

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

DANIELLE WOOTEN,)	
)	
Plaintiff,)	Case No. 99-0990-CV-W-3-1
)	
v.)	
)	
DILLARD'S INC. d/b/a DILLARD'S)	
DEPARTMENT STORES, INC.,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT - CLASS ACTION

COMES NOW Plaintiff, on behalf of herself and all other similarly situated current, former and prospective African-American employees of Defendant Dillard's Department Stores ("Dillard's"), and states and alleges the following causes of action against Dillard's:

NATURE OF THE CLAIM

1. Plaintiff Danielle Wooten brings this class action on behalf of herself and other similarly situated current and former African-American employees of Dillard's for racial discrimination in employment with Dillard's and for the pay, promotional and other employment opportunities denied African-American persons by Dillard's. Plaintiff seeks declaratory relief, injunctive relief and monetary damages to redress the deprivation of rights accorded to Plaintiff and others similarly situated under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000 et seq., and under the Civil Rights Act of 1871, as amended in 1991, 42 U.S.C. § 1981 ("Section 1981"). Plaintiff is African-American and is a current employee of Dillard's. Plaintiff Wooten and all putative class members are qualified employees who have been damaged as a result of a purposefully discriminatory employment policy and/or pattern and practice of racial discrimination on the part of Dillard's.

2. During the course of Plaintiff's and other class members' employment, Dillard's has maintained and continues to maintain unconstitutional and discriminatory policies, practices, and customs of racial discrimination, including, but not limited to, promotional and pay practices.

3. Dillard's pattern and practice of racial discrimination has affected and is affecting the employment terms and conditions of Plaintiff Wooten and others similarly situated.

4. Plaintiff and class members have had the terms and/or conditions of their employment affected in one or more of the following ways:

a. Pursuant to an established pattern and practice of Defendant, Plaintiff and other African-American employees were compensated less than similarly situated or less qualified Caucasian employees.

b. Pursuant to an established pattern and practice, Plaintiff and other African-American employees were denied promotional opportunities extended to similarly situated or less qualified Caucasian employees.

c. Pursuant to an established pattern and practice of discrimination in employment by Defendant, Plaintiff and other African-American employees were subjected to job requirements which were materially different from those imposed on similarly situated or less qualified Caucasian employees.

d. Pursuant to an established pattern and practice of discrimination against African-American employees and customers, Dillard's has failed to hire Plaintiff and other African-Americans based solely upon their race.

e. Pursuant to an established pattern and practice of discrimination in employment by Defendant, Plaintiff and other African-American employees were retaliated against for asserting their civil rights. Such retaliatory acts were severe and included termination.

5. Defendant has had actual and/or constructive notice of the aforementioned, but has taken no constructive steps to eliminate said discriminatory policies, procedures and practices.

JURISDICTION AND VENUE

6. The jurisdiction of this Court is invoked by Plaintiff pursuant to 28 U.S.C. §§ 1343(3) and 1343(4), which confer original jurisdiction upon this Court in a civil action to recover

damages or to secure equitable relief (i) under any Act of Congress providing for the protection of civil rights; (ii) under the Declaratory Judgment Statute, 22 U.S.C. § 2201; (iii) under 42 U.S.C. § 1981; (iv) under 42 U.S.C. §§ 2000e, et seq.; and (v) under 42 U.S.C. §§ 2002 et seq.

7. The discriminatory practices alleged herein occurred nationwide, including, at a minimum, the Kansas City Region and at Dillard's Bannister Mall in the City of Kansas City, Jackson County, Missouri.

8. Venue is proper in this Court pursuant to 28 U.S.C. 1391(b), inasmuch as the defendant has stores, conducts business and can be found in the State of Missouri, and the cause of action has arisen and occurred in substantial part in the State of Missouri.

PARTIES

9. Plaintiff Danielle Wooten is and at all times herein was a resident of the State of Kansas at 3523 Kimball, Kansas City, Kansas, 66104. Plaintiff Danielle Wooten is African-American.

10. Defendant Dillard's is a Delaware corporation, in good standing and which is authorized to and does conduct business in the State of Missouri. Defendant owns and operates retail stores across the United States. Dillard's is engaged in interstate commerce and employs thousands of employees.

CLASS ALLEGATIONS

11. Plaintiff sues on behalf of herself and a class of similarly situated persons under Rules 23(a), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure.

