

ORIGINAL

U.S. COURTS

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REC'D _____ FILED _____
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

RALPH'S, INC., d/b/a
SHERMAN IGA, and IGA, INC.

Defendants.

CIV 01 - 0157 - N - EJL

CIVIL ACTION NO.

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 ongoing unlawful employment practices on the basis of sex, constructive discharge and retaliation and to provide appropriate relief to Kimberly Pierce, Barbara Munson and Jo Munson. The Equal Employment Opportunity Commission alleges that Ralph's, Inc., d/b/a Sherman IGA and IGA, Inc., ("Defendants") subjected Ms. Kimberly Pierce, Ms. Barbara

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1 Munson and Ms. Jo Munson to an ongoing hostile work environment, sexual harassment, retaliation
2 and constructive discharge. Plaintiff seeks monetary and injunctive relief, including pecuniary and
3 nonpecuniary compensatory damages and punitive damages.

4
5 JURISDICTION AND VENUE

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343
7 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of Title VII
8 of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3) ("Title VII"),
9 and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

10 2. The employment practices alleged to be unlawful were committed within the
11 jurisdiction of the United States District Court for the District of Idaho.

12
13 PARTIES

14 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the
15 agency of the United States of America charged with the administration, interpretation and
16 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of
17 Title VII, 42 U.S.C. §2000e-5(f)(1).

18 4. At all relevant times, Defendants Ralph's, Inc., d/b/a Sherman IGA and IGA, Inc.,
19 have been corporations continuously doing business in the State of Idaho, and have continuously had
20 at least 15 employees.

21 5. At all relevant times, Defendants Ralph's, Inc., d/b/a/ Sherman IGA and IGA, Inc.,
22 have each continuously been an employer engaged in an industry affecting commerce within the
23 meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

24
25 STATEMENT OF CLAIMS

26 6. More than thirty days prior to the institution of this lawsuit, Kimberly Pierce, Barbara
27 Munson and Jo Munson filed a charge with the Commission alleging violations of Title VII by

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1 Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

2 7. Defendants have engaged in ongoing unlawful employment practices at its Idaho
3 facilities in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Ms.
4 Kimberly Pierce was continually employed by Defendants from April 1995 through August 1999.
5 Ms. Barbara Munson was continually employed by Defendants from June 1991 to March 2000. Ms.
6 Jo Munson was continually employed by Defendants from September 1999 to October 1999.
7 Throughout their employment, Ms. Kimberly Pierce, Ms. Barbara Munson and Ms. Jo Munson
8 continually suffered sexual harassment in a work environment in which their immediate supervisor
9 and store owner made sexually charged comments. Defendants affected the terms and conditions of
10 Ms. Kimberly Pierce, Ms. Barbara Munson and Ms. Jo Munson's employment by subjecting each of
11 them to ongoing harassment based on sex, retaliation and constructive discharge.

12 8. The effect of the practices complained of in paragraph 7 above has been to deprive
13 Ms. Kimberly Pierce, Ms. Barbara Munson and Ms. Jo Munson of equal employment opportunities
14 and otherwise adversely affect their status as employees because of their sex.

15 9. The unlawful employment practices complained of in paragraph 7 above were
16 intentional.

17 10. The unlawful employment practices complained of in paragraph 7 above were done
18 with malice or with reckless indifference to the federally protected rights of Ms. Kimberly Pierce,
19 Ms. Barbara Munson and Ms. Jo Munson.

20
21 PRAYER FOR RELIEF

22 Wherefore, the Commission respectfully requests that this Court:

23 A. Grant a permanent injunction enjoining Defendants, its officers, successors, agents,
24 assigns, and all persons in active concert or participation with it, from engaging in any
25 employment practices which discriminate on the bases of sex.

26 B. Order Defendants to institute and carry out policies, practices, and programs which
27 provide equal employment opportunities for all employees, and which eradicate the effects of its past

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1 and present unlawful employment practices.

2 C. Order Defendants to make whole Ms. Kimberly Pierce, Ms. Barbara Munson and Ms.
3 Jo Munson by providing appropriate back pay with prejudgment interest, in amounts to be
4 determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful
5 employment practices.

6 D. Order Defendants to make whole Ms. Kimberly Pierce, Ms. Barbara Munson and Ms.
7 Jo Munson by providing compensation for past and future pecuniary losses resulting from the
8 unlawful employment practices described in paragraph 7 above, including past and future out-of-
9 pocket expenses, in amounts to be determined at trial.

10 E. Order Defendants to make whole Ms. Kimberly Pierce, Ms. Barbara Munson and Ms.
11 Jo Munson by providing compensation for past and future nonpecuniary losses resulting from the
12 unlawful practices complained of in paragraph 7 above, including without limitation emotional pain,
13 suffering, and loss of enjoyment of life, in amounts to be determined at trial.

14 F. Order Defendants to pay Ms. Kimberly Pierce, Ms. Barbara Munson and Ms. Jo
15 Munson punitive damages for its malicious and reckless conduct described in paragraph 7 above, in
16 amounts to be determined at trial.

17 G. Grant such further relief as the Court deems necessary and proper in the public
18 interest.

19 H. Award the Commission its costs of this action.

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JURY TRIAL DEMAND

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

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DATED this 9th day of APRIL, 2001.

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Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that I served **CIVIL COVER SHEET, SUMMONS and COMPLAINT** to the party(s) listed below:

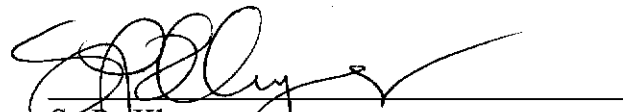
Christine M. Weaver
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by the following indicated method or methods:

- by **mailing** a copy thereof in a sealed, first-class postage-paid envelope, addressed to the attorney(s) listed above, and deposited with the United States Postal Service at Seattle, Washington, on the date set forth below.
- by **hand delivering** a copy thereof to the attorney(s) for Defendant listed above, on the date set forth below.
- be **sending via overnight courier** a copy thereof in a sealed, postage paid envelope, addressed to the attorney(s) listed above, on the date set forth below.
- by **faxing** a copy thereof to the attorney(s) at the fax number(s) shown above, on the date set fourth below.

DATED This 9th Date of April, 2001.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION


S. P. Khymnes,
Legal Technician

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