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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO / OAKLAND DIVISION

16 EDUARDO GONZALEZ, ANTHONY
17 OCAMPO, ENCARNACION
18 GUTIERREZ, JOHAN MONTOYA,
19 JUANCARLOS GÓMEZ-MONTEJANO,
20 JENNIFER LU, AUSTIN CHU, IVY
21 NGUYEN, ANGELINE WU, ERIC
FIGHT, CARLA GRUBB, DAVID
CULPEPPER, PATRICE DOUGLASS,
ROBAIR SHERROD, BRANDY HAWK,
and ANDRE STEELE on behalf of
themselves and all others similarly situated,

22 Plaintiffs,

23 v.

24 ABERCROMBIE & FITCH STORES,
25 INC., A&F CALIFORNIA, LLC, A&F
26 OHIO, INC., AND ABERCROMBIE &
FITCH MANAGEMENT CO.

27 Defendants.
28

Case No. 03-2817 SI

**FOURTH AMENDED CLASS ACTION
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF AND
DAMAGES, FOR VIOLATIONS OF TITLE
VII OF THE CIVIL RIGHTS ACT OF 1964,
42 U.S.C. § 2000e; 42 U.S.C. § 1981; AND
CALIFORNIA FAIR EMPLOYMENT AND
HOUSING ACT**

DEMAND FOR JURY TRIAL

1 Individual and Representative Plaintiffs Eduardo Gonzalez, Anthony Ocampo,
2 Encarnacion Gutierrez, Johan Montoya, Juancarlos Gomez-Montejano, Jennifer Lu, Austin Chu,
3 Ivy Nguyen, Angeline Wu, Eric Fight, Carla Grubb, David Culpepper, Patrice Douglass, Robair
4 Sherrod, Brandy Hawk, and Andre Steele (collectively "Plaintiffs") on behalf of themselves and
5 all others similarly situated, allege, upon personal knowledge as to themselves and information
6 and belief as to other matters, as follows:

7 **INTRODUCTORY STATEMENT**

8 1. Defendants Abercrombie & Fitch Stores, Inc., A&F California, LLC, and
9 A&F Ohio, Inc., and Abercrombie & Fitch Management Co. (hereinafter collectively identified as
10 "Abercrombie," "A&F," or "the Company") are a national retail clothing seller that discriminates
11 against minority individuals, including Latinos, Asian Americans, and African Americans
12 (hereinafter, collectively, "minorities") on the basis of race, color, and/or national origin, with
13 respect to hiring, firing, job assignment, compensation, promotion to in-store managerial
14 positions, and other terms and conditions of employment by enforcing a nationwide corporate
15 policy of preferring white employees for in-store sales and management positions, desirable job
16 assignments, and favorable work schedules in its stores throughout the United States.

17 2. Abercrombie recruits, hires, and maintains a disproportionately white sales
18 force (called Brand Representatives) who act as salespeople and recruiters of other potential store
19 employees, and a disproportionately white store manager workforce (comprising Managers-in-
20 Training, Assistant Managers, Store Managers, and General Managers), who manage the day-to-
21 day operations of the stores.

22 3. Abercrombie systematically refuses to hire qualified minority applicants as
23 Brand Representatives to work on the sales floor and store managers to manage the store, and
24 discourages applications from minority applicants for such positions. To the extent that it hires
25 minorities, it channels them to stock room and overnight shift positions and away from visible
26 sales positions, keeping them out of the public eye. In addition, Abercrombie systematically fires
27 qualified minority Brand Representatives and store managers in furtherance of its discriminatory
28 policies or practices.

1 4. Abercrombie implements its discriminatory employment policies and
2 practices in part through a detailed and rigorous “Appearance Policy,” which requires that all
3 Brand Representatives must exhibit the “A&F Look.” The “A&F Look” is a virtually all-white
4 image that Abercrombie uses not only to market its clothing, but also to implement its
5 discriminatory employment policies or practices.

6 5. When people who do not fit the “A&F Look” inquire about employment,
7 managers sometimes tell them that the store is not hiring, or may provide them with applications
8 even though they have no intention of considering them for employment. If applicants who do
9 not fit the “A&F Look” submit applications, managers and/or Brand Representatives acting at
10 their direction sometimes throw them away without reviewing them.

