

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

JUN 29 2007
By: JAMES W. MCCORMACK, CLERK
DER CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
FAMILY DOLLAR STORES OF)
ARKANSAS, INC.)
)
Defendant.)

CIVIL ACTION NO.
4, 07 • CV 00000603 JLH

COMPLAINT
JURY TRIAL DEMAND

This case assigned to District Judge J. Dulmus
NATURE OF THE ACTION to Magistrate Judge

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 race (Black) and to provide appropriate relief to Debra Terry who was adversely affected by such practices. The Commission alleges that Debra Terry, former employee of Defendant Family Dollar Stores of Arkansas, Inc. ("Defendant Employer"), was denied promotion opportunities to serve as store manager by Defendant Employer because of race, African American, and that Defendant constructively discharged Ms. Terry by its discriminatory practices.

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 Sections 706(f)(1) and (3) 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 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The unlawful employment practices alleged below were and are now being committed within the jurisdiction of the United States District Court for Eastern District of Arkansas, Western Division.

PARTIES

3. 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Employer has continuously been an Arkansas corporation doing business in the State of Arkansas and the City of England and Little Rock and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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). Defendant Employer operates retail stores all across Arkansas.

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Debra Terry filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August of 2005, Defendant Employer has engaged in unlawful employment practices at its England and Little Rock, Arkansas, locations in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2(a). These discriminatory practices include

- a. failing to promote Debra Terry to available store manager positions because of race;
- b. constructively discharging Debra Terry because of its discriminatory practices.

8. The effect of the practices complained of in paragraph seven above has been to deprive Debra Terry of equal employment opportunities and otherwise adversely affect her status as an employee, because of her race (African American).

9. The unlawful employment practices complained of in paragraph seven above were, and are, intentional.

10. The unlawful employment practices complained of in paragraph seven above were, and are, done with malice or with

reckless indifference to the federally protected rights of Debra Terry.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in race discrimination with regard to promotions and any other employment practice which discriminates on the basis of race, African American.

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

C. Order Defendant Employer to make whole Debra Terry by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement and promotion of Debra Terry to a store manager position.

D. Order Defendant Employer to make whole Debra Terry by providing compensation for past and future pecuniary losses

resulting from the unlawful employment practices described in paragraph seven above, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Debra Terry by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph seven above, including emotional distress, pain and suffering, embarrassment, humiliation and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant Employer to pay Debra Terry punitive damages for its malicious and reckless conduct described in paragraph seven 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.

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