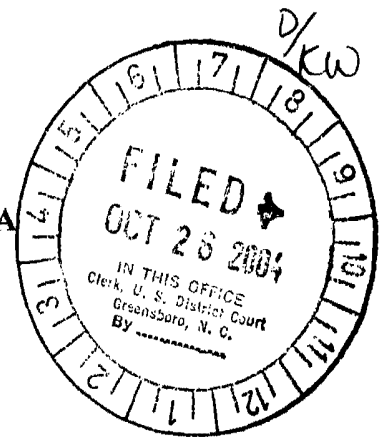


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. 1:04CV00837



EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

HOWELL'S CHILD CARE CENTER,
INC. d/b/a HOWELL CENTER -
GATEWOOD,

Defendant.

AMENDED 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 religion, and to provide appropriate relief to Bettie Winchester ("Winchester"), who was adversely affected by such practices. Specifically, the Equal Employment Opportunity Commission (the "Commission") contends that Defendant Howell's Child Care Center, Inc. d/b/a Howell Center - Gatewood, ("Howell Center"), discriminated against Ms. Winchester when it refused to accommodate Winchester's religious beliefs, and discharged her because of her religion, Christian.

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. §§ 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 Middle District of North Carolina.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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 Howell Center has been a North Carolina corporation doing business in the state of North Carolina and the City of Greensboro, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Howell Center 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, Winchester filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least October 8, 2003, Defendant engaged in unlawful employment practices at its facility located in Greensboro, North Carolina, in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a) including the following:

- a. refusing to accommodate the religious belief and practice of Bettie Winchester, a practicing Christian. Specifically, Defendant refused to

accommodate Ms. Winchester's sincerely held religious beliefs which forbade her from participation in any Halloween-related activities, including making black spiders for a Halloween-themed bulletin board, by providing or allowing an alternative which would have not required her to engage in Halloween-related activities; and

b. discharging Bettie Winchester because of her religious beliefs.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Winchester of equal employment opportunities and otherwise adversely affect her status as an employee because of her refusal to violate her religious beliefs.

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 Winchester.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from discriminating against current or future employees based on their religious beliefs and their refusal to violate their religious beliefs.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, including an effective policy prohibiting religious discrimination, all of which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Winchester by providing appropriate back pay and benefits with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described in paragraph 7 above, including but not limited to reinstatement or front pay.

D. Order Defendant to make whole Winchester 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 job search expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Winchester by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Winchester punitive damages for its malicious and reckless conduct described in paragraph 7 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.

DATED this the 25th day of October, 2004.

Respectfully submitted,

ERIC S. DREIBAND
General Counsel

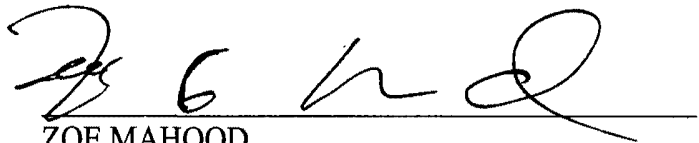
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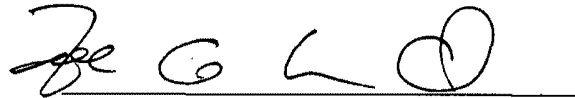
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that "Plaintiff's Amended Complaint" was served by regular U.S. mail, postage prepaid, on the 25th day of October, 2004 upon counsel of record:

John A. J. Ward, Esq.
WARD & DAVIS, LLP
409 Pollock Street
P.O. Drawer 1428
New Bern, N.C. 28563

A handwritten signature in black ink, appearing to read 'Zoë G. Mahood', written over a horizontal line.

ZOË G. MAHOOD
Senior Trial Attorney