12. Plaintiff Danielle Wooten brings this case on behalf of all African-American persons who were denied employment, denied equal pay, were denied equal promotions and subjected to a racially hostile work environment. The subclasses in which Plaintiff Danielle Wooten will serve as class representative are as follows:

a. Employee Subclass: All African-Americans employed by Defendant Dillard's at St. Joseph, Springfield, Jefferson City, Columbia, Independence

Center, Oak Park (north and south), Bannister, Mission, Indian Springs, Metro North, Ward Parkway and Mall of the Great Plains from October 13, 1994, to present (the “Class Period”).

b. Applicant Subclass: All African-Americans who attempted to obtain employment with Defendant Dillard’s at St. Joseph, Springfield, Jefferson City, Columbia, Independence Center, Oak Park (north and south), Bannister, Mission, Indian Springs, Metro North, Ward Parkway and Mall of the Great Plains from October 13, 1994, to present (the “Class Period”).

13. The African-Americans in the Class identified above are so numerous that joinder of all members is impracticable. Upon information and belief there are at least 1,000 members of the Class.

14. There are questions of law and fact common to the Class which predominate over any questions affecting only individual members.

15. The claims of the Representative Plaintiff Danielle Wooten are typical of the claims of the Class.

16. Representative Plaintiff Wooten will fairly and adequately protect the interests of the Class.

17. Dillard’s has acted and refused to act on grounds generally applicable to the Class, thereby making appropriate the rendering of final injunctive and/or corresponding declaratory relief with respect to the Class.

18. A class action is superior to other available methods for the fair and efficient adjudication of the controversy described herein.

19. There are questions of law and fact common to this Class which predominate over any questions solely affecting individual members of the Class. The questions of law and fact common to this Class include, but are not limited to, the following:

- a. whether federal and state civil rights laws were violated by Dillard's nationwide policies and practices as alleged herein;
- b. whether Dillard's maintained the racially discriminatory policies and practices alleged herein;
- c. whether Dillard's racially discriminatory policies and practices amounted to purposeful discrimination;
- d. whether Dillard's racially discriminatory policies and practices result in disparate impact and/or disparate treatment of African-Americans;
- e. whether Dillard's subjected the Class of African-Americans to unlawful terms and conditions of employment that were different than those for similarly situated or less qualified Caucasian employees throughout their employment, including but not limited to hiring, rate of pay, and promotional opportunities;
- f. whether the race of African-American employees was a motivating factor in Dillard's nationwide/class-wide decision to employ African-American employees at lower rates of pay than similarly situated or less qualified Caucasian employees;
- g. whether race was a motivating factor in Dillard's common, nationwide policy of denying African-Americans promotions and opportunities for advancement where such opportunities were made available by Dillard's to similarly situated or less qualified Caucasian employees;
- h. whether race was a motivating factor in defendant's nationwide decision to deny African-American employment applications for positions which were subsequently offered to similarly situated or less qualified Caucasian applicants;
- i. whether Dillard's actions were intentional, willful, wanton, and/or in reckless disregard for the rights of Plaintiff Wooten and members of the class;
- j. whether, and in what amount, Dillard's should be assessed punitive damages to punish Dillard's and deter others from engaging in similar conduct in

the future; and/or

k. whether defendant's discriminatory conduct violated 42 U.S.C. § 1981.

20. Since at least October 13, 1994, Dillard's has engaged in a pattern and practice of racial discrimination which subjects African-Americans to unlawful terms and conditions of employment that were different from similarly situated or less qualified Caucasian employees, including but not limited to, practices related to hiring, rate of pay, promotional opportunities, and other employment terms and conditions, all in violation of 42 U.S.C. § 1981 and Title VII.

21. Dillard's maintains a pattern and practice of compensating African-American employees less than Caucasian employees who hold the same or similar job positions, or who hold job positions that entail similar or comparable responsibilities and duties.

22. Dillard's maintains a pattern and practice of denying promotional opportunities to African-American employees when similarly situated or less experienced Caucasian employees are provided such opportunities for promotion.

23. Dillard's maintains a pattern of racial discrimination in the terms and conditions of its employment practices by preventing African-American employees from obtaining the experience and opportunities necessary to become qualified for promotion and by relegating African-American employees to positions of less visibility and prestige.

24. Since at least October 13, 1994, Dillard's has engaged in a pattern and practice of racial discrimination with respect to hiring thereby seeking to limit or deny African-Americans employment with Dillard's.