11 6. Abercrombie publishes and distributes to its employees a “Look Book” that
12 explains the importance of the Appearance Policy and the “A&F Look,” and that closely regulates
13 the Brand Representatives’ and store managers’ appearance. The Company requires its managers
14 to hire and continue to employ only Brand Representatives and store managers who fit within the
15 narrow confines of the “Look Book,” resulting in a disproportionately white Brand
16 Representative workforce.

17 7. Abercrombie also uses visual media to reinforce to managers responsible
18 for recruitment, hiring, assignment, compensation, termination, and other terms and conditions of
19 employment of Brand Representatives and store managers the importance of adhering to the
20 virtually all-white A&F image in employment decisions. Each store prominently posts large
21 photographs of models – virtually all of whom are white. In addition, the Company publishes and
22 sells A&F Quarterly, a magazine/catalog featuring almost exclusively white models. Some stores
23 also display A&F TV, a television program played on a loop featuring Brand Representatives
24 who fit the “A&F Look.” Again, almost every Brand Representative shown is white.
25 Abercrombie corporate representatives and managers use these displays and publications to
26 portray and promote the “A&F Look” to employees, customers, applicants, and potential
27 applicants, to discourage and deter minority applicants, and to justify terminating minority
28 employees.

1 8. The Company rigorously maintains the “A&F Look” by careful scrutiny
2 and monitoring of its stores by regional and district managers and corporate representatives.
3 These managers and corporate representatives visit stores frequently to ensure, among other
4 things, that the store is properly implementing the Company’s discriminatory employment
5 policies and practices. These visits are referred to as “blitzes.” When managers or corporate
6 representatives discover that minority Brand Representatives or store managers have been hired,
7 they have directed that these employees be fired, moved to the stock room or overnight shift, or
8 have their hours “zeroed out,” which is the equivalent of termination.

9 9. The Company also scrutinizes and enforces compliance with the “A&F
10 Look” by requiring all stores to submit a picture of roughly 10 of their Brand Representatives
11 who fit the “Look” to headquarters each quarter. The corporate officials then select roughly 15
12 stores’ pictures as exemplary models that perpetuate the Company’s discriminatory employment
13 policies and practices. They then disseminate these pictures to the roughly 700 A&F stores. The
14 Brand Representatives in the pictures are almost invariably white. This practice and policy, like
15 the others described above, constitutes an official directive to give preference to white Brand
16 Representatives, store managers, and applicants, and to discriminate against minority Brand
17 Representatives, store managers, and applicants.

18 10. The A&F image is not limited to appearance; the Company accomplishes
19 its discriminatory employment policies or practices by defining its desired “classic” and “cool”
20 workforce as exclusively white. It seeks to hire Brand Representatives and store managers who
21 convey a certain image. This A&F image is decidedly non-minority. In order to perpetuate the
22 A&F image, Abercrombie identifies specific colleges from which each store should recruit its
23 employees, even though neither the Brand Representative position nor the store manager
24 positions require any of the skills or abilities acquired in college, much less in any specific
25 college. Abercrombie also encourages the recruitment and hiring of members of specified
26 overwhelmingly white fraternities and sororities, and of students who participate in certain
27 overwhelmingly white intercollegiate sports. However, the Company does not encourage
28 recruitment from fraternities, sororities, or sports teams with significant minority populations. To

1 further reinforce to store managers the importance of hiring white students who fit the
2 Abercrombie image, the Company requires weekly reports on the number of Brand
3 Representatives who attend targeted colleges and who fit the emphasis on fraternity/sorority
4 membership and athletic team involvement.

5 11. This class action is accordingly brought by minority store employees and
6 applicants for Brand Representative and Manager-in-Training positions on behalf of themselves
7 individually and all minority applicants and employees against whom Abercrombie has
8 discriminated on the basis of race, color, and/or national origin. Abercrombie has maintained and
9 continues to maintain a pervasive policy or practice of discrimination based on race, color, and/or
10 national origin in denying employment, desirable job assignments, job transfers, allocation of
11 weekly hours, compensation, promotion to store management and other terms and conditions of
12 employment to minorities in Abercrombie stores throughout the United States.

13 12. This action seeks an end to these discriminatory policies or practices, an
14 award of backpay and front pay, as well as compensatory damages, punitive damages, and
15 injunctive relief, including rightful place relief for all class members.

16 **JURISDICTION, VENUE, AND INTRADISTRICT ASSIGNMENT**

17 13. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331
18 and 1343.

