

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED
JUL 21 11:03

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,)

v.)

NORSTAN APPAREL SHOPS, INC.)
d/b/a FASHION CENTS)

Defendant.)

CIVIL ACTION NO.

8:01-CV-379-T-26 EAJ

COMPLAINT

JURY TRIAL DEMANDED

INJUNCTIVE RELIEF SOUGHT

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 retaliation, and to provide appropriate relief to Glennda Herring who was adversely affected by such practices. As stated with greater particularity in paragraph 7, the Commission alleges that the Defendant Employer retaliated against Mrs. Herring, when she complained to management about the sexual harassment of certain females on her job, by terminating her employment with Norstan Apparel Shops, Inc., d/b/a Fashion Cents.

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) and (3) 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 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 Middle District of Florida, Tampa 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 pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Norstan Apparel Shops, Inc., d/b/a Fashion Cents ("Defendant"), has continuously been doing business in the State of Florida in the City of Tampa, and has continuously maintained at least 15 employees.

5. At all relevant times Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Glennnda Herring filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least May of 1999, Defendant Employer engaged in unlawful employment practices at its Tampa, Florida location in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a).

- a. On March 9, 1999, Defendant hired Glennnda Herring as Store Manager for Defendant's Fashion Cents store at Tampa Bay Center.
- b. On or about May 5, 1999, Defendant hired Ricardo Moyers as a Store

Manager for Fashion Cents and placed Mr. Moyers at the Tampa Bay Center store to train under Glennnda Herring.

- c. Immediately following Mr. Moyers' employment at the Fashion Cents store at Tampa Bay Center, certain female employees at the store complained to Glennnda Herring that Mr. Moyers was engaging in unwelcome conduct of a sexual nature which made the female employees feel uncomfortable about working at Fashion Cents.
- d. Ms. Herring reasonably believed Mr. Moyers' conduct to be unlawful sexual harassment and thereby opposed such conduct by complaining to Defendant's District Manager, Monica Barr.
- e. On May 27, 1999, after complaining to District Manager, Monica Barr, about Mr. Moyers' sexual harassment of certain female employees at the Fashion Cents store, Glennnda Herring was discharged from her employment.

8. The effect of the conduct complained of in paragraph 7 above, has been to deprive Glennnda Herring of equal employment opportunities and to otherwise adversely affect her status as an employee because of her good faith opposition to what she reasonably believed to be an unlawful employment practice.

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 committed with malice and/or with reckless indifference to the federally protected rights of Glennnda Herring.

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 the Defendant, from engaging in any employment practice which discriminates on the basis of an employee's opposition to an unlawful employment practice.

B. Order Defendant to institute and carry out policies, practices, and programs which eradicate the effects of its past unlawful employment practices.

C. Order Defendant to make whole Glennda Herring by providing her with appropriate back pay including prejudgment interest, in amounts to be determined at trial, and afford any other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices, including but not limited to reinstatement of Glennda Herring and rightful place promotion and/or front pay.

D. Order Defendant to make whole Glennda Herring by providing her with compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including but not limited to out of pocket losses in amounts to be determined at trial.

E. Order Defendant to make whole Glennda Herring by providing her with compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, inconvenience, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order Defendant to pay Glennda Herring punitive damages for the malicious and reckless conduct described in paragraph 7 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.

GWENDOLYN YOUNG REAMS
Associate General Counsel

DELNER FRANKLIN-THOMAS
Regional Attorney

MICHAEL J. FARRELL
Supervisory Trial Attorney



PAMELA PRIDE-CHAVIES
Senior Trial Attorney
FL Bar No. 0497010
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
MIAMI DISTRICT OFFICE
One Biscayne Tower
2 South Biscayne Boulevard, Suite 2700
Miami, Florida 33131
Tel. (305) 530-6008
Fax (305) 536-4494