25. Dillard's maintains a pervasive and vile atmosphere perpetuating discriminatory treatment of African-American employees. Plaintiff Wooten and other class members have been subjected to a hostile work environment which is illustrated by statements made by or heard and tolerated by senior management personnel when dealing with or discussing African-Americans as well as by senior management's conduct toward African-American persons.

ADDITIONAL ALLEGATIONS REGARDING
CLASS REPRESENTATIVE WOOTEN

26. Class Representative Danielle Wooten is an African-American who has been subjected to racial discrimination in pay and promotion, to a hostile work environment and to other discriminatory terms and conditions of her employment with Dillard's including termination.

27. Defendant has engaged in a pattern and practice of racial discrimination which subjected Plaintiff and other African-American employees to unlawful terms and conditions of employment that are different from similarly situated or less qualified Caucasian employees, including but not limited to, practices related to hiring, pay, promotional opportunities, pay raises, standards for evaluation, company goals for employees, discipline, and termination, and a hostile work environment all in violation of the acts of Congress providing for the protection of Civil Rights.

28. Defendant hired Plaintiff in October of 1997 as a Sales Associates.

29. Dillard's routinely hired and promoted Caucasian candidates who were less qualified and who had less experience than Plaintiff and other African-American employees of Dillard's.

30. Dillard's management personnel has had actual knowledge of discrimination directed against African-American employees and customers, including but not limited to the discriminatory acts and attitudes discussed herein.

31. From approximately 1987 through January of 1998, Richard Eagan was the District Manager for Dillard's Oak Park store, Bannister Mall store and nine other Dillard's Stores in the Kansas City region.

32. As District Manager, Mr. Eagan was Dillard's executive responsible for all Equal Employment Opportunity policies, practices, and issues for the eleven stores he supervised.

33. As District Manager, Mr. Eagan was the final decision-maker on all management level hiring, promotion and termination decisions at the eleven stores he supervised.

34. Upon information and belief, Mr. Eagan did not promote or hire an African-American to a management position until 1997.
35. Mr. Eagan regularly used the word “nigger” in his capacity as Dillard’s District Manager.
36. Mr. Eagan used the word “nigger” in the presence of Dillard’s management personnel.
37. Mr. Eagan used the word “nigger” in reference to Dillard’s African-American employees.
38. Mr. Eagan used the word “nigger” in reference to Dillard’s African-American customers.
39. Mr. Eagan used the word “jigaboo” in his capacity as Dillard’s District Manager.
40. Mr. Eagan used the word “jigaboo” in the presence of Dillard’s management personnel.
41. Mr. Eagan used the word “jigaboo” in reference to Dillard’s African-American employees.
41. Mr. Eagan used the word “jigaboo” in reference to Dillard’s African-American customers.
42. Dillard’s Chairman for the Midwest Region, Ken Moore, was aware of Richard Eagan’s racist comments from as early as 1995.
43. Dillard’s Chairman for the Midwest Region, Ken Moore, did not reprimand Richard Eagan for his using racist terminology.
44. Dillard’s Chairman for the Midwest Region, Ken Moore, did not terminate Richard Eagan for using racist terminology.
45. Dillard’s Chairman for the Midwest Region, Ken Moore, did not suspend Richard Eagan for using racist terminology.

46. Dillard's Chairman for the Midwest Region, Ken Moore, did not in any way punish Richard Eagan for using racist terminology.

47. Mr. Eagan espoused racist opinions about African-Americans in the presence of Dillard's management personnel.

48. Dillard's executive, Ted Gastman, believes Richard Eagan's use of racist terminology indicates Mr. Eagan was biased in his hiring, promotion and termination decisions.

49. Dillard's security practices are created and dictated by Dillard's corporate office.

50. No written record exists of any reprimand, discipline, or demotion to Mr. Eagan as a result of the reported racial slurs used by Mr. Eagan in the presence of Dillard's management personnel.

51. Dillard's security practices include the specific labeling of African-American customers with race codes.

52. Dillard's security practices include referencing "suspicious blacks" as "Code 3s."

53. Dillard's security practices utilize racial profiles.

54. Richard Eagan was responsible for implementing Dillard's security practices at the eleven Dillard's stores he had supervisory authority over from approximately 1987 through 1998.

55. During the time period in which Richard Eagan served as District Manager over the Dillard's stores in the Kansas City, St. Joseph, Springfield, Columbia, and Jefferson City areas, no African-American ever served as Store Manager at those locations.

