined at trial.

6 F. Order Defendants to pay Debbie Denton and a class of females including Maria  
7 Garcia punitive damages for its malicious and reckless conduct described above, in amounts to  
8 be determined at trial.

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

11 H. Award the Commission its costs in this action.

12 **JURY TRIAL DEMAND**

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

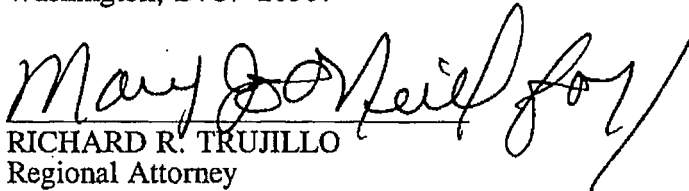
14  
15 DATED this <sup>30</sup> day of June, 1998.

16 Respectfully submitted,

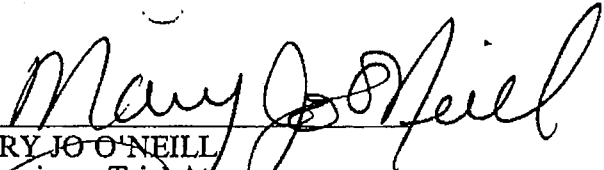
17 C. GREGORY STEWART  
18 General Counsel

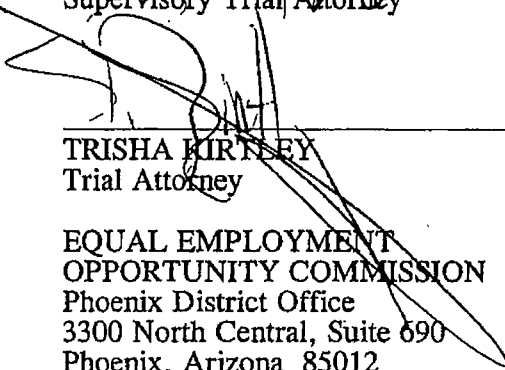
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