

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

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	<u>COMPLAINT</u>
MAY'S DRUG STORES, INC.)	
)	JURY TRIAL DEMAND
Defendant.)	

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 sex and to provide appropriate relief to April Andrews, who was adversely affected by such practices. The Commission alleges that May's Drug Stores, Inc. sexually harassed Andrews and constructively discharged her because of intolerable sexual harassment, as described with greater particularity below.

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) 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(d) 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 Western District of Missouri, Southwestern 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 May's Drug Stores, Inc. has continuously been doing business in the State of Missouri and the City of Joplin, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer within the meaning of Section 701(b) of Title VII, 29 U.S.C. § 2000e(b).

CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with Title VII through informal methods of conciliation, conference and persuasion within the meaning of Section 706(b) of Title VII, 29 U.S.C. § 2000e-5(b).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, April Andrews filed a charge with the Commission alleging violations of Title VII by Defendant May's Drug Stores, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least December 2000, Defendant has engaged in unlawful employment practices at its Joplin, Missouri facility in violation of Section 703(a)1) of Title VII, 29 U.S.C. § 2000e-2(a)(1). These practices include the following:

- a. Defendant's Store Manager subjected April Andrews to unwelcome sexual harassment during her employment. This harassment included, but was not limited to, regular, repeated and unwelcome inappropriate comments about Ms. Andrews' sex life and her sexual preferences, degrading remarks about women, discussions about his own sexual fantasies and dreams, repeated unwelcome sexual comments, jokes and requests for sexual favors, and unwelcome touching that was sexual in nature.
- b. As a result of the Defendant's failure to prevent and correct unwelcome and pervasive sexual harassment, the conditions of Andrews' employment were made so intolerable that she was forced to resign her position.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Andrews 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 Andrews.

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 engaging in harassment, constructive discharge and any other employment practice which discriminates on the basis of sex.

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

C. Order Defendant to make Andrews whole by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief as necessary to eradicate the effects of its unlawful employment practices, including but not limited to, reinstatement.

D. Order Defendant to make Andrews whole by providing compensation for past and future pecuniary losses resulting from its unlawful employment practices described in paragraph 8 above in amounts to be determined at trial.

E. Order Defendant to make Andrews whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, loss of reputation, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraph 8 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,

GWENDOLYN Y. REAMS
Associate General Counsel

/s/ Robert G. Johnson

ROBERT G. JOHNSON
Regional Attorney

/s/ Donna L. Harper

DONNA L. HARPER
Supervisory Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
St. Louis District Office
Robert A. Young Federal Bldg.
1222 Spruce, Room 8.100
St. Louis, MO 63103
(314) 539-6614
FAX: 314-539-7895
E-MAIL: bob.johnson@eoc.gov
donna.harper@eoc.gov

/s/ Andrea L. Taylor

ANDREA L. TAYLOR MO #42733
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Kansas City Area Office
Gateway Tower II
400 State Avenue
Suite 905
Kansas City, KS 66101
(913) 551-5844
FAX: (913) 551-6957
E-MAIL: andrea.taylor@eoc.gov