

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI



MARGARET BUNCH)
202 North Linn)
Malta Bend, Missouri 65339)
)
Plaintiff,)
-vs-)
RENT-A-CENTER, INC.)
SERVE: Registered Agent)
Corporation Company)
515 South Kansas Ave.)
Topeka, Kansas 66603)
)
Defendant.)

Case No.:

00-0364 -CV-W- 3

COMPLAINT

COMES NOW plaintiff, Margaret Bunch, by and through the undersigned counsel, and for her Complaint against the Defendant, alleges and states as follows:

PARTIES

1. Plaintiff resides in Malta Bend, Saline County, Missouri at the address more specifically set forth above.
2. Plaintiff's gender is female.
3. Defendant Rent-A-Center, Inc. is a Kansas Corporation, in good standing which conducts business in the State of Missouri. Defendant Rent-A-Center, Inc. owns and operates over 1,000 rent-to-own stores across the United States and Canada, and employs thousands of employees, primarily in the rent-to-own business.

JURISDICTION AND VENUE

4. Plaintiff timely filed her charge of discrimination with the Equal

Employment Opportunity Commission and with the Missouri Commission on Human Rights, within 180 days of the acts herein complained of, alleging discrimination against her by defendant based on her sex and retaliation. A true and correct copy of plaintiffs charge of discrimination is attached hereto as Exhibit A and incorporated herein by reference.

5. On or about April 5, 2000, the EEOC issued its Notice of Right to Sue and plaintiff has filed this complaint within 90 days of her receipt of such notice. A copy of plaintiff's Notice of Right to Sue is attached hereto as Exhibit B and incorporated herein by reference.

6. Plaintiff's Complaint is filed pursuant to Title VII, 42 U.S.C. §2000e, and this Court has subject matter jurisdiction over her Complaint by virtue of the federal questions involved.

7. Venue is proper in the United States District for the Western District of Missouri pursuant to 28 U.S.C. §1391 because the defendant resides in the Western District of Missouri.

FACTS COMMON TO ALL COUNTS

8. Plaintiff was hired by defendant on August 17, 1998 and was told she would fill the position of store manager of the store in Marshall, Missouri, and earn \$24,000 a year.

9. Defendant assigned plaintiff to the Moberly, Missouri store, and initially only paid her on an hourly basis.

10. Marty Roustio continued to promise plaintiff that she would be a store manager at another store, but defendant never gave plaintiff that position.

11. Throughout the term of her employment with defendant, plaintiff was subjected to unwelcome, offensive, derogatory and hostile comments by store manager Matt Langley based on her sex, including but not limited to comments such as “bitch”, “cunt”, comments that defendant never should have hired women, and comments that women were useless.

12. On at least two occasions, plaintiff was delivering a sofa with store manager Matt Langley, and Langley flipped the sofa upwards so that it struck plaintiff in the mouth and plaintiff’s mouth was cut and bleeding.

13. Matt Langley told plaintiff to wear a bikini to the store, and take customers in the back room and do whatever was necessary to make a sale.

14. Plaintiff told Matt Langley that the store was full of cockroaches, and Langley told her to take a shower and they would go away.

15. Langley told plaintiff she could not do her job and she needed to go home and be a grandma.

16. Throughout the term of her employment with defendant, plaintiff was subjected to less favorable terms and conditions of employment than the similarly situated male employees, including less pay, less promotional opportunities, less favorable job duties, and plaintiff was judged by different standards in her job performance.

17. Plaintiff repeatedly complained to store manager Matt Langley about the hostile and offensive work environment and the unequal terms and conditions of employment”

18. Langley told her to “get used to it or quit,” and otherwise ignored plaintiff’s

complaints and her requests that the harassment and discrimination stop.

19. Plaintiff also complained about the hostile and offensive work environment and the unequal terms and conditions of employment to market manager Marty Roustio, and he did nothing to remedy the situation.

20. On or about December 23, 2000, defendant fired plaintiff on the basis of her sex, and in retaliation for her complaints of sexual discrimination and harassment.

21. Defendant knew or should have known of the sexual discrimination, harassment and retaliation alleged above and failed to implement prompt and appropriate corrective action.

22. At all times referenced herein, the individuals referred to herein, including but not limited to Matt Langley and Marty Roustio, were acting within the course and scope of their employment, agency and representation of the defendant Rent-A-Center, Inc.

COUNT I
TITLE VII -SEXUAL HARASSMENT

23. Plaintiff incorporates by reference the allegations contained in the foregoing paragraphs as though fully set forth herein.

24. Throughout the term of plaintiff's employment with defendant, plaintiff's store manager Matt Langley pervasively and regularly subjected plaintiff to offensive and unwelcome sexually derogatory language, sexual comments, and sexual innuendos, all on the basis of her sex, female.

25. Defendant's sexually discriminatory conduct detrimentally affected plaintiff and created a hostile and offensive working environment.

26. Defendant's sexually discriminatory conduct would have detrimentally affected a reasonable person of the same sex in plaintiff's position.

