

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION

JAMES W. MCCORMACK, CLERK

By: \_\_\_\_\_  
CLERK

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

PARTS WAREHOUSE, INC.

Defendant.

CIVIL ACTION NO

**4 -02 . CV . 00530 WRW**

COMPLAINT

) This case assigned to District Judge Wil

) and to Magistrate Judge Jones

**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 and to provide appropriate relief to Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron and a class of Black employees who have been adversely affected by such practices. The unlawful employment practices include, but are not limited to, employees being subjected to a racially hostile work environment and subjected to different terms and conditions of employment based on race. In addition, employees were subjected to retaliation for complaining about harassment and other race discrimination and for filing charges of discrimination with the Equal Employment Opportunity Commission.

JURISDICTION AND VENUE

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

§707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII").

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Arkansas, Western Division.

### 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 §706(f)(1) and (3) and §707 of Title VII, 42 U.S.C. §2000-5(f).

4. At all relevant times, Parts Warehouse ("Defendant Employer"), was a corporation doing business in the State of Arkansas and the City of Little Rock and has continuously had at least fifteen (15) employees. The parent corporation for Parts Warehouse, Inc. is Replacement Parts, Inc.

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

### STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, and Brice Herron filed charges of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least on or around January 1, 1999, and continuing, Defendant Employer has engaged in unlawful employment practices at its facility in Little Rock, Arkansas, in violation of §703(a) of Title VII, as amended, 42 U.S.C. §2000e-2(a). The unlawful practices include, but are not limited to subjecting Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and Black employees as a class to a racially hostile work environment and to different terms and conditions of employment. In addition, employees were subjected to retaliation for complaining to Respondent's management about harassment and other race discrimination and for filing charges of discrimination with the Equal Employment Opportunity Commission. Defendant failed to take prompt remedial action to protect Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and a class of Black employees from race discrimination and retaliation in the workplace.

8. The racial harassment in the workplace included, but was not limited to, graphic racial comments by hourly employees and supervisory employees, racist graffiti in the workplace, threats of a racist nature directed towards Black employees and other racist behavior directed towards Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and a class of Black employees. The conduct was offensive, unwelcome, and pervasive in nature.

9. Black employees were subjected to different terms and conditions of employment due to their race including, but not limited to, more adverse work assignments than White employees and assignment to isolated work areas. Employees who complained about or otherwise opposed the racially hostile work environment and other race discrimination were

subjected to retaliation by Respondent. The retaliation is ongoing in nature.

10. The effect of the practices complained of above has been to deprive Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and the class of Black employees of equal employment opportunities and otherwise adversely affect their status as employees.

11. The unlawful employment practices complained of above were and are intentional.

12. Defendant Employer at all relevant times acted with malice or reckless indifference to the federally protected rights of Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and the class of Black employees.

#### PRAYER FOR RELIEF

**WHEREFORE**, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining the Defendant Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of race under Title VII of the Civil Rights Act of 1964, as amended.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities which eradicate the effects of its past and present unlawful employment patterns and practices.

C. Order Defendant Employer to make whole Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and a class of Black

employees who were subjected to Defendant's patterns and practices of race discrimination, racial harassment, and/or retaliation 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 its unlawful employment practices, including but not limited to, reinstatement or placement in a position.

D. Order Defendant Employer to make whole Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and a class of Black employees who were subjected to Defendant's patterns and practices of race discrimination, racial harassment, and/or retaliation by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and a class of Black employees who were subjected to Defendant's patterns and practices of race discrimination, racial harassment, and/or retaliation by providing compensation for past and future non pecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, embarrassment, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and a class of Black employees who were subjected to Defendant's patterns and practices of race discrimination, racial harassment, and/or retaliation punitive damages for its malicious and/or reckless conduct.

in an amount to be determined at trial.

G. Order Defendant Employer to pay Joe Davis, Michael Cole, Clifton Hill, Victor Howell, Ashley James, Derrick Wright, Doug Sims, Brice Herron, and a class of Black employees all the relief to which they are entitled for Defendant's illegal acts of constructive discharge.

H. Grant such further relief as the Court deems necessary and proper.

I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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

**NICHOLAS INZEO**

Acting Deputy General Counsel

**GWENDOLYN YOUNG REAMS**

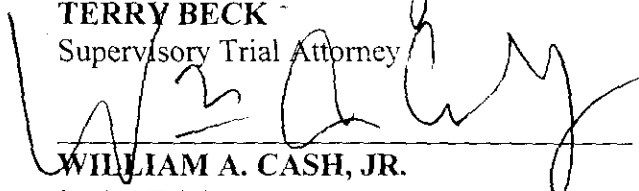
Associate General Counsel

  
**KATHARINE W. KORES**

Regional Attorney

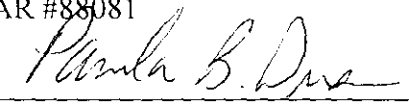
  
**TERRY BECK**

Supervisory Trial Attorney

  
**WILLIAM A. CASH, JR.**

Senior Trial Attorney

AR #88081

  
**PAMELA B. DIXON**

Senior Trial Attorney

AR # 95085

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION**

Little Rock Area Office

820 Louisiana St., Ste. 200

Little Rock, Arkansas 72201

Telephone: (501) 324-5539

(501) 324-5065