

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

FILED
CHARLOTTE, N.C.

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U.S. DISTRICT COURT
W. DIST. OF N.C.

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

DOLLAR GENERAL CORPORATION
and DOLGENCORP, INC. d/b/a DOLLAR
GENERAL STORES

Defendants.

CIVIL ACTION NO. 5:01CV170-H

COMPLAINT
JURY TRIAL DEMANDED

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Bobbie Bost who was adversely affected by such practices. Defendants, Dollar General Corporation and Dolgencorp, Inc. d/b/a Dollar General Stores (collectively "Dollar General"), discharged Bobbie Bost, who is a qualified individual with a disability (mental retardation), on the basis of her disability.

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 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e-5(f)(1) and (3), and pursuant to 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 United States District Court for the Western District of North Carolina, Statesville 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 I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Dolgencorp, Inc. has been a Kentucky corporation continuously doing business in the State of North Carolina and the City of Granite Quarry, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Dolgencorp, Inc. has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. §12111(5), and Section 101(7) of the ADA, 42 U.S.C. §12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§2000e (g) and (h).

6. At all relevant times, Defendant Dolgencorp, Inc. has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. §12111(2).

7. At all relevant times, Defendant Dollar General Corporation has been a Tennessee corporation continuously doing business in the State of North Carolina and the City of Granite Quarry, and has continuously had at least fifteen employees.

8. At all relevant times, Defendant Dollar General Corporation has continuously been an employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42

U.S.C. §12111(5), and Section 101(7) of the ADA, 42 U.S.C. §12111(7), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§2000e (g) and (h).

9. At all relevant times, Defendant Dollar General Corporation has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. §12111(2).

10. At all relevant times, Defendant Dolgencorp, Inc. has been a wholly owned subsidiary of Defendant Dollar General Corporation.

STATEMENT OF CLAIMS

11. More than thirty days prior to the institution of this lawsuit, Bobbie Bost filed a charge with the Commission alleging violations of Title I of the ADA by Dollar General. All conditions precedent to the institution of this lawsuit have been fulfilled.

12. On or about July 24, 2000, Dollar General engaged in unlawful employment practices at the Granite Quarry, North Carolina Dollar General Store by discriminating against a qualified individual with a disability, in violation of Section 102(a) of Title I of the ADA, 42 U.S.C. §12112(a). More specifically, Dollar General terminated Bobbie Bost, who is mentally retarded, because of her disability.

13. The effect of the practices complained of in paragraph 12 above has been to deprive Bobbie Bost of equal employment opportunities and to otherwise adversely affect her status as an employee because of her disability.

14. The unlawful employment practices complained of in paragraph 12 above were intentional.

15. The unlawful employment practices complained of in paragraph 12 above were done with malice or with reckless indifference to the federally protected rights of Bobbie Bost.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Dollar General Corporation, Defendant Dolgencorp, Inc., their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of disability.

B. Order Defendants Dollar General Corporation and Dolgencorp, Inc. to institute and carry out policies, practices, and programs that provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendants Dollar General Corporation and Dolgencorp, Inc., jointly and severally, to make whole Bobbie Bost 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 Defendants' unlawful employment practices, including but not limited to rightful reinstatement of Bobbie Bost or, in the alternative, an award of front pay.

D. Order Defendants Dollar General Corporation and Dolgencorp, Inc., jointly and severally, to make whole Bobbie Bost by providing compensation for past and future pecuniary and nonpecuniary losses resulting from the unlawful practices complained of above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem, and loss of civil rights, in amounts to be determined at trial.

E. Order Defendants Dollar General Corporation and Dolgencorp, Inc., jointly and severally, to pay Bobbie Bost punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. 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.

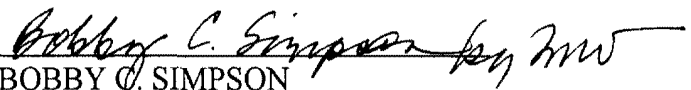
DATED this 26th day of September, 2001.

Respectfully submitted,

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