27. Plaintiff complained to her store manager, Matt Langley, and market manager, Marty Roustio, and defendant thereby knew, or should have known, of the sexual harassment of plaintiff and that said sexual harassment would detrimentally affect plaintiff.

28. Defendant failed to implement prompt and appropriate corrective action to remedy the sexual harassment of plaintiff, and the hostile work environment not only continued after plaintiff's complaints, but it intensified in retaliation for plaintiff's complaints.

29. Defendant intentionally engaged in unlawful employment practices in violation of 42 U.S.C. §2000e by the foregoing sexual harassment.

30. As a result of defendant's discriminatory conduct creating a hostile work environment for plaintiff, plaintiff was damaged and is entitled to all remedies available to her as provided in 42 U.S.C. §2000e and 42 U.S.C. §1981a, including but not limited to damages for embarrassment, humiliation, emotional distress, lost wages, back pay and front pay all in an exact amount which is unknown at this time, and plaintiff is reasonably expected to suffer from such damages in the future.

31. Defendant's conduct was outrageous because of defendant's evil motive or reckless indifference to the rights of the plaintiff, thereby entitling plaintiff to punitive damages in an amount that will punish defendant and will deter defendant and others from like conduct.

32. Plaintiff further requests an award of attorney's fees and expenses of

litigation in accordance with 42 U.S.C. §1988.

WHEREFORE, plaintiff requests that the Court grant her judgment against the defendant Rent-A-Center, Inc. in an amount that is fair and reasonable, for punitive damages, for her costs and attorneys' fees, and for such other relief as this Court deems just and proper.

**COUNT II - TITLE VII
RETALIATION**

33. Plaintiff incorporates by reference the foregoing allegations as though fully set forth herein.

34. After plaintiff reported the sexual harassment and hostile work environment to her store manager, Matt Langley, and her market manager, Marty Roustio, defendant retaliated against plaintiff.

35. The retaliation included, but was not limited to, the continuation of the offensive and unwelcome derogatory sexual remarks, unfavorable to changes to plaintiff's work assignments, and plaintiff's ultimate termination on December 23, 1998.

36. Defendant knew or should have known of the retaliation against plaintiff, and failed to implement prompt and appropriate corrective action to remedy the retaliation against plaintiff.

37. Defendant intentionally engaged in unlawful employment practices in violation of 42 U.S.C. § 2000e by the foregoing retaliation.

38. As a result of defendant's unlawful retaliation against plaintiff, plaintiff was damaged and is entitled to all remedies available to her as provided in 42 U.S.C. §2000e and 42 U.S.C. §1981a, including but not limited to damages for

embarrassment, humiliation, emotional distress, lost wages, back pay and front pay, all in an amount which is unknown at this time, and plaintiff is reasonably expected to suffer from such damages in the future.

39. Defendant's conduct was outrageous because of defendant's evil motive or reckless indifference to the rights of the plaintiff, thereby entitling plaintiff to punitive damages in an amount that will punish defendant and will deter defendant and others from like conduct.

40. Plaintiff further requests an award of attorney's fees and expenses of litigation in accordance with 42 U.S.C. §1988.

WHEREFORE, plaintiff requests that the Court grant her judgment against the defendant Rent-A-Center, Inc. in an amount that is fair and reasonable, for punitive damages, for her costs and attorneys' fees, and for such other relief as this Court deems just and proper.

**COUNT III - TITLE VII
SEX DISCRIMINATION**

41. Plaintiff incorporates by reference the foregoing allegations as though fully set forth herein.

42. Throughout the term of her employment with defendant, plaintiff was subjected to unequal terms and conditions of employment on the basis of her sex, female, as compared to similarly situated males, including but not limited to: plaintiff received less pay, plaintiff received less promotional opportunities, plaintiff was assigned less favorable job duties, plaintiff was judged by different standards in her job performance, and plaintiff was ultimately terminated on December 23, 1998.

43. The foregoing conduct of the Defendant through its agents and employees was motivated by the plaintiff's sex, and constituted discrimination against plaintiff by defendant on the basis of her sex.

44. Defendant knew or should have known of the sex discrimination alleged above and failed to implement prompt and appropriate corrective action.

45. Defendant intentionally engaged in unlawful employment practices in violation of 42 U.S.C. §2000e by the foregoing sex discrimination.

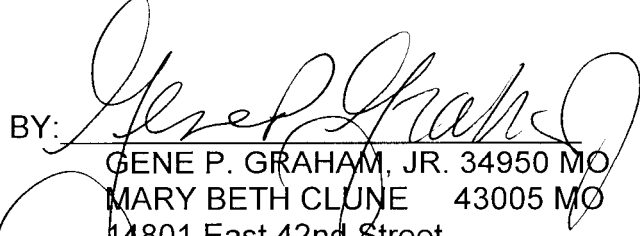
46. Plaintiff was damaged by the above mentioned discrimination and is entitled to all remedies available to her as provided in 42 U.S.C. §2000e and 42 U.S.C. §1981(a), including but not limited to damages for loss of income, embarrassment, humiliation, emotional distress, damage to her reputation, diminution in earnings capacity, and other damages as yet undetermined, and plaintiff is reasonably expected to suffer from such damages in the future.

