

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,  
  
Plaintiff,  
  
vs.  
  
FIRST STUDENT, INC.  
  
Defendant.

CIVIL ACTION # *3:06cv539HTW-LRA*

**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 Orlando Hill who was adversely affected by such practices. As alleged with greater particularity below, the Defendant, First Student Inc. (the "Employer" or "First Student"), discriminated against Orlando Hill on the basis of his race, Black, by paying him less than it paid a similarly situated employee, White, performing the same work.

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 Sections 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.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Mississippi, Jackson

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) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant First Student has continuously been a Florida corporation doing business in the State of Mississippi and the City of Canton, 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, Orlando Hill filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Beginning in May 2004 and continuing thereafter, First Student engaged in unlawful employment practices at its Canton, Mississippi facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). In particular, on or about May 24, 2004, Orlando Hill, a Black male started performing the job of router at Defendant's Canton, Mississippi location. Mr. Hill was qualified for the position of router and performed it successfully from about May 24, 2004 through about August 22, 2005. On or about May 9, 2005

the Defendant hired a White male to replace Mr. Hill in the router position. Defendant paid the White male a substantially higher rate of pay than it paid Mr. Hill to perform the same job. The two men both worked as routers for the Defendant from on or about May 9, 2005 until on or about August 22, 2005.

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

9. The unlawful employment practices complained of 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 Orlando Hill.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant First Student, 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 race.

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

C. Order Defendant First Student to make whole Orlando Hill by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant First Student to make whole Orlando Hill by providing

compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

E. Order Defendant First Student to make whole Orlando Hill by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, and humiliation, in amounts to be determined at trial.

F. Order Defendant First Student to pay Orlando Hill punitive damages for the conduct described above, in amounts 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

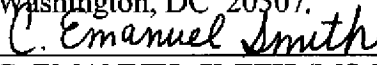
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

RONALD COOPER  
General Counsel

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel  
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 "L" Street, Northwest  
Washington, DC 20507.

  
C. EMANUEL SMITH (MS 7473)  
Regional Attorney