19 14. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b). Members
20 of the Plaintiff class reside in California and throughout the United States. Defendant
21 Abercrombie is a Delaware corporation licensed to do business in California. It has retail stores
22 throughout California and this District. Many of the acts complained of occurred in this State and
23 this District and gave rise to the claims alleged.

24 15. Intradistrict assignment is proper in the San Francisco/Oakland Division
25 because (1) some of the events and omissions that give rise to the claims of Plaintiff Anthony
26 Ocampo occurred in San Mateo County, (2) some of the events and omissions that give rise to the
27 claims of Plaintiff David Culpepper occurred in San Francisco County, and (3) some of the events
28

1 and omissions that give rise to the claims of Plaintiff Patrice Douglass occurred in Alameda
2 County.

3 **PARTIES**

4 16. Plaintiff Eduardo Gonzalez is a minority resident of Palo Alto, California,
5 where he is a student at Stanford University. He was denied a position as a Brand Representative
6 at the Abercrombie store in the Valley Fair Mall in Santa Clara, California in August 2002, on
7 account of his race, color, and/or national origin.

8 17. Plaintiff Anthony Ocampo is a minority resident of Palo Alto, California,
9 where he is a student at Stanford University. He was denied a position as a Brand Representative
10 at the Abercrombie store in the Hillsdale Shopping Center in San Mateo, California, in or around
11 January 2000 on account of his race, color, and/or national origin. He was also denied a position
12 as a Brand Representative at the Abercrombie Store in the Glendale Galleria in Glendale,
13 California in June 2000 on account of his race, color, and/or national origin.

14 18. Plaintiff Encarnacion Gutierrez is a minority resident of South San
15 Francisco, California. He was denied a position as a Brand Representative at the Abercrombie
16 store in the Third Street Promenade in Santa Monica, California in June or July 2001, on account
17 of his race, color, and/or national origin.

18 19. Plaintiff Johan Montoya is a minority resident of Goleta, California, where
19 he is a student at the University of California at Santa Barbara. He was denied a position as a
20 Brand Representative at the Abercrombie store in the Topanga Mall in Canoga Park, California in
21 August or September 2002 on account of his race, color, and/or national origin.

22 20. Plaintiff Juancarlos Gomez-Montejano is a minority resident of Los
23 Angeles, California. He was employed as a Brand Representative at the Abercrombie store at the
24 Third Street Promenade in Santa Monica, California, from November 1998 to April 1999, when
25 he was terminated on account of his race, color, and/or national origin.

26 21. Plaintiff Jennifer Lu is a minority resident of Irvine, California, where she
27 is a student at the University of California at Irvine. She was employed as a Brand
28 Representative in the Abercrombie store in the Crystal Court Mall in Costa Mesa, California,

1 from September 2000 to February 2003, when she was terminated on account of her race, color,
2 and/or national origin.

3 22. Plaintiff Austin Chu is a minority resident of Irvine, California, where he is
4 a student at the University of California at Irvine. He was employed as a Brand Representative in
5 the Abercrombie store in the Crystal Court Mall in Costa Mesa, California from June 2001 to
6 March 2003, when he was constructively discharged on account of his race, color, and/or national
7 origin.

8 23. Plaintiff Ivy Nguyen is a minority resident of Anaheim, California, where
9 she is a student at the University of California at Irvine. She was employed as a Brand
10 Representative in the Abercrombie store in the Crystal Court Mall in Costa Mesa, California,
11 from June 2002 to February 2003, when she was terminated on account of her race, color,
12 national origin, and/or gender.

13 24. Plaintiff Angeline Wu is a minority resident of Irvine, California where she
14 is a student at the University of California at Irvine. She was employed as a Brand
15 Representative in the Abercrombie store in the Crystal Court Mall in Costa Mesa, California,
16 from August 2002 to February 2003, when she was terminated on account of her race, color,
17 national origin, and/or gender.

18 25. Plaintiff Eric Fight is a minority resident of Venice, California. He was
19 employed as a Brand Representative in the Abercrombie store in the Third Street Promenade in
20 Santa Monica, California, from roughly May 2003 to June 2003, but was channeled to a stock
21 room role (a non-sales position) due to his race or color. He was constructively discharged in or
22 around June 2003 when he learned that he was not allowed to work on the sales floor due to his
23 race or color and that he had been misled by the manager with whom he had interviewed into
24 believing that there were no sales floor Brand Representative positions available.

