

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
EBY-BROWN COMPANY, LLC)
)
)
Defendant.)
_____)

CIVIL ACTION NO.
1:06-cv-1083-SEB-VSS
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, color, national origin, and retaliation and to provide appropriate relief to Ahmed Conde, who was adversely affected by such practices. The Commission alleges that Defendant subjected Ahmed Conde to harassment based on his race, color, and national origin and subsequently retaliated against him for his opposition to such practices and his participation in proceedings under Title VII.

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

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

4. At all relevant times, Defendant, Eby-Brown Company, LLC (the “Employer”), has continuously been a Delaware corporation, doing business in the State of Indiana and the City of Indianapolis/Plainfield, and has continuously had at least 15 employees.

5. At all relevant times, 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, Ahmed Conde filed charges 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 June 2003, Defendant Employer has engaged in unlawful employment practices at its Indianapolis/Plainfield, Indiana facility, in violation of Sections 703(a) (1) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) (1) and 2000e-3. The unlawful practices include subjecting Ahmed Conde to harassment based on his race, color, and national

origin and retaliating against him by discharging him for his opposition to said unlawful practices and his participation in proceedings under Title VII.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ahmed Conde of equal employment opportunities and otherwise adversely affect his status as an employee, because of his race, color, national origin and retaliation.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Ahmed Conde.

PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in race, color, and national origin harassment, and any other employment practice which discriminates on the bases of race, color, national origin, and retaliation.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals of all race, color, and national origin, and which provide equal employment opportunities for employees who have exercised their rights under Title VII, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ahmed Conde by providing appropriate backpay with prejudgment interest, in amounts to be proved at trial, and other

affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful place reinstatement of Ahmed Conde.

D. Order Defendant Employer to make whole Ahmed Conde by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to out of pocket expenses, job search expenses, and medical expenses, plus prejudgment interest, in an amount to be determined at trial.

E. Order Defendant Employer to make whole Ahmed Conde by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to physical and emotional pain and suffering, mental anguish, and loss of enjoyment of life, in an amount to be determined at trial.

F. Order Defendant Employer to pay Ahmed Conde punitive damages for their malicious and reckless conduct described in paragraph 7 above, in an amount to be determined at trial.

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

H. 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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