

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION AND CAMIE NEAL)

Plaintiff/Plaintiff-Intervenor)

BEST BUY HERE PAY HERE, L.L.C.,)
BEST MOTOR COMPANY LEASING,)
INC., and BRYAN HUNT, d/b/a BEST BUY)
HERE PAY HERE,)

Defendants.)

Case No. 06-5096-CV-SW-JCE

COMPLAINT OF INTERVENOR CAMIE NEAL

COMES NOW Plaintiff-Intervenor Camie Neal, by and through her undersigned attorneys, and for her cause of action against the Defendants states as follows:

PARTIES

1. Plaintiff-Intervenor Camie Neal is a resident of the State of Missouri, residing in Joplin, Jasper County, Missouri.
2. Plaintiff Equal Employment Opportunity Commission ("EEOC"), the federal agency charged with the administration, interpretation and enforcement of Title VII, brought the instant action pursuant to § 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) and Section 102 Of the Civil Rights Act of 1991, 42 U.S.C. § 1981a..
3. At all relevant times, Defendants have continuously been a doing business in the

State of Missouri and the City of Joplin, functioning as a single employer and continuously employing at least 15 employees.

4. At all relevant times, Defendants have 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)

5. At all relevant times, Defendants Best Buy Here Pay Here, L.L.C., Best Motor Company Leasing, Inc., and Bryan Hunt, D/B/A Best Buy Here Pay Here were employers within the meaning of Chapter 213 of the revised statutes of Missouri, doing business in Joplin, Jasper County, Missouri

JURISDICTION AND VENUE

5. 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.

6. This Court has Jurisdiction over Plaintiff-Intervenor Camie Neal’s pendent state claims pursuant to 28 U.S.C. § 1367.

7. All conditions precedent to the institution of this lawsuit have been fulfilled.

COUNT I

PLAINTIFF’S CLAIM UNDER TITLE VII

8. From approximately March through May 2005, Defendant Employers engaged in the following unlawful employment practices at their Joplin, Missouri facility and Arkansas headquarters, in violation of Section 703(a)(1) and 704(a) of Title VII, 42 U.S.C. § 2000e2(a)(1) and 3:

(a) Defendants subjected Camie Neal to a sexually hostile work environment;

(b) Defendants unlawfully terminated Camie Neal's employment on the basis of sex; and

(c) Defendants retaliated against Camie Neal for complaining about employment discrimination.

9. The effect of the practices complained of in paragraph 7 above has been to deprive Camie Neal of equal employment opportunities and otherwise adversely affect her status as an employee because of her sex.

10. The unlawful employment practices complained of in paragraph 8 above were intentional.

11. The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Camie Neal.

WHEREFORE, for Count I of Plaintiff-Intervenor Camie Neal's cause of action, she respectfully requests that this Court:

A. Order Defendant Employers to make whole Camie Neal, 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 reinstatement of Camie Neal.

B. Order Defendant Employers to make whole Camie Neal, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search and medical expenses, in amounts to be determined at trial.

C. Order Defendant Employers to make whole Camie Neal by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

D. Order Defendant Employers to pay Camie Neal punitive damages for their malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

E. Award Plaintiff-Intervenor Camie Neal her reasonable attorney fees and costs incurred in this action.

Count II

**PLAINTIFF-INTERVENOR CAMIE NEAL'S CLAIM PURSUANT TO THE MISSOURI
HUMAN RIGHTS ACT FOR DAMAGES DUE TO SEXUAL HARASSMENT AND
DISCRIMINATION**

12. Bill Eaton, was manager of Defendants' facility in Joplin, Missouri and was Plaintiff-Intervenor Camie Neal's supervisor. All actions of Bill Eaton alleged herein were done within the scope and course of his employment by Defendants or while performing duties on behalf of Defendants.

13. From approximately March through May 2005, on virtually a daily basis, Bill Eaton made lewd and sexually provocative and degrading statements to and in the presence of Plaintiff-Intervenor Camie Neal thereby subjecting her to a sexually hostile work environment.

14. The harassment Plaintiff-Intervenor Camie Neal suffered was severe and pervasive and affected the terms, conditions or privileges of her employment.

15. Between March through May 2005 Plaintiff-Intervenor Camie Neal notified Defendants of the conduct of Bill Eaton by complaining to Brent Pilgrim, Defendant's regional manager and Nita l/n/u, Defendant's general manager about Eaton's conduct and actions.

16. Defendants failed to take action to stop Eaton from harassing Plaintiff and took no action to discipline Eaton or to correct his behavior and continued Eaton as Plaintiff's supervisor.

17. Defendants knew or should have known of Eaton's unwelcome and offensive comments and behavior but failed to take appropriate action to remedy or correct his behavior.

18. By engaging in those actions set forth above, Defendants engaged in unlawful employment practices in violation of RSMo. Sec. 213.055, as amended, including but not limited to discrimination against the Plaintiff on account of her gender.