56. During the time period in which Richard Eagan served as District Manager over the Dillard's stores in the Kansas City area, St. Joseph, Springfield, Columbia, and Jefferson City areas, there were over 200 supervisory positions filled at those locations.

57. Dillard's management personnel has had actual knowledge of discrimination directed against African-American employees and customers, including but not limited to the discriminatory acts and attitudes discussed herein.

58. Since at least October 13, 1994, Dillard's has engaged in a pattern and practice of racial discrimination which subjects African-Americans to unlawful terms and conditions of employment that were different from similarly situated or less qualified Caucasian employees, including but not limited to, practices related to hiring and promotional opportunities as well as job assignments and duties, all in violation of Title VII and 42 U.S.C. § 1981.

59. As part of its common pattern and practice, Dillard's discriminates against qualified African-American employees by denying those employees the opportunity for promotion and by refusing to promote qualified African-American employees, including Plaintiff Danielle Wooten.

60. As part of Dillard's practice of denying African-American employees the opportunity for promotion, Dillard's has promotion practices which are based on subjective rather than objective, job-related criteria, and which are not uniformly applied to African-American and Caucasian employees. With regard to promotion of employees, Dillard's incorporates a pattern and practice which utilizes numerous subjective rather than objective factors resulting in discrimination against African-Americans.

61. There are inadequate written policies, procedures, or guidelines at Dillard's with respect to promotion of its employees. The system employed by Dillard's involves subjective determinations which thereby render the system arbitrary, and such arbitrariness is used as pretext for denying qualified African-American employees, including Plaintiff Danielle Wooten, promotions to which they are qualified and entitled.

62. As part of Dillard's practice of denying African-American employees the opportunity for promotion, Dillard's also discriminates against African-Americans by:

- a. filling supervisory and managerial level job openings through word-of-mouth recruitment which is subjective and unfairly restricts the promotion of qualified African-Americans;

- b. generally failing to publicly post job openings for supervisory and managerial positions; and
- c. failing to promote African-Americans to higher level managerial or supervisory jobs.

63. Dillard's maintains a pattern of racial discrimination in the terms and conditions of its employment practices by relegating African-American employees to jobs with less visibility, prestige, responsibility and prospects for promotion than those held by similarly situated or less qualified Caucasians.

64. Members of Dillard's upper management maintain vile, racist attitudes which they inject into the employment setting. Said members have made racist comments regarding the employment, promotion and/or job duties and assignments of African-Americans.

65. On information and belief, Dillard's policies and practices are designed and/or have the effect of denying promotional opportunities to African-American personnel because of their race.

66. As part of Dillard's pattern and practice of discrimination, Plaintiff Danielle Wooten has also been denied pay and pay raises equal to those of similarly situated or less experienced Caucasian employees. Plaintiff Wooten also was denied employment at the Oak Park store after she was constructively discharged from the Bannister store.

67. At all times relevant herein, Dillard's has had actual or constructive knowledge of the unconstitutional and racially discriminatory practices complained of herein.

68. Paragraphs 1 through 67 describe a pattern and practice of racial discrimination utilized by Defendant Dillard's that constitutes a violation of Title VII and 42 U.S.C. § 1981.

69. In accordance with 42 U.S.C. §2000e-5, more than sixty (60) days have elapsed since filing a charge alleging unlawful discrimination.

COUNT I - 42 §1981

70. Paragraphs 1 through 69 are incorporated herein by reference.

71. Defendant has intentionally discriminated against Plaintiff and all class members in violation of Section 1981 of the Civil Rights Act of 1871 by making promotion decisions based on race, by denying Plaintiff and all class members equal pay and equal terms and conditions of employment, and by maintaining a pervasive atmosphere perpetuating discriminatory treatment.

72. Plaintiff is an African-American current employee of Dillard's who is the victim of Dillard's racially discriminatory employment policies and practices. Plaintiff Wooten and all class members are qualified employees who were damaged as a result of purposefully discriminatory employment policies, practices, and procedures conceived and directed by Dillard's upper management.

73. Plaintiff Danielle Wooten and all class members have been damaged by Dillard's conduct referenced herein.

COUNT II - DISCRIMINATION IN COMPENSATION

74. Plaintiff hereby incorporates Paragraphs 1 through 73 of the Complaint, by reference, as if fully set forth herein.

75. Defendant Dillard's maintains a pattern and practice of compensating African-American employees less than Caucasian employees who hold the same or similar job positions, or who hold job positions that entail similar or comparable responsibilities and duties.

