

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 29 2001

JAMES W. McCORMACK, CLERK
By: Amullen DEP CL

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

BARNHILL'S BUFFET, INC. d/b/a
BARNHILL'S COUNTRY BUFFET

Defendant.

CIVIL ACTION NO 3:01cv2105

COMPLAINT

Assigned to District Judge Wright
Forster

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices and to provide appropriate relief on behalf of Brenda L. Jones. Ms. Jones was terminated in retaliation for complaining about race discrimination in the workplace.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This is an action authorized and instituted pursuant to §706(f)(1) and (3) and §706 and §707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII").

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

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission") is an 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 §706(f)(1) and (3) and §707 of Title VII, 42 U.S.C. §2000e-5(f).

4. At all relevant times, Defendant, Barnhill's Buffet, Inc., d/b/a Barnhill's Country Buffet ("Defendant Employer"), was a corporation doing business in the State of Arkansas and the City of Jonesboro and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Employer has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of §701(b), (g), and (h) of Title VII, 42 U.S.C. §§2000e(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Brenda L. Jones filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant Employer including retaliation for exercising a federally protected right. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March 1, 2000, Defendant Employer has engaged in unlawful employment practices at its facility in Jonesboro, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a) and §704 of Title VII, as amended, 42 U.S.C. §2000e-3. The unlawful practice includes retaliation against Brenda L. Jones by terminating her for exercising her federally protected rights to complain about racially discriminatory practices in the workplace.

8. Subsequent to complaining about racially discriminatory practices in the workplace,

Brenda L. Jones was terminated. Ms. Jones complained to the manager of Defendant's Jonesboro facility that her hours were being reduced and she was being converted from full-time to part-time status because of her race (Black).

9. The effect of the practices complained of above has been to deprive Brenda L. Jones of her federally protected rights and equal employment opportunities and otherwise adversely affect her status of employment.

10. The unlawful employment practices complained of above were and are intentional.

11. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Brenda L. Jones.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of retaliation for complaining about racially discriminatory practices that violate Title VII of the Civil Rights Act of 1964, as amended..

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

C. Order Defendant Employer to make whole Brenda L. Jones 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, placement in a position.

D. Order Defendant Employer to make whole Brenda L. Jones by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Brenda L. Jones by providing compensation for past and future non pecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, embarrassment, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Brenda L. Jones punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial.

G. Order Defendant Employer to pay Brenda L. Jones all the relief to which she is entitled for Defendant's illegal acts of retaliation.

H. Grant such further relief as the Court deems necessary and proper.

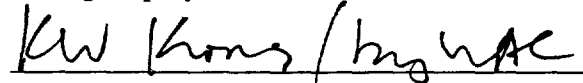
I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

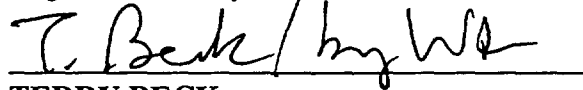
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