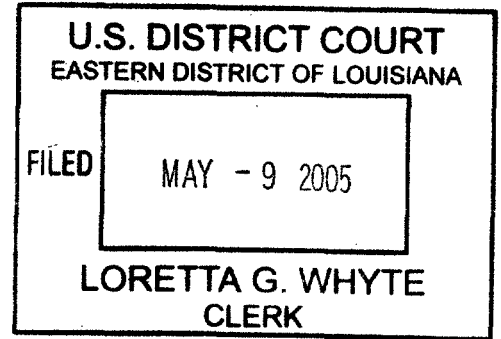




**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
Plaintiff**

versus

**ADVANCE AUTO PARTS, INC.
Defendant**

§ **CIVIL ACTION:** 05-173
§ **SECTION:** S
§ **JUDGE:** VIAL LEMMON
§ **JURY TRIAL DEMANDED**
§
§
§
§ **MAG. NUMBER:** 5
§ **MAGISTRATE:** CHASEZ

EEOC'S FIRST AMENDED COMPLAINT

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 sex and retaliation, and to provide appropriate relief to Ms. Sarah Harris. The Commission alleges that Ms. Harris was sexually harassed by Steve Bridges, her immediate supervisor, and Demond Royal, an assistant manager in training. Ms. Harris complained about the behavior of both men to Defendant's Human Resources Department. The Commission further alleges that in retaliation for filing the sexual harassment complaint, the Respondent transferred Ms. Harris to a less desirable work location. The Commission's allegations are discussed in greater particularity in paragraph 7 below.

____ Fee _____
____ Process _____
____ Dkt'd _____
____ Stn/Jup _____
____ Doc. No _____

The purpose of the filing of this First Amended Complaint is to correctly identify the title of the Defendant corporation. Defendant has informed Plaintiff that its correct title is Advance Stores Company, Inc. Plaintiff initially identified Defendant in its original Complaint as Advance Auto Parts, Inc. Defendant has disclosed that Advance Auto Parts, Inc. owns 100% of the stock of Advance Stores Company, Inc. Defendant has not disputed that it was the employer of Sarah Harris within the meaning of Title VII of the Civil Rights Act of 1964 and has not disputed jurisdiction. However, the EEOC is filing this First Amended Complaint for the sake of technical accuracy in regard to the corporate title of Defendant.

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. Section 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a..

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Louisiana.

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 by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Section 20003-5(f)(1) and (3).

4. At all relevant times, Defendant, **Advance Stores Company, Inc.** (the “Employer” or “Defendant”), 100% of the stock of which corporation is owned by Advance Auto Parts, Inc., has

continuously been a Virginia corporation doing business in the State of Louisiana and the City of New Orleans, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

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

7. Since at least August of 2000, Defendant has engaged in unlawful employment practices in New Orleans, LA, in violation of Section 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and §2000e-3(a). Specifically:

- A. While an employee of Defendant, Ms. Harris was sexually harassed by her immediate supervisor, Steve Bridges, and by Demond Royal, a subordinate employee of Bridges. Said harassment included but is not limited to inappropriate sexual statements, requests for dates, offers of money in exchange for sexual favors, and inappropriate and unwarranted touching.
- B. Ms. Harris complained about the behavior of both men to Diana Kimbrel, Human Resources Director. As a result of her complaints, the Defendant transferred Ms. Harris to a less desirable work location.

8. The effects of the practices complained of in paragraph 7 above have been to deprive Ms. Harris of equal employment opportunities and to otherwise adversely affect her status as employees, because of sex and opposition to practices made unlawful under Title VII of the Civil Rights Act of 1964, as amended.

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

10. The unlawful employment practices complained of in paragraph 7 were done with malice or with reckless indifference to the federally protected rights of Ms. Harris.

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 sexual harassment, retaliation, and any other employment practice which discriminate on the basis of sex and retaliation..

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and for employees who participate or oppose unlawful employment practices and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Ms. Harris 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 compensatory and punitive damages.

D. Order Defendant Employer to make whole Ms. Harris by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7, including but not limited to job search expenses in amounts to be determined at trial.

E. Order Defendant Employer to make whole Ms. Harris by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Ms. Harris punitive damages for its 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.

ERIC S. DREIBAND

General Counsel

No Bar Roll Number Assigned

JAMES L. LEE

Deputy General Counsel

No Bar Roll Number Assigned

GWENDOLYN YOUNG REAMS

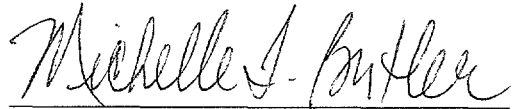
Associate General Counsel

No Bar Roll Number Assigned

KEITH T. HILL

Regional Attorney

E.D. Bar Roll No. 15200000



MICHELLE T. BUTLER

Supervisory Trial Attorney

Bar Roll No. 1286



GREGORY T. JUGE (T.A.)

Senior Trial Attorney

La. Bar Roll No. 20890

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

New Orleans District Office

701 Loyola Avenue

Suite 600

New Orleans, LA 70113

Tel: (504) 589-3844 (Hill)

(504) 589-6942 (Butler)

(504) 589-2663 (Juge)

Fax: (504) 589-2805

**COUNSEL FOR PLAINTIFF,
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on counsel of record for all parties, via United States mail postage prepaid, express delivery, facsimile transmission, hand delivery, and/or email transmission.

SIGNED: May 6, 2005



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LOCAL RULE 7.6E CERTIFICATE

Plaintiff, the United States Equal Employment Opportunity Commission, has consulted with Defendant concerning Plaintiff's Motion to File First Amended Complaint. Defendant advised that it has no objection to the Motion.

ERIC S. DREIBAND

General Counsel

No Bar Roll Number Assigned

JAMES L. LEE

Deputy General Counsel

No Bar Roll Number Assigned

GWENDOLYN YOUNG REAMS

Associate General Counsel

No Bar Roll Number Assigned

KEITH T. HILL

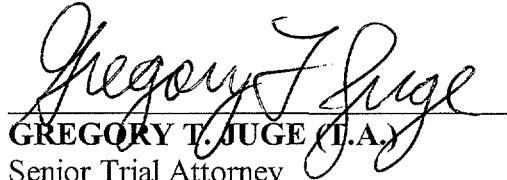
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