76. As part of this discriminatory pattern and practice, Dillard's:

a. designates lower salaries, raises and other forms of compensation for African-American employees than for similarly situated or less qualified Caucasian employees;

b. fails to maintain a salary or pay scale which is based on objective, job-related criteria; and

c. Routinely violates its own policies and practices with respect to

compensation.

77. Plaintiff has been damaged by Defendant's pattern and practice of compensating African-American employees less than similarly situated or less qualified Caucasian employees.

78. Dillard's conduct with regard to compensation constitutes intentional discrimination, with malice, against African-American employees such as Ms. Wooten.

79. Defendant Dillard's conduct with regard to compensation constitutes disparate treatment of African-American employees such as Plaintiff and Defendant's conduct with regard to compensation has a disparate impact on African-American employees, including Ms. Wooten.

80. Defendant Dillard's conduct described herein constitutes a hostile environment particularly Defendant's management's use of racial epithets and a security policy that targets African-American shoppers and employees for unwarranted and unconstitutional stops and searches.

COUNT III - DISCRIMINATION IN PROMOTIONS

81. Plaintiff hereby incorporates Paragraphs 1 through 80 of the Complaint, by reference, as if fully set forth herein.

82. As part of Dillard's practice of denying African-American employees the opportunity for promotion, Dillard's has promotion practices, which are based on subjective rather than objective, job related criteria, and which are not uniformly applied to African-American and Caucasian employees.

83. There are inadequate written policies, procedures, and guidelines at Dillard's with respect to promotion of its employees. The system employed by Dillard's involves subjective determinations which thereby render the system arbitrary, and such subjective decision making is used as pretext for denying qualified African-American employees promotions to which they are qualified and entitled.

84. As part of Defendant's practice of denying African-American employees the opportunities for promotion, Dillard's discriminates against African-American employees by:

- a. filing job openings through word of mouth recruitment which is subjective and unfairly restricts the promotion of qualified African-American;s
- b. generally failing to publicly post job openings for supervisory and managerial positions; and
- c. failing to promote African-Americans to higher level managerial or supervisory jobs. Upon information and belief, Dillard's employs no African-American store managers at any store throughout the United States.

85. Plaintiff and other African-American employees have been refused promotional opportunities and damages by Defendant's pattern and practice of discrimination in promotion.

86. Defendant's conduct with regard to promotions constitutes intentional discrimination, with malice, against Plaintiff and other African-Americans.

87. Defendant Dillard's conduct with regard to promotions constitutes disparate treatment of African-American employees such as Plaintiff and Defendant's conduct with regard to promotions has a disparate impact on Plaintiff and other African-Americans.

88. Dillard's policies and practices which discriminatorily deny promotional opportunities have resulted in current and former Dillard's employees being denied promotional opportunities, including but not limited to Plaintiff and many others.

COUNT IV - TERMS AND CONDITIONS/HOSTILE WORK ENVIRONMENT

89. Plaintiff hereby incorporates Paragraphs 1 through 88 of the Complaint, by reference, as if fully set forth herein.

90. Defendant Dillard's conduct described herein constitutes a hostile environment particularly Defendant's management's use of racial epithets and a security policy that targets African-American shoppers and employees for unwarranted and unconstitutional stops and searches.

91. Dillard's maintains a pervasive and vile atmosphere perpetuating discriminatory treatment of African-American employees and customers. Plaintiff and other African-American

employees have been subjected to a hostile work environment which is illustrated by the above discriminatory actions involving Plaintiff and other African-American employees.

92. Defendant Dillard's conduct in creating and maintaining a hostile work environment constitutes intentional discrimination, with malice, against Plaintiff.

93. Dillard's conduct in creating and maintaining a hostile work environment constitutes disparate treatment of African-American employees such as Plaintiff, and Defendant's conduct has a disparate impact on African-American employees, including Ms. Wooten.

94. Defendant's conduct with regard to maintaining a hostile work environment constitutes intentional discrimination, with malice, against Plaintiff and other African-Americans.

95. Defendant's conduct with regard to maintaining a hostile work environment has damaged Plaintiff and other African-Americans.

