

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF ARKANSAS
 WESTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	4-06-CV-00826
v.)	
)	<u>AMENDED COMPLAINT</u>
)	
HARGIS-CALDWELL PARTNERS, LLC)	
d/b/a HUDDLE HOUSE OF CLINTON)	JURY TRIAL DEMAND
)	
)	
Defendant.)	
)	

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 on the basis of sex, and to provide appropriate relief to Erika Murphy who has been adversely affected by such practices. The Commission alleges that Defendant reduced Erika Murphy’s hours and terminated her employment at Hargis-Caldwell Partners, LLC d/b/a Huddle House of Clinton because of her sex (pregnancy) in violation of 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 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, Western 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)(1) and (3), and 42 U.S.C. §2000-6.

4. At all relevant times, Defendant, Hargis-Caldwell Partners, LLC d/b/a Huddle House of Clinton ("Defendant Employer"), was a corporation doing business in the State of Arkansas and the City of Clinton 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, Erika Murphy filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From on or around May of 2005 and continuing, Defendant Employer has engaged in unlawful employment practices at its facility in Clinton, 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, discriminating against Erika Murphy by reducing her hours, removing her from the schedule, and not allowing her to work because of her pregnancy.

8. The effect of the practices complained of above has been to deprive Erika Murphy

of equal employment opportunities and otherwise adversely affect her status as an employee.

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

10. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Erika Murphy.

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 of sex and pregnancy.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for pregnant females which eradicate the effects of its past and present unlawful employment patterns and practices.

C. Order Defendant Employer to make whole Erika Murphy by providing appropriate backpay with prejudgment interest in amounts to be determined at trial, and provide other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement to a job comparable to the one from which she was removed.

D. Order Defendant Employer to make whole Erika Murphy by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including medical and/or counseling expenses, job search expenses, and other appropriate expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Erika Murphy 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 Erika Murphy punitive damages for its malicious and/or reckless conduct described above, in an amount to be determined at trial.

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

H. 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.

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