

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

**v.**

**TYSON FOODS, INC.**

**Defendant.**

**Civil Action No.**

**COMPLAINT**

**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action brought under Title VII of the Civil Rights Act of 1964, as amended, to correct unlawful employment practices on the basis of sex, and to make whole Sheena Cranford. The Defendant discriminated against Shenna Cranford by subjecting her to a sexually hostile work environment, and constructively discharging her because of her sex, female.

**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 §§ 703, 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), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A.

2. The unlawful employment practices alleged below were committed within the jurisdiction of the United States District Court for the Northern District of Alabama, Middle Division.

### **PARTIES**

3. The 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, the Defendant, Tyson Foods, Inc. ("Tyson" or the "Employer") has been doing business in the State of Alabama and the city of Albertville, and has had at least fifteen (15) employees.

5. At all relevant times, the Defendant, Tyson 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, on or about November 6, 2003, Sheena Cranford filed a Charge of Discrimination with the Commission alleging violations of Title VII by the Defendant.

7. The Defendant was given notice of the charge on or about November 6, 2003. The Defendant responded to the charge on or about December 15, 2003.

8. On or about September 15, 2004, the Commission determined that there was reasonable cause to believe that Sheena Cranford was subjected to sexual harassment by Tyson and was constructively discharged by Tyson because of her sex, female.

9. Between September 15 and October 13, 2004, the Commission attempted to conciliate the charge. On October 13, 2004, the Commission notified Sheena Cranford and the Employer that conciliation had been unsuccessful. All administrative prerequisites to this suit have been met.

10. Since on or about April 17, 2003, the Defendant has engaged in unlawful employment practices at its Albertville facility in violation of §§ 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These practices include maintaining a sexually hostile work environment.

11. On or about April 14, 2003, Sheena Cranford was hired by Tyson on its production line. During her employment Sheena Cranford was subjected to unwelcome sexual conduct by her co-workers, because of her sex, female.

12. Sheena Cranford complained to Tyson management personnel about the sexual harassment.

13. Defendant ignored these complaints and the situation was not corrected.

14. Defendant failed to take prompt and effective action in response to Sheena Cranford's complaints.

15. Defendant failed to exercise reasonable care to prevent and correct promptly the harassing behavior.

16. The effect of the practices complained of above has been to deprive Sheena Cranford of equal employment opportunities and otherwise adversely affected her status as an employee, because of her sex, female.

18. The unlawful employment practices complained of above were intentional.

19. The unlawful employment practices complained of above were done with malice and/or reckless indifference to the federally protected rights of Sheena Cranford.

20. The unlawful employment practices complained of above were so intolerable that a reasonable person would have felt compelled to resign.

**PRAYER FOR RELIEF**

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

A. Grant a permanent injunction enjoining the Defendant, its officers, agents, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex.

B. Order the Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for all of its employees regardless of sex and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Sheena Cranford by providing, where 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.

D. Order the Defendant to make whole Sheena Cranford, by providing compensation for past and future pecuniary losses.

E. Order the Defendant to make whole Sheena Cranford by providing her with compensation for non-pecuniary losses, including pain and suffering, emotional distress, humiliation, isolation, depression, loss of credit, and loss of enjoyment of life.

- F. Order the Defendant to pay Sheena Cranford punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial.
- G. Grant such further relief as the Court deems necessary and proper.
- H. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

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

Respectfully submitted,

ERIC S. DREIBAND  
General Counsel

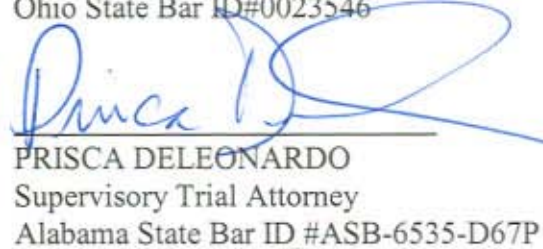
JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

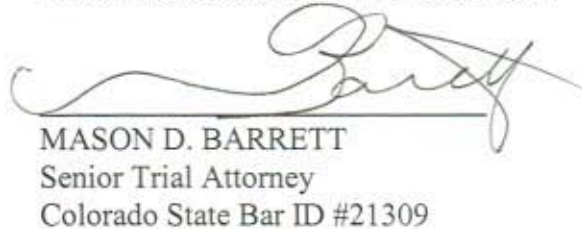
EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1801 "L" Street, N.W.  
Washington, DC 20507



CHARLES E. GUERRIER  
Regional Attorney  
Ohio State Bar ID #0023546



PRISCA DELEONARDO  
Supervisory Trial Attorney  
Alabama State Bar ID #ASB-6535-D67P



MASON D. BARRETT  
Senior Trial Attorney  
Colorado State Bar ID #21309

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
1130 22<sup>nd</sup> Street South, Suite 2000  
Birmingham, Alabama 35205-2881  
Telephone: (205) 212-2047  
Facsimile: (205) 212-2041

WAIVER OF SERVICE FORMS WILL BE SENT WITH COMPLAINT