47. The conduct of the defendant was outrageous and was intentional or was recklessly indifferent to plaintiff's rights, thereby entitling plaintiff to punitive damages in an amount that will punish Defendant and deter Defendant and others from like conduct.

48. Plaintiff further requests an award of attorney's fees and expenses of litigation in accordance with 42 U.S.C. §1988.

WHEREFORE, plaintiff requests that the Court grant her judgment against the defendant Rent-A-Center, Inc. in an amount that is fair and reasonable, for punitive damages, for her costs and attorneys' fees, and for such other relief as this Court deems just and proper.

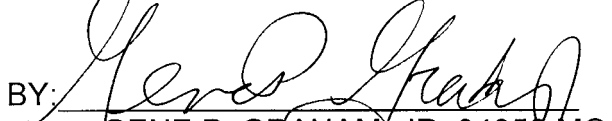
WHITE ALLINDER & GRAHAM, L.L.C.

BY: 
GENE P. GRAHAM, JR. 34950 MO
MARY BETH CLUNE 43005 MO
14801 East 42nd Street
Independence, Missouri 64055
(816) 373-9080/ FAX 373-9319
ATTORNEYS FOR PLAINTIFF

REQUEST FOR JURY TRIAL

COMES NOW plaintiff, by and through the undersigned and hereby requests a trial by jury on all issues in the above-referenced Complaint.

WHITE, ALLINDER & GRAHAM, L.L.C.

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CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form

AGENCY
 FEPA
 EEOC

CHARGE NUMBER

280990667

MISSOURI COMMISSION ON HUMAN RIGHTS and EEOC
State of local Agency, if any

Name:(Indicate Mr., Ms., Mrs.)

Home telephone (include area code)

Ms. Margaret J. Bunch

(660)595-2411

Street Address

City, State and Zip Code

Date of Birth

202 North Linn, Malta Bend, MO 65339

5/9/51

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OF LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE(include area code)

Rent-A-Center

Unknown

(660)263-6944

Street Address

City State and Zip Code

County

322 W. Reed

Moberly, Missouri 65270

Randolph

Name

Telephone Number (Include area code)

Street Address

City, State and Zip Code

County

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX RELIGION AGE RETALIATION
 NATIONAL ORIGIN DISABILITY OTHER (Specify)

DATE OF DISCRIMINATION TOOK PLACE:

EARLIEST (ADEA/EPA) **8117198**

LATEST (ALL) **12/23/98**

CONTINUING ACTION

THE PARTICULARS ARE

I was discriminated against and sexually harassed by my employer as a result of my gender, female. I was subjected to unwelcome, derogatory and sexually explicit language and comments made to me by my store manager, Matt Langley. I was treated less favorably than the similarly situated white males that were employed at Rent-A-Center.

I was denied promotional opportunities because of my gender and in retaliation for my complaints about the discriminatory and harassing treatment I was receiving.

I was discharged in retaliation for complaining about the discrimination and harassment that went on in the work place.

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

Date: 2-18-99 Signature of Complainant: Margaret J. Burch
NOTARY: Subscribed and sworn to before me this date:

2/18/99
Kathy A. Austin

KATHY A AUSTIN
Notary Public - Notary Seal
STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXP OCT 26, 2000

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE

(Issued on request)

To: Margaret Bunch
202 NORTH LINN
MALTA BEND, MO 65339

From:
EQUAL EMPLOYMENT OPPORTUNITY COWM.
St. Louis District Office
1222 Spruce St. Room 8.100
St. Louis, MO 63103

On behalf of a person aggrieved whose identity is **CONFIDENTIAL**
(29 C.F.R. 1601.7(a))

Charge Number
280990667

EEOC Representative
Maggie McFadden

Telephone Number
(314) 539-7800

(See the additional information attached to this form)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1864 and/or the **Americans with Disabilities Act (ADA)**: This is your Notice of Right to Sue. It is 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 court WITHIN 90 DAYS** of your receipt of **this Notice**. Otherwise, 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.

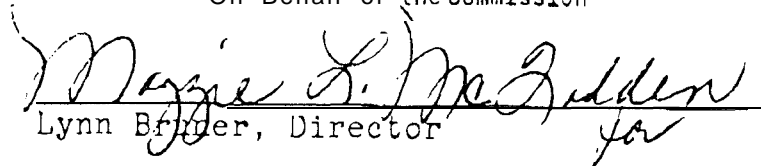
Age Discrimination In Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal 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 80 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 - 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


Lynn Briner, Director

APR 18 2009

(Date)

Enclosure(s)

cc: RENT-A-CENTER
322 REED STREET
MOBERLY, MO 65270