25 26. Plaintiff Carla Grubb is a minority resident of Bakersfield, California,
26 where she is a student at California State University at Bakersfield. She began working as a
27 Brand Representative in the Abercrombie store in the Bakersfield Valley Plaza Mall in
28

1 Bakersfield, California in November 2002. In or after January 2003, she was constructively
2 discharged on account of her race or color.

3 27. Plaintiff David Culpepper is a minority resident of Berkeley, California,
4 where he is a graduate student at the University of California at Berkeley. He was denied
5 positions as a Brand Representative at the Abercrombie store in the SF Shopping Center in San
6 Francisco, California in June 2003, and at the SF Stonestown Galleria in San Francisco,
7 California in March 2003 on account of his race or color.

8 28. Plaintiff Patrice Douglass is a minority resident of El Sobrante, California,
9 where she is a student at the University of California, Santa Cruz. She was denied a position as a
10 Brand Representative at the Abercrombie store in the Bay Street shopping area in Emeryville,
11 California in or about May 2003 on account of her race, color, and/or national origin.

12 29. Plaintiff Robair Sherrod is a minority resident of Carson, California, where
13 he is a student at California State University at Dominguez Hills. He was denied a position as a
14 Brand Representative at the Abercrombie store at the South Bay Galleria in Redondo Beach,
15 California in or about December 2002.

16 30. Plaintiff Brandy Hawk is a minority resident of Burlington, New Jersey,
17 where she is a student of the College of New Jersey. She was denied a position as a Brand
18 Representative at the Abercrombie store in Cherry Hill, New Jersey in or about May 2003.

19 31. Plaintiff Andre Steele is a minority resident of Waukegan, Illinois, and is a
20 graduate of DePaul University. He was hired by Abercrombie as a Brand Representative in 1998
21 and then became an Assistant Manager in 1999. He was denied a promotion to Store Manager at
22 the Gurnee Mills Mall store on or about September 1, 2002.

23 32. Defendant Abercrombie & Fitch Stores, Inc. is an Ohio corporation and a
24 wholly owned subsidiary of Abercrombie. Based on the representations of defendants, from July
25 1996 to August 2000, during which time it was a Delaware corporation, Abercrombie & Fitch
26 Stores, Inc. operated all California Abercrombie stores; from August 2000, when it became an
27 Ohio corporation, to May 2002, it operated all Abercrombie stores; and since May 2002, it has
28 operated all Abercrombie stores outside of California and Ohio.

1 33. Defendant A&F California, LLC is an Ohio limited liability company and a
2 wholly owned subsidiary of Abercrombie. Based on the representations of defendants, since May
3 2002, it has operated all Abercrombie stores in California.

4 34. Defendant A&F Ohio, Inc. is an Ohio corporation and a wholly owned
5 subsidiary of Abercrombie. Based on the representations of defendants, since May 2002, it has
6 operated all Abercrombie stores in Ohio.

7 35. Defendant Abercrombie & Fitch Management Co., is an Ohio corporation.
8 Based on the representations of defendants, it operates the Abercrombie corporate offices in Ohio.

9 36. Defendants are a national retail clothing seller primarily marketing to
10 teenagers and young adults. According to the Company, it took in \$1.7 billion in revenue during
11 fiscal year 2003, a 7% increase over the previous year. As of January 31, 2004, the Company
12 operated 700 stores.

13 37. Abercrombie operates stores (and/or departments within Abercrombie &
14 Fitch stores) under three different names: "Abercrombie & Fitch" (the "Adult" store),
15 "Hollister," and "A&F Kids." Although each type of store offers different product lines, they all
16 follow the same human resources policies and practices, participate in the same discrimination,
17 and are run by the same management. Applicants to and employees of each type of store are
18 included in the proposed Class.

19 **CLASS ACTION ALLEGATIONS**

20 38. Plaintiffs bring this Class Action pursuant to Fed. R. Civ. P. 23(a), (b)(2),
21 and (b)(3) on behalf of a class of: (a) applicants for Brand Representative and Manager-in-
22 Training positions with Abercrombie who have been, continue to be, or in the future may be
23 discouraged from applying or denied employment since February 24, 1999, and (b) all past,
24 present, and future minority Abercrombie in-store hourly employees, Managers-in-Training,
25 Assistant Managers and Store Managers who have been, continue to be, or in the future denied
26 desirable job assignments, job transfers, desirable hours, compensation, promotions to store
27 management positions, and/or other terms and conditions of employment on the basis of their
28

1 race, color, and/or national origin, and/or who have been terminated on account of the policies or
2 practices complained of herein since February 24, 1999.