19. As a direct and proximate result of Defendants' unlawful employment practices, the Plaintiff-Intervenor Camie Neal has suffered and will continue to suffer embarrassment, humiliation, mental anguish, emotional distress and loss of wages and career advancement.

20. The actions and inactions of Defendants in permitting the sexually hostile environment to occur and persist after that environment had been made apparent, demonstrates complete indifference and a conscious, intentional, malicious and reckless disregard for Plaintiff-Intervenor Camie Neal's rights entitling her to punitive damages pursuant to RSMo. 213 and the common law.

21. Because of said injuries, Plaintiff-Intervenor Camie Neal is entitled to such affirmative relief as may be appropriate under Chapter 213 RSMo., including but not limited to back pay, benefits, compensatory damages, punitive damages and attorney's fees and costs.

WHEREFORE, for Count II of Plaintiff-Intervenor Camie Neal's cause of action, she prays that judgment be entered in her favor and against Defendants, jointly and severally, to include compensatory damages, back pay, benefits, prejudgment interest, punitive damages, all in an amount according to proof at trial; that Plaintiff be awarded reasonable attorneys fees and costs of suit; and that Plaintiff be awarded such other and further relief as the Court deems just and proper.

Count III

PLAINTIFF-INTERVENOR CAMIE NEAL'S CLAIM PURSUANT TO THE MISSOURI HUMAN RIGHTS ACT FOR DAMAGES DUE TO RETALIATORY DISCHARGE

Plaintiff-Intervenor Camie Neal, for Count III of this cause of action against Defendants for violation of the common law of the state of Missouri, of Chapter 213 RSMO states and alleges as follows:

22. Plaintiff-Intervenor Camie Neal incorporates by reference as if fully set forth herein paragraphs 1 through 18.

23. On May 21st, 2005 while Plaintiff-Intervenor Camie Neal was engaged in her duties as Defendants employee she was advised that her child had been injured and was at the hospital with a broken arm.

24. At said time and place, Plaintiff-Intervenor Camie Neal requested that Eaton permit her to leave her duties and go to the hospital to be with her child.

25. Despite the fact that other employees were on duty at Defendants' place of business and could have carried on Plaintiff-Intervenor Camie Neal's duties in her absence, Eaton refused to allow her to leave to go to the hospital to be with her child and advised her she would be fired if she left.

26. Eaton's refusal to allow Plaintiff-Intervenor Camie Neal to go to the hospital to be with her child was inconsistent with his previous treatment of other employees in that on he had on numerous other occasions allowed employees to leave the business to attend to personal business.

27. Eaton's refusal to allow Plaintiff-Intervenor Camie Neal to go to the hospital to be with her child was unreasonable and was done in direct retaliation for her complaints made about his sexually harassing conduct.

28. After Eaton's refusal to allow her to leave on May 21st, 2005 Plaintiff-Intervenor Camie Neal left her employment to go to the hospital to be with her child. At the time Plaintiff left, there were only two hours of her shift remaining.

29. After leaving work on May 21st, 2005, Plaintiff-Intervenor Camie Neal notified Brent Pilgrim, and Nita I/n/u, of Eaton's statements and actions and was told that the matter would be taken care of and that she should return to work on Monday, May 23rd, 2005.

30. On May 23rd, 2005 Defendants terminated Plaintiff-Intervenor Camie Neal from her employment in retaliation against her for complaining about Eaton's sexual harassment.

31. By retaliating against Plaintiff-Intervenor Camie Neal by engaging in those actions set forth above, Defendants engaged in unlawful employment practices in violation of RSMo. Sec. 213.055, as amended

32. As a direct and proximate result of Defendants' unlawful employment practices alleged in this count, the Plaintiff-Intervenor Camie Neal has suffered and will continue to suffer embarrassment, humiliation, mental anguish, emotional distress and loss of wages and career advancement.

33. The actions and inactions of Defendants in retaliating against Plaintiff-Intervenor Camie Neal, demonstrates complete indifference and a conscious, intentional, malicious and reckless disregard for her rights, entitling her to punitive damages pursuant to RSMo. 213 and the common law.

34. Because of said injuries, Plaintiff-Intervenor Camie Neal is entitled to such affirmative relief as may be appropriate under Chapter 213 RSMo., including but not limited to back pay, benefits, compensatory damages, punitive damages and attorney's fees and costs.

WHEREFORE, for Count III of Plaintiff-Intervenor Camie Neal's cause of action, she prays that judgment be entered in her favor and against Defendants, jointly and severally, to include compensatory damages, back pay, benefits, prejudgment interest, punitive damages, all in an amount according to proof at trial; that Plaintiff be awarded reasonable attorneys fees and costs of suit; and that Plaintiff be awarded such other and further relief as the Court deems just and proper.

FLEISCHAKER & WILLIAMS

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I hereby certify that a true and correct copy
of this pleading was electronically filed this
8th day of November, 2006 with service to:

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