

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

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

vs.

MAY'S DRUG STORES, INC.

Defendant.

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**CIVIL ACTION
NO. 03-CV-5010-RED**

COMPLAINT

COMES NOW April Andrews, by and through her attorney Steven A. Hays and for her cause of action against Defendant May's Drug Stores, Inc., alleges as follows:

JURISDICTION

1. This court has jurisdiction under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e et seq., and through pendent jurisdiction Missouri Revised Statutes Chapter 213 et seq.
2. The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.
3. On or about August 30, 2001 Plaintiffs filed charge # 281A11846 with the Equal Employment Opportunity Commission ("EEOC"), against defendant alleging sexual harassment.
4. On or about October 9, 2001, Plaintiffs also filed charge #FE-09/01-37359 with the Missouri Commission on Human Rights ("MCHR"), against Defendant alleging sexual harassment. Please see attached Exhibit A.

5. On September 27, 2002 EEOC issued Plaintiff a Probable Cause determination on her sexual harassment charges. Please see attached Exhibit B.
6. Despite the Probable Cause finding of EEOC and Plaintiffs' good faith efforts to conciliate the case, Defendant made little or no effort to resolve the case. Therefore, conciliation did not result in a resolution of Plaintiffs' charge of discrimination.
7. On January 29, 2002 the EEOC filed suit against Defendant based upon the allegations of Plaintiff and others.

PARTIES

8. Plaintiff is an individual female, residing in Bakersfield, Kern County, California. She worked for Defendant from January 2000 to January 2001, when she was constructively discharged.
9. Defendant was at all times material to these claims doing substantial business in Joplin, Jasper County, Missouri. Defendant's corporate office is located 1437 S. Boulder, Suite 1100, Tulsa, Oklahoma. Defendant may be served with process to Russell G. Smith, 1410 E. 7th Street, Joplin, MO 64801.
10. At all times relevant to Plaintiffs' claims, Defendant employed 15 or more individuals.

FACTUAL ALLEGATIONS

COUNT ONE – HOSTILE WORK ENVIRONMENT SEXUAL HARASSMENT FROM SUPERVISOR CHARLES BRASHERS

11. In January 2002, plaintiff April Andrews was hired to work at May's Drug Warehouse, located at 3222 S. Main St., Joplin, MO. During the entire tenure of plaintiff April Andrews' employment Charles Brashers was her supervisor.

12. Almost from the first day of her employment with defendant plaintiff April Andrews was subjected to continuing sexual comments, statements and actions from Charles Brashers which included, but was not limited to, 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 request for sexual favors and unwelcome touching that was sexual in nature.

COUNT TWO-CONSTRUCTIVE DISCHARGE

13. Because of the hostile work environment and defendant's complete and utter failure to maintain and enforce a sexual harassment policy, and because of manager Charles Brashers continuing sexual comments, statements and actions, Plaintiff April Andrews was constructively discharged in January, 2001.

COUNT THREE – OUTRAGE

14. Defendant's permissive and accepting attitude of sexual harassment towards female employees, including Plaintiff April Andrews by manager Charles Brashers, and its complete and utter failure to maintain and enforce an effective sexual harassment policy constitutes extreme and outrageous behavior.

COUNT FOUR - NEGLIGENT RETENTION

15. Defendant's failure to remove manager Charles Brashers from its position of management and its allowing manager Charles Brashers to continue employment with its corporation subsequent to prior complaints and knowledge of sexual harassment committed by manager Charles Brashers constitutes negligent retention of said employee.

DAMAGES

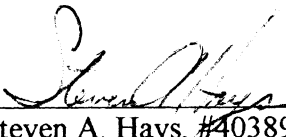
Plaintiff April Andrews has sustained significant emotional and psychological trauma as a direct result of the actions of defendant's manager Charles Brashers. She also has suffered economic losses in the form of lost back wages, lost benefits, front wages and any other available legal damages.

Defendant's supervisors and management personnel were in intentional, willful, wanton or reckless disregard of Ms. Andrews' federally protected rights by failing to properly monitor the activities of its manager Charles Brashers and by failing to maintain and enforce an effective sexual harassment policy, thus entitling Plaintiff to punitive damages.

WHEREFORE, Plaintiff's request judgment against Defendant in an amount exceeding \$75,000 in compensatory and punitive damages, in addition to attorney fees, expert witness fees, court costs and other such relief as the court deems equitable.

REQUEST FOR JURY TRIAL AND DESIGNATION OF PLACE OF TRIAL

Plaintiff requests a Trial by Jury and designates Springfield, MO as the place of trial.


Steven A. Hays, #40389
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Joplin, MO 64801
417-782-7600

Attorney for Plaintiff April Andrews

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Motion to Intervene was served via U.S. Mail to:

Andrea Taylor, Trial Attorney
EEOC
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