3 39. Plaintiffs are members of the class they seek to represent.

4 40. The members of the class identified herein are so numerous that joinder of
5 all members is impracticable. The number of class members is currently indeterminate, but is
6 certainly larger than can be addressed through joinder. As of March 26, 2004, Abercrombie had
7 approximately 30,200 employees. In addition, temporary employees are hired during peak
8 periods, such as the holiday season. Each of Abercrombie's roughly 700 stores employs very few
9 minority Brand Representatives and store managers, but each store, on average, annually receives
10 numerous applications from qualified minorities who are potential Brand Representatives and/or
11 store managers. Furthermore, as a result of Abercrombie's systematic discriminatory hiring
12 practices, an unknown number of minority applicants have also been deterred from applying.
13 Thus, although the precise number of qualified minority applicants who are not hired and/or who
14 are fired or otherwise discriminated against is currently unknown, it is far greater than can be
15 feasibly addressed through joinder.

16 41. There are questions of law and fact common to the class, and these
17 questions predominate over any questions affecting only individual members. Common
18 questions include, among others: (1) whether Abercrombie's policies or practices discriminate
19 against minority employees and applicants; (2) whether Abercrombie's use of the "A&F Look"
20 and image as an employment policy or practice discriminates against minority applicants and
21 employees; (3) whether Abercrombie's policies and practices violate Title VII; (4) whether
22 Abercrombie's policies or practices violate 42 U.S.C. § 1981; and (4) whether compensatory and
23 punitive damages, injunctive relief, and other equitable remedies for the class are warranted.

24 42. The representative Plaintiffs' claims are typical of the claims of the class.

25 43. The representative Plaintiffs will fairly and adequately represent and
26 protect the interests of the members of the class. Plaintiffs have retained counsel competent and
27 experienced in complex class actions, employment discrimination litigation, and the intersection
28 thereof.

1 44. Class certification is appropriate pursuant to Fed. R. Civ. P. 23(b)(2)
2 because Abercrombie has acted and/or refused to act on grounds generally applicable to the class,
3 making appropriate declaratory and injunctive relief with respect to Plaintiffs and the class as a
4 whole. The class members are entitled to injunctive relief to end Abercrombie's common,
5 uniform, and unfair racially discriminatory personnel policies and practices.

6 45. Class certification is also appropriate pursuant to Fed. R. Civ. P. 23(b)(3)
7 because common questions of fact and law predominate over any questions affecting only
8 individual members of the class, and because a class action is superior to other available methods
9 for the fair and efficient adjudication of this litigation. The class members have been damaged
10 and are entitled to recovery as a result of Abercrombie's common, uniform, and unfair racially
11 discriminatory personnel policies and practices. Abercrombie has computerized payroll and
12 personnel data that will make calculation of damages for specific class members relatively
13 simple. The propriety and amount of punitive damages are issues common to the class.

14 **CLAIMS OF REPRESENTATIVE PLAINTIFFS**

15 **Eduardo Gonzalez**

16 46. Plaintiff Eduardo Gonzalez, a Latino male, is a student at Stanford
17 University. He applied for a position as a Brand Representative at the Abercrombie store in the
18 Valley Fair Mall in Santa Clara, California on August 7, 2002. An Abercrombie manager
19 suggested that he apply to work in the stock room or on the overnight crew in a non-sales
20 position. Nevertheless, Mr. Gonzalez returned to the store for a group interview for the Brand
21 Representative position on August 27, 2002. Mr. Gonzalez was not hired as a Brand
22 Representative. Mr. Gonzalez was qualified for the job. Indeed, immediately following his
23 Abercrombie interview, he crossed the hall within the same mall to apply for a job at Banana
24 Republic, a similar retail clothing store that competes directly with Abercrombie for customers
25 and employees. An employee of Banana Republic asked Mr. Gonzalez if he was interested in
26 applying to work as a manager. He applied to work as a sales associate, and worked for Banana
27 Republic in such a capacity through the academic year. Despite knowing of his qualifications,
28 Abercrombie refused to hire Mr. Gonzalez based on his race, color, and/or national origin.

1 47. Abercrombie has discriminated against Mr. Gonzalez on the basis of his
2 race, color and/or national origin by denying him employment because he is not white.

