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**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

JUN 04 2002

JAMES W. McCORMACK, CLERK  
By: \_\_\_\_\_ DEPT. CLERK

EQUAL EMPLOYMENT OPPORTUNITY	)	
COMMISSION,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO
	)	
v.	)	5:02CV0153SWW
	)	
FRED'S STORES OF TENNESSEE, INC.	)	
	)	
Defendant.	)	JURY TRIAL DEMAND
	)	

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AMENDED COMPLAINT

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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 Lasonia Beathea and other former female employees. Ms. Beathea and other females were discriminated against by Defendant by being subjected to sexual harassment caused by the inappropriate sexual actions, overtures, and behavior of the store manager. Ms. Beathea was subsequently discharged when she attempted to return to work following a leave of absence. Females employees were constructively discharged when they were forced to resign rather than endure the harassment.

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, Pine Bluff 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. §2000-5(f).

4. At all relevant times, Defendant Fred's Stores of Tennessee, Inc. ("Defendant Employer"), owned and operated Fred's Dollar Store in Lake Village, Arkansas. Fred's Stores of Tennessee, Inc. is a Tennessee corporation doing business in the State of Arkansas and the City of Lake Village 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, Lasonia Beathea filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant Employer. During the course of the investigation, allegations of sexual harassment towards other former female employees were discovered. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From on or around July, 2000 and continuing, Defendant Employer has engaged in unlawful employment practices at its facility in Lake Village, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to, the sexual harassment and discharge of Ms. Lasonia Beathea.

8. The effect of the practices complained of above has been to deprive Lasonia Beathea of equal employment opportunities and otherwise adversely affect her status as an employee.

9. Beginning in October of 2000, Ms. Beathea made a complaint to the company's hotline number that she was being subjected to sexual harassment by the store manager. The company failed to take corrective measures to protect Ms. Beathea. The harassment included, but was not limited to, sexual touching, sexual comments, requests for sexual favors, and other unwelcome conduct of a sexual nature..

10. Ms. Beathea was discharged in October of 2001 when she attempted to return to work following a medical leave of absence and was told there were no openings.

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

12. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Ms. Beathea.

13. From on or around July of 2000 and continuing, Defendant Employer has engaged in unlawful employment practices at its facility in Lake Village, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to, sexually harassing previous female employees because of their sex. The

conduct consisted of sexual comments, requests for sexual favors, and other unwelcome conduct of a sexual nature. The harassment was pervasive and continuous, and as a result, these females have been forced to resign rather than endure the sexual harassment.

14. The effect of the practices complained of above has been to deprive female employees of equal employment opportunities and otherwise adversely affect their status as employees.

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

16. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of female employees.

#### **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 sex.

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 Lasonia Beathea and other females who were subjected to Defendant's discriminatory practices 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 Lasonia Beathea and other females who were subjected to Defendant's discriminatory practices 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 Lasonia Beathea and other females who were subjected to Defendant's discriminatory practices 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 Lasonia Beathea and other females who were subjected to Defendant's discriminatory practices punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial.

G. Order Defendant Employer to pay Lasonia Beathea all the relief to which she is entitled for Defendant's illegal act of discharging her and to pay other females all the relief to which they are entitled for Defendant's illegal acts of constructively discharging them.

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.

**NICHOLAS INZEO**

Acting Deputy General Counsel

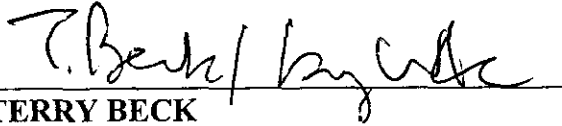
**GWENDOLYN YOUNG REAMS**

Associate General Counsel

  
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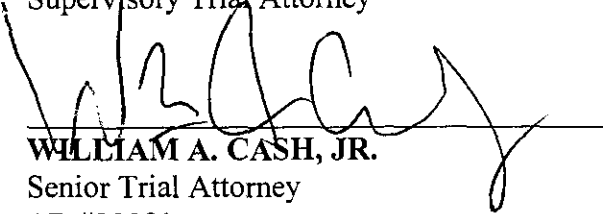
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