

FILED

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
U.S. DISTRICT COURT EASTERN DIVISION
N.D. OF ALABAMA

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

TYSON FOODS, INC.

Defendant.

CV-05-BE-1704-E

Civil Action No.

COMPLAINT

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 race and to provide appropriate relief to Henry Adams, Leon Walker, and a class of black employees who were adversely affected by such practices. The Commission alleges that the Defendant discriminated against Henry Adams, Leon Walker, and a class of employees because of their race, black, by establishing and maintaining a racially segregated bathroom facility, designated for "Whites Only", at its Ashland,

Alabama plant. In addition, Defendant retaliated against Henry Adams and Leon Walker after they complained about the existence of this racially segregated facility.

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 §§ 703, 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), 42 U.S.C. § 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A.

2. The unlawful employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Alabama, Eastern 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 § 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, the Defendant, Tyson Foods, Inc. ("Tyson's" or the "Employer") has continuously been doing business in the State of Alabama and the city of Ashland, and has continuously had at least 15 employees.

5. At all relevant times, the 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).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Henry Adams and Leon Walker filed Charges of Discrimination 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 10, 2003, Defendant has engaged in unlawful employment practices at its Ashland, Alabama, facility in violation of Section 703(a) and Section 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and 3(a). In particular, Defendant established and maintained a racially segregated bathroom facility, designated for "Whites Only", at its Ashland, Alabama, facility.

8. Defendant, through its agents, subjected Henry Adams and Leon Walker to adverse employment actions because they objected to the racially segregated facility.

9. The effect of the practices complained of in paragraphs 7 and 8 above have been to deprive Henry Adams, Leon Walker, and a class of black employees, of equal

employment opportunities and otherwise adversely affected their status as employees, because of their race, black.

10. The unlawful employment practices complained of in paragraphs 7, 8 and 9 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7, 8 and 9 above were done with malice or with reckless indifference to the federally protected rights of Henry Adams, Leon Walker, and a class of black employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, agents, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race and retaliation.

B. Order the Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for all of its employees regardless of race and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Henry Adams, Leon Walker and a class of black employees, by providing appropriate relief, in amounts to be determined at

trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant Employer to make whole Henry Adams, Leon Walker and a class of black employees, by providing them with compensation for non-pecuniary losses resulting from the unlawful employment practices described in paragraphs 7, 8 and 9 above, including pain and suffering, emotional distress, humiliation, isolation, depression, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order Defendant Employer to pay Henry Adams, Leon Walker and a class of black employees, punitive damages for its malicious and reckless conduct described in paragraphs 7, 8 and 9 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. 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.

Respectfully submitted,

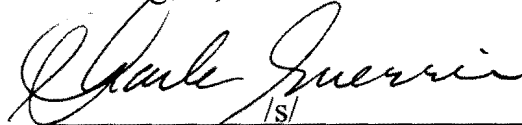
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