3 48. On or about April 25, 2003, Mr. Gonzalez filed a charge of discrimination
4 with the Equal Employment Opportunity Commission ("EEOC"). Mr. Gonzalez received a copy
5 of his Notice of Right to Sue from the California Department of Fair Employment and Housing
6 ("DFEH"), dated April 29, 2003. Attached to this Complaint as Exhibit A and incorporated by
7 reference are copies of that charge and that notice. On or about December 30, 2003, the EEOC
8 issued Mr. Gonzalez a notice of right to sue. Attached to this Complaint as Exhibit P and
9 incorporated by reference is a copy of that notice.

10 **Anthony Ocampo**

11 49. Plaintiff Anthony Ocampo, a Filipino American male, is a student at
12 Stanford University. From December 1999 to January 2000, he worked part time as a Brand
13 Representative at the Abercrombie store in the Glendale Galleria in Glendale, California near his
14 family's home.

15 50. It is common practice at Abercrombie for college students to work at the
16 Abercrombie near their family home during vacations, and then to transfer to a store near their
17 college during the school year (or vice versa). Therefore, when Mr. Ocampo returned to
18 Stanford, he attempted to apply for a position as Brand Representative at the Abercrombie store
19 in the Hillsdale Shopping Center in San Mateo, California. Mr. Ocampo was told that he would
20 be contacted regarding a stock person position, but not for the position of Brand Representative.
21 Mr. Ocampo never was contacted for any position with Abercrombie, and when he contacted the
22 manager there, he was told that he would have to reapply.

23 51. Later that year, when he returned home for summer vacation in June of
24 2000, Mr. Ocampo applied to work once again at the Glendale Galleria Abercrombie. He was
25 told that there were "too many Filipinos" working at that location. He was not even given the
26 opportunity to submit a written application. Mr. Ocampo was qualified for the job of Brand
27 Representative, in part based on his prior experience doing that exact job at the Abercrombie
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1 store in the Glendale Galleria. Abercrombie refused to hire Mr. Ocampo, despite knowing of his
2 qualifications, based on his race, color, and/or national origin.

3 52. Abercrombie has discriminated against Mr. Ocampo on the basis of his
4 race, color and/or national origin (a) by denying him employment because he is not white; and
5 (b) by refusing to transfer him from one store to another on the same terms as white Brand
6 Representatives.

7 **Encarnacion Gutierrez**

8 53. Plaintiff Encarnacion Gutierrez, a Latino male, graduated from the
9 University of California at Los Angeles in 2002 with a B.S. in Civil Engineering and from the
10 University of California at Berkeley in 2003 with an M.S. in Structural Engineering. He applied
11 to work as a Brand Representative at the Abercrombie store in the Third Street Promenade in
12 Santa Monica, California in June or July 2001, and later returned for a group interview.
13 Mr. Gutierrez was qualified for the job. Abercrombie refused to hire Mr. Gutierrez, despite
14 knowing of his qualifications, based on his race, color, and/or national origin.

15 54. During his initial visit to the store, Mr. Gutierrez observed that the staff
16 was virtually exclusively white. The manager who conducted the group interview was white. He
17 asked no questions regarding prior work experience or relevant skills. During the interview, the
18 manager asked a Filipino-American applicant whether he spoke English even though the
19 applicant had already answered several questions and demonstrated his fluency in English.
20 Mr. Gutierrez saw the manager write "phil" next to the applicant's name.

21 55. Abercrombie has discriminated against Mr. Gutierrez on the basis of his
22 race, color, and/or national origin by denying him employment because he is not white.

23 56. On or about May 21, 2002, Mr. Gutierrez filed a charge of discrimination
24 with the EEOC. Attached to this Complaint as Exhibit B, and incorporated by reference, is a
25 copy of that charge. On or about December 30, 2003, the EEOC issued Mr. Gutierrez a notice of
26 right to sue. Attached to this Complaint as Exhibit Q and incorporated by reference is a copy of
27 that notice.
28

1 **Johan Montoya**

2 57. Plaintiff Johan Montoya, a Latino male, is a student at the University of
3 California at Santa Barbara. He applied for a position as a Brand Representative at the
4 Abercrombie store in the Topanga Mall in Canoga Park, California in August or September 2002,
5 participated in a group interview for the job and submitted a paper application. He was qualified
6 for the job, in part based on his prior work experience as a sales associate at another retail
7 establishment in the same mall. Abercrombie refused to hire Mr. Montoya despite knowing of his
8 qualifications, based on his race, color, and/or national origin.

