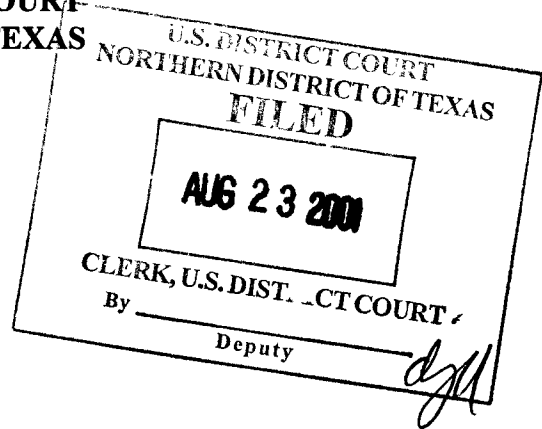


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



EQUAL EMPLOYMENT OPPORTUNITY §  
COMMISSION, §

Plaintiff, §

and §

ASHARRI BURCH, ANDREA §  
FERGUSON, LINDA FERGUSON and §  
CATRINA GARRETT §

Interveners, §

v. §

SEARS LOGISTICS SERVICES, INC §

Defendant. §

CIVIL ACTION NO. 3:01-CV-1588-D

PLAINTIFFS' (INTERVENERS') ORIGINAL COMPLAINT

NOW COME Asharri Burch, Andrea Ferguson, Linda Ferguson and Catrina Garrett, Plaintiffs herein, complaining of Sears Logistics Services, Inc., Defendant herein, and for causes of action submits the following:

I.

**Jurisdiction and Venue**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1343(4); 28 U.S.C. § 1337; and 42 U.S.C. § 20003--5(f). This is a suit in equity and at law authorized and instituted pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended, in 42 U.S.C. § 1981(a) and it seeks declaratory relief pursuant to 28 U.S.C. §§ 2201, 2202.

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2. Venue is proper in this judicial district pursuant to 28 U.S.C. Sec. 1391 and 124(a)(1) in that the unlawful employment practices alleged below were and are being committed within the State of Texas and the Northern District of Texas.

## II.

### Parties

4. At all relevant times, Plaintiffs were female citizen of the United States and residents of Dallas County, Texas. Plaintiffs were employed by defendant at a facility in the Northern District of Texas, Dallas Division. Plaintiffs have been subjected to unlawful employment practices committed in the State of Texas, Northern District, Dallas Division.

5. Defendant, is a company doing business in the Northern District of Texas, Dallas Division. Defendant maintains and administers records relevant to its employment practices within said district and division. Defendant is an employer within the meaning of 42 U.S.C. § 2000e *et seq.*, in that the defendant is engaged in an industry affecting commerce and employs at least fifteen (15) persons.

### Federal Causes of Action

6. This is a proceeding for a declaratory judgment, injunctive relief, compensatory and punitive damages, and other relief to secure the rights of plaintiffs under 42 U.S.C. § 2000e, *et seq* and 1981(a). It is brought to prevent defendant from maintaining a policy, practice, custom or usage, of discriminating against plaintiffs in regard to terms, conditions and privileges of employment, to compensate them for sexual harassment, and with regard to Garrett, for retaliatory discharge.

7. Since July of 1999 defendant subjected your plaintiffs to a sexually hostile

working environment in violation of Title VII of the 1964 Civil Rights Act, as amended.

Additionally, defendant terminated plaintiff Catrina Garrett in retaliation for having opposed the sexually hostile workplace in which she labored. All of defendant's conduct in this regard was intentional, and in reckless disregard of the federally protected rights of the plaintiffs.

8.. Within 300 days of the acts of which plaintiffs complain they filed written charges of discrimination with the Equal Employment Opportunity Commission. Thereafter, the Commission investigated plaintiffs' charges and concluded that there was reasonable cause to believe that violation of Title VII had occurred with respect to each plaintiff. Suit was thereafter filed by the EEOC and plaintiff's have sought to intervene on a prompt basis. All conditions precedent to the filing of this action have been fulfilled.

9. As a result of defendant's unlawful your plaintiffs have suffered loss of enjoyment of life, and severe emotional distress, for which they seek compensatory and punitive damages. Additionally, plaintiff Garrett suffered a retaliatory termination, lost wages in the past and future, as well as mental anguish and loss of enjoyment of life..

10. Defendant's actions complained of herein were taken with malice or with a conscious disregard for plaintiff's federally protected rights, making an award of exemplary damages appropriate.

#### **Request for Relief**

ACCORDINGLY, plaintiffs respectfully request that this Court advance this case on the docket and grant them the following relief:

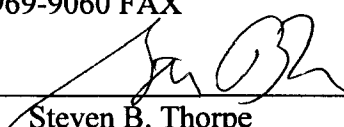
- a. Grant plaintiffs a permanent injunction, enjoining defendant, its agents, employees, successors, and attorneys from continuing to discriminate against

- them or sexually harass them;
- b. Grant plaintiffs a declaratory judgment, declaring defendant's past practices herein complained of to be in violation of 42 U.S.C. § 2000e et seq.;
  - c. Grant plaintiff backpay, front pay, retroactive seniority, compensatory damages, and any other necessary equitable and legal relief to compensate him;
  - d. Grant plaintiff Garrett immediate reinstatement;
  - e. Grant plaintiffs actual damages;
  - f. Grant plaintiffs punitive damages;
  - g. Grant plaintiffs attorney fees; and
  - h. Grant such other general relief to which plaintiffs show thmselves justly entitled.

Respectfully Submitted,

**THORPE, HATCHER & WASHINGTON, L.L.P.**  
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Dallas, Texas 75204  
214/969-5500  
214/969-9060 FAX

By: \_\_\_\_\_

  
Steven B. Thorpe  
State Bar No. 19990500  
Carla S. Hatcher  
State Bar No. 09219500

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document was mailed, certified mail, return receipt requested, to counsel for all parties on this the 22<sup>nd</sup> day of August, 2001.