COUNT V - RETALIATION

96. Plaintiff hereby incorporates Paragraphs 1 through 95 of the Complaint, by reference, as if fully set forth herein.

97. Dillard's maintains a pattern of retaliation designed to intimidate African-American employees and deter them from objecting to Defendant's discriminatory policies and practices. Dillard's retaliates against African-Americans who assert their civil rights by diminishing their work responsibilities, limiting access to work related information, by denying promotions, and/or by demoting or terminating the employee.

98. Defendant maintains a pattern of retaliation to intimidate its African-American employees and deter them from asserting legal claims based on Dillard's policies and Constitutionally guaranteed rights, including those relating to pay, promotion, delegation of assignments and duties, performance reviews and discipline, including termination.

99. Plaintiff and other African-Americans have been damaged by Defendant's pattern and practice of retaliation against African-American employees.

100. Defendant Dillard's retaliatory conduct constitutes intentional discrimination, with malice, against African-American employees such as Ms. Wooten.

COUNT VI - CONSTRUCTIVE DISCHARGE

101. Plaintiff hereby incorporates Paragraphs 1 through 100 of the Complaint, by reference, as if fully set forth herein.

102. Dillard's utilizes a discriminatory practice of evaluating individuals whom Dillard's desires to remove from employment wherein Dillard's and its agents provide overly critical and unfair evaluations resulting in disparate and harsh disciplinary actions for things for which similarly situated and/or less qualified Caucasians are not disciplined.

103. Dillard's maintains a common pattern and practice of terminating and/or constructively discharging African-American employees by creating a hostile and offensive working environment so intolerable that a reasonable person under similar circumstances would not withstand such an environment.

104. Plaintiff and other African-American employees have been damaged by Defendant's pattern and practice of discrimination in terms and conditions, including Dillard's creation and perpetuation of a racially hostile working environment.

105. Dillard's conduct with regard to constructive discharge constitutes intentional discrimination, with malice, against Plaintiff.

106. Defendant's conduct constitutes disparate treatment of African-American employees, including Plaintiff, and Defendant's conduct has a disparate impact on African-American employees, including Plaintiff.

107. Dillard's conduct constitutes intentional discrimination, with malice, against Plaintiff.

108. Paragraphs 1 through 107 describe a pattern and practice of racial discrimination utilized by Defendant Dillard's that constitutes a violation of Plaintiff's Civil Rights and has damaged Ms. Wooten.

COUNT VII - FAILURE TO HIRE

109. Plaintiff hereby incorporates Paragraphs 1 through 108 of the Complaint, by reference, as if fully set forth herein.

110. Defendant purposefully and willfully fails to hire African-Americans into management and employee positions.

111. Defendant fails to hire African-Americans for positions despite openings.

112. Dillard's utilizes a discriminatory practice of failing to evaluate an individual's qualifications.

113. Dillard's maintains a common practice and procedure of failing to hire African-American employees.

114. Plaintiff and other African-Americans have been damaged by Defendant's pattern and practice of failure to hire African-American employees.

115. Defendant's conduct constitutes intentional discrimination, with malice, against Plaintiff.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Danielle Wooten respectfully requests that this Court grant the following relief for herself and all class members:

1. Enter a judgment pursuant to jury verdict that the acts and practices of Dillard's complained of herein are in violation of the laws of the United States;
2. Pursuant to jury verdict, award Plaintiff and all class members lost wages, including all lost fringe benefits and back pay, including, without limitation, compensation differential and any lost benefits that would have otherwise been accorded Plaintiff and all class members absent the illegal discrimination;
3. Award Plaintiff and all class members, pursuant to jury verdict, compensatory and punitive damages;
4. Award Plaintiff and all class members the costs of this action, including the fees

and costs of experts, together with reasonable attorneys' fees;

5. Grant an Order restraining Dillard's from any retaliation against Plaintiff or any other class member; and,
6. Grant Plaintiff and all class members such other and further relief as this Court finds necessary and proper.

SHAMBERG, JOHNSON & BERGMAN,
CHARTERED

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CERTIFICATE OF FILING

The undersigned hereby certifies that the foregoing was both hand-delivered and electronically filed, on this 26th day of January, 2000, addressed to:

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Attorneys for Defendant Dillard's

Attorney for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all issues of fact and damages in this action. The location of trial should be Kansas City, Kansas.

Respectfully Submitted,

SHAMBERG, JOHNSON & BERGMAN,
CHARTERED

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