

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**EQUAL EMPLOYMENT OPPORTUNITY** )  
**COMMISSION,** )  
City Crescent Building, 3<sup>rd</sup> Floor )  
10 South Howard Street )  
Baltimore, MD 21201 )  
 )  
**Plaintiff,** )  
 )  
v. )  
 )  
**RG'S FOOD SHOPS OF PENNSYLVANIA,** )  
**INC.,** )  
10228 Lincoln Highway, Suite 1 )  
Everett, PA 15537 )  
 )  
**and** )  
 )  
**BEDFORD VALLEY PETROLEUM** )  
**CORPORATION,** )  
10228 Lincoln Highway, Suite 1 )  
Everett, PA 15537 )  
 )  
**Defendants.** )  
\_\_\_\_\_ )

**Case No.**

**COMPLAINT AND  
JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and retaliation, and to provide appropriate relief to Charging Party Lisa White, Charging Party Mandy McMillan, Stacy Northcraft and a class of presently unidentified female employees, who were adversely affected by such practices. As alleged with greater particularity in paragraphs 9-13,

below, the United States Equal Employment Opportunity Commission (“the Commission”) alleges that Defendants RG’s Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation (“Defendants”) have committed sex discrimination and retaliation in violation of Title VII by subjecting Lisa White and Mandy McMillan to sexual harassment and by reducing the work hours of Ms. McMillan and ultimately discharging her in retaliation for engaging in conduct protected by Section 704(a) of Title VII. Also, as alleged with greater particularity in paragraph 14, below, the Commission further alleges that Defendants have committed sex discrimination in violation of Title VII by subjecting Stacy Northcraft and a class of presently unidentified female employees to sexual harassment.

#### 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 District of Maryland, Northern Division.

#### PARTIES

3. Plaintiff, the United States 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 by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendants RG's Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation, both Pennsylvania corporations, have continuously been doing business in the State of Maryland and the County of Allegany, and have continuously had at least 15 employees.

5. At all relevant times, Defendants RG's Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation have continuously been employers engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

6. At all relevant times, Defendants RG's Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation have operated in conjunction with one another as an integrated enterprise/single "employer" within the meaning of Title VII. At all relevant times, Defendants have maintained interrelated operations, common management and directors, centralized control of labor relations and personnel, and common ownership and financial control.

7. At all relevant times, Defendants RG's Food Shops of Pennsylvania, Inc. and Bedford Valley Petroleum Corporation have continuously been employers engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

#### STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Lisa White and Mandy McMillan (formerly Mandy Duckworth) filed charges of discrimination with the Commission alleging violations of Title VII by Defendant RG's Food Shops of Pennsylvania, Inc. All conditions

precedent to the institution of this lawsuit have been fulfilled.

9. Since at least August 3, 2001 and continuing, Defendants have engaged in unlawful employment practices in violation of Section 703(a)(1) and (a)(2) and Section 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and (a)(2) and 2000e-3(a).

10. Beginning on or about September 2001 and persisting until on or about March 20, 2002, Lisa White was subjected to a continuing course of unwelcome and offensive harassment because of her sex, female, by Defendants through the conduct of employee William Brant. Such harassment created a hostile work environment on the basis of sex. Defendants had both actual and constructive notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

11. Beginning on or about August 3, 2003 and persisting until on or about October 1, 2003, Mandy McMillan was subjected to a continuing course of unwelcome and offensive harassment because of her sex, female, by Defendants through the conduct of employee William Brant. Such harassment created a hostile work environment on the basis of sex and culminated in tangible employment action. Defendants also had actual and constructive notice of the unlawful harassment and failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

12. On or about September 2003, Defendants reduced Mandy McMillan's hours of work because she engaged in various conduct protected under Section 704(a) of Title VII.

13. On or about October 2, 2003, Defendants discharged Mandy McMillan because she engaged in various conduct protected under Section 704(a) of Title VII.

14. Beginning on or about August 3, 2001 and continuing through the present, Stacy Northcraft and a class of presently unidentified aggrieved female employees were and are being subjected to a continuing course of unwelcome and offensive harassment because of their sex, female, by Defendants through the conduct of employee William Brant. Such harassment created a hostile work environment on the basis of sex. Defendants had/have actual and constructive notice of the unlawful harassment and have failed to take reasonable corrective action or action reasonably calculated to prevent the harassment.

15. The effect of the practices complained of in paragraphs 9-14, above, has been to deprive Lisa White, Mandy McMillan, Stacy Northcraft, and a class of presently unidentified aggrieved female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and conduct protected under Section 704(a) of Title VII.

16. The unlawful employment practices complained of in paragraphs 9-14, above, were and are intentional.

17. The unlawful employment practices complained of in paragraphs 9-14, above, were and are done with malice or with reckless indifference to the federally protected rights of Lisa White, Mandy McMillan, Stacy Northcraft, and a class of presently unidentified aggrieved female employees.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sex discrimination,

including sexual harassment, reduction of hours of work and discharge for conduct protected under Section 704(a) of Title VII, and any other employment practice which discriminates on the basis of sex or that constitutes unlawful retaliation.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for female persons, and which eradicate the effects of their past and present unlawful employment practices, including but not limited to implementation of a policy prohibiting sexual harassment that comports with the requirements of Title VII, conducting employee training regarding such policy, and effective, reasonably diligent enforcement of such policy.

C. Order Defendants to make whole Mandy McMillan and a class of presently unidentified aggrieved female employees by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement or front pay in lieu thereof.

D. Order Defendants to make whole Lisa White, Mandy McMillan, Stacy Northcraft, and a class of presently unidentified aggrieved female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 9-17, above, in amounts to be determined at trial.

E. Order Defendants to make whole Lisa White, Mandy McMillan, Stacy Northcraft, and a class of presently unidentified aggrieved female employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs

9-17, above, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses, in amounts to be determined at trial.

F. Order Defendants to pay Lisa White, Mandy McMillan, Stacy Northcraft, and a class of presently unidentified aggrieved female employees punitive damages for the malicious and reckless conduct described in paragraphs 9-17, 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.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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/s/

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