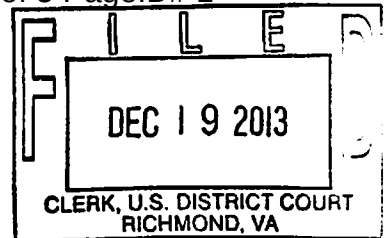


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

LEE'S FOOD CORP.,  
d/b/a Food Rite Community Supermarket,

Defendant.

CIVIL ACTION NO. 3:13CV838

C O M P L A I N T

JURY TRIAL DEMAND

NATURE OF THE ACTION

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 Deborah Newell who was adversely affected by such practices. Plaintiff, the U.S. Equal Employment Opportunity Commission, alleges that defendant Lee's Food Corp., d/b/a Food Rite Community Supermarket ("Defendant"), discriminated against Deborah Newell when it failed to hire her as a part-time courtesy van driver because of her sex, female.

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) 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 employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Virginia, Richmond Division.

### PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (“EEOC” or 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 Lee’s Food Corp. d/b/a Food Rite Community Supermarket (“Defendant”), has continuously been a Virginia corporation doing business in the State of Virginia and the City of Richmond, and has continuously had at least 15 employees.

5. 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

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

7. On or about October 4, 2012, Defendant engaged in unlawful employment practices at its store located at 640 W. Southside Plaza, Richmond, Virginia (hereafter “Southside Plaza store”), in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by failing to hire Deborah Newell (“Newell”) as a part-time courtesy van driver because of her sex, female.

8. On or about October 4, 2012, Newell saw a job advertisement for a part-time courtesy van driver position at Defendant’s Southside Plaza store and went to the store to inquire about the position. Newell met with Defendant’s Store Manager and told him she was interested

in the courtesy van driver position. The Store Manager told Newell that he would not hire a female for the courtesy van driver position. The Store Manager stated his concern that a female driver would be at greater risk of being a victim of crime while working as a courtesy van driver, than would be a male driver.

9. At the time she inquired about the courtesy van driver position with Defendant, Newell met the minimum qualifications for the position, which included having a valid driver's license and a good driving record.

10. Despite Newell's interest in the vacant courtesy van driver position, Defendant failed and refused to hire Newell because of her sex, female.

11. On or about October 9, 2012, Defendant hired a male applicant for the vacant courtesy van driver position.

12. The effect of the practices complained of above has been to deprive Newell of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex, female.

13. The unlawful employment practices complained of above were intentional.

14. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Newell.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from refusing to hire individuals on the basis of sex, female, and from engaging in 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 whole Deborah Newell by providing appropriate backpay 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 rightful place hiring of Newell as a part-time courtesy van driver, or front pay in lieu thereof.

D. Order Defendant to make whole Deborah Newell, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

E. Order Defendant to make whole Newell by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

F. Order Defendant to pay Newell punitive damages for its malicious and reckless conduct described 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.

DATED this the 19<sup>th</sup> day of December, 2013.

Respectfully submitted,

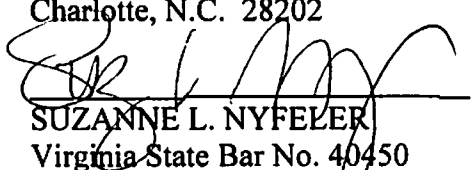
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