9 58. Abercrombie has discriminated against Mr. Montoya on the basis of his
10 race, color, and/or national origin by denying him employment because he is not white.

11 59. On or about April 22, 2003, Mr. Montoya filed a charge of discrimination
12 with the EEOC. Mr. Montoya received a copy of his Notice of Right to Sue from the DFEH,
13 dated April 29, 2003. Attached to this Complaint as Exhibit C and incorporated by reference, are
14 copies of that charge and that notice. On or about December 30, 2003, the EEOC issued Mr.
15 Montoya a notice of right to sue. Attached to this Complaint as Exhibit R and incorporated by
16 reference is a copy of that notice.

17 **Juancarlos Gomez-Montejano**

18 60. Plaintiff Juancarlos Gomez-Montejano, a Latino male, worked as a Brand
19 Representative at the Abercrombie store at the Third Street Promenade in Santa Monica,
20 California from November 22, 1998 until August 1999, while he was a student at the University
21 of California at Los Angeles. During that time, he regularly worked roughly 10-15 hours per
22 week. After noticing that his work hours had been reduced, Mr. Gomez-Montejano requested his
23 personnel file. In August 1999 he learned that Company records showed that, unbeknownst to
24 him, he had been fired from his position. He had never been previously informed of this
25 termination, nor was he advised of any reasons for the termination.

26 61. In or around February or March 1999, Abercrombie representatives from
27 Ohio corporate headquarters visited the store on a "blitz," and observed that there were
28 photographs of each of the Brand Representatives posted in an employee area in the back. A

1 corporate official pointed to the pictures of four or five minority Brand Representatives, including
2 Mr. Gomez-Montejano, and directed store management to “zero them out.” This expression is
3 used within the Company to signify that the manager assigning work shifts should begin
4 assigning that person zero hours each week. In the following weeks, Mr. Gomez-Montejano
5 continued to inform his manager that he was available to work many hours a week, just as he had
6 throughout his tenure at Abercrombie; however, each week he received a schedule giving him
7 zero hours. Eventually, he realized that this “zeroed out” schedule might be permanent.
8 Therefore, he requested his personnel file in July 1999, and, after his second request, received a
9 copy of a company document stating that he had been terminated.

10 62. Abercrombie has discriminated against Mr. Gomez-Montejano on the basis
11 of his race, color, and/or national origin by (a) terminating his employment because he is not
12 white; and (b) refusing to give him desirable hours/assignments on the same terms as white Brand
13 Representatives.

14 63. On or about December 21, 1999, Mr. Gomez-Montejano filed a charge of
15 discrimination with the EEOC. Attached to this Complaint as Exhibit D, and incorporated by
16 reference, is a copy of that charge. After investigating, the EEOC issued a Letter of
17 Determination, finding that Abercrombie had discriminated against Mr. Gomez-Montejano and
18 against “Latinos and Blacks, as a class.” Attached to this Complaint as Exhibit E, and
19 incorporated by reference, is a copy of that letter. On or about December 21, 1999, the DFEH
20 issued to Mr. Gomez-Montejano a Notice of Right to Sue. Attached to this Complaint as
21 Exhibit F, and incorporated by reference, is a copy of that notice. On or about December 30,
22 2003, the EEOC issued Mr. Gomez-Montejano a notice of right to sue. Attached to this
23 Complaint as Exhibit S and incorporated by reference is a copy of that notice.

24 **Jennifer Lu**

25 64. Plaintiff Jennifer Lu is an Asian American female and a student at the
26 University of California at Irvine. She worked as a Brand Representative at the Abercrombie
27 store in the Crystal Court Mall in Costa Mesa, California from September 2000 to February 2003.
28

1 She was entrusted with responsibilities that only the most trustworthy and more senior staff were
2 given.

3 65. In or around January 2003, representatives from corporate and/or regional
4 headquarters visited the Crystal Court Mall store on an inspection tour, or “blitz.” These
5 headquarters/regional representatives reiterated to the Store Manager and other managers the
6 importance of having a predominantly white Brand Representative workforce, with fewer
7 minorities. Specifically, corporate employees communicated this directive by pointing to a
8 picture of a white model hanging in the store, and making a statement to the effect of “This is the
9 ‘A&F Look’ – you need to make your store look more like this.” Soon after this “blitz,” on or
10 about February 8, 2003, roughly five Asian American Brand Representatives, including Plaintiffs
11 Jