

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LA
2001 SEP 28 PM 4:07

LONETTA G. WHYTE
CLERK

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

LOWE'S HOME IMPROVEMENT
CENTERS, INC.,

Defendant.

CIVIL ACTION NO.

01-2982

COMPLAINT

SECT. B MAG. 1

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Nester Antoine ("Antoine") and Mitchell North, III ("North"), and other similarly situated Black employees who were adversely affected by such practices.

The U.S. Equal Employment Opportunity Commission alleges that Nester Antoine ("Antoine") and Mitchell North, III, ("North") was subjected to a racially offensive work environment and racial harassment

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title

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VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and Section 102 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 District of Louisiana.

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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Lowe's Home Improvement Centers, Inc., has continuously been a domestic corporation doing business in the State of Louisiana and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, Lowe's Home Improvement Centers, Inc., has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Nester Antoine and Mitchell North, III, filed charges with the Commission alleging violations of Title VII of the Civil Rights Act of 1964, as amended. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least on or about June 1, 1998, Defendant has engaged in unlawful employment practices in violation of Section 703(a) (1) and (2) of Title VII of the Civil Rights Act

of 1964, as amended, 42 U.S.C. Sections 2000e-2(a)(1) and (2), and Section 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-3(a). The unlawful practices consist of subjecting Nester Antoine to a racially hostile environment by permitting the display of a hangman's noose in the receiving department where Mr. Nester worked. The display of the hangman's noose deprived him of equal employment opportunities and otherwise adversely affected his status as an employee because of his race. The unlawful practices regarding Mitchell North, III consist of subjecting him to a racially hostile environment because the hangman's noose was also visible to him. The Defendant failed to take appropriate actions, and failed to discourage horseplay of a racial nature in the work place.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Nester Antoine, Mitchell North and other similarly situated Black employees of equal employment opportunities and otherwise adversely affect their status as employees because of their race.

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

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or reckless indifference to the federally protected rights of Nester Antoine, Mitchell North and other similarly situated Black employees.

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 employment practices

which discriminate on the basis of race and retaliation.

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

C. Order Defendant, its officers, successors, assigns, to make whole Nester Antoine, Mitchell North and other similarly situated Black employees, by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, lowered self esteem and humiliation, in amounts to be determined at trial.

D. Order Defendant, its officers, successors, assigns to pay Nester Antoine, Mitchell North and other similarly situated Black employees punitive damages for its malicious and reckless conduct, as described in paragraph 7 above, in amounts to be determined at trial.

E. Grant such further relief as the Court deems necessary and proper in the public interest.

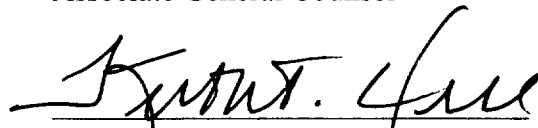
F. Award the Commission its cost of this action.

JURY TRIAL DEMAND

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

Respectfully submitted,

GWENDOLYN REAMS
Associate General Counsel

A handwritten signature in black ink, appearing to read "Keith T. Hill", written over a horizontal line.

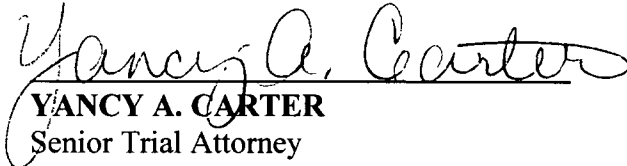
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