


1 A. LUIS LUCERO, JR., REGIONAL ATTORNEY
2 JOHN STANLEY, ACTING SUPERVISORY TRIAL ATTORNEY
3 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
4 909 FIRST AVENUE, SUITE 400
5 SEATTLE, WA 98104
6 TEL: (206) 220-6896
7 FAX: (206) 220-6911

8 ATTORNEYS FOR PLAINTIFF

ORIGINAL

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEP 11 2002

 JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

11 UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF WASHINGTON

13 EQUAL EMPLOYMENT
14 OPPORTUNITY COMMISSION,

15 Plaintiff,

16 v.

17 SUPERVALU, INC.

18 Defendant.

CS-02-0306-AAM

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

20 NATURE OF THE ACTION

21 This is an action under Title VII of the Civil Rights Act of 1964 and Title I
22 of the Civil Rights Act of 1991 to correct unlawful employment practices on the
23 basis of religion and to provide appropriate relief to Roger C. King. The Equal
24 Employment Opportunity Commission ("Commission") alleges that defendant
25 SUPERVALU, Inc. ("SUPERVALU") subjected Mr. King to disparate treatment,
26 including failure to accommodate his religious needs and discharge on the
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1 basis of his religion. Plaintiff seeks injunctive and monetary relief, including
2 pecuniary and nonpecuniary compensatory and punitive damages, on behalf of
3 Mr. King.

4 JURISDICTION AND VENUE

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

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

13 PARTIES

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

18 4. At all relevant times, defendant SUPERVALU has been a
19 corporation continuously doing business in the State of Washington and has
20 continuously had at least 15 employees.

21 5. At all relevant times, defendant SUPERVALU has continuously
22 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)
24 and (h).

25 STATEMENT OF CLAIMS

26 6. More than thirty days prior to the institution of this lawsuit, Mr. King
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1 filed a charge with the Commission alleging violations of Title VII by defendant
2 SUPERVALU. All conditions precedent to the institution of this lawsuit have
3 been fulfilled.

4 7. Since on or about April, 2001, defendant SUPERVALU engaged in
5 unlawful employment practices at its Spokane, Washington facility in violation
6 of Civil Rights Act of 1964, §§ 703(a)(1), 42 U.S.C. , 2000e-2(a)(1). Defendant
7 SUPERVALU affected the terms and conditions of Mr. King's employment by
8 subjecting him to disparate treatment in the terms and conditions of his
9 employment, including failure to accommodate his religious needs and
10 discharge because of his religion.

11 8. The effect of the practices complained of in paragraph 7 above has
12 been to deprive Mr. King of equal employment opportunities and otherwise
13 adversely affect his status as an employee because of his religion.

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

16 10. The unlawful employment practices complained of in paragraph 7
17 above were done with malice or with reckless indifference to Mr. King's
18 federally protected rights.

19 PRAYER FOR RELIEF

20 Wherefore, the Commission respectfully requests that this Court:

21 A. Grant a permanent injunction enjoining defendant, its officers,
22 successors, agents, assigns, and all persons in active concert or participation
23 with it, from engaging in any employment practices which discriminate on the
24 basis of race and religion.

25 B. Order defendant to institute and carry out policies, practices, and
26 programs which provide equal employment opportunities for all employees,
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1 and which eradicate the effects of its past and present unlawful employment
2 practices.

3 C. Order defendant to make whole Mr. King by providing appropriate
4 back pay with prejudgment interest, in amounts to be determined at trial, and
5 other affirmative relief necessary to eradicate the effects of its unlawful
6 employment practices.

7 D. Order defendant to make whole Mr. King by providing
8 compensation for past and future pecuniary losses resulting from the unlawful
9 employment practices described in paragraph 7 above, including past and
10 future out-of-pocket expenses, in amounts to be determined at trial.

11 E. Order defendant to make whole Mr. King by providing
12 compensation for past and future nonpecuniary losses resulting from the
13 unlawful practices complained of in paragraph 7 above, including without
14 limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to
15 be determined at trial.

16 F. Order defendant to pay Mr. King punitive damages for its malicious
17 and reckless conduct described in paragraph 7 above, in amounts to be
18 determined at trial.

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

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

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JURY TRIAL DEMAND

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

DATED this 9th day of September, 2002.

A. LUIS LUCERO, JR.
Regional Attorney

GWENDOLYN YOUNG REAMS
Associate General Counsel

JOHN STANLEY
Acting Supervisory Trial Attorney

BY: A. Luis Lucero Jr.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Seattle District Office
909 First Avenue, Suite 400
Seattle, Washington 98104
Telephone (206) 220-6896

Office of the General Counsel
1801 "L" Street, N.W.
Washington, D.C. 20507

Attorneys for Plaintiff

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Seattle District Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, Washington 98104-1061
Telephone (206) 220-6883
Fax (206) 220-6911
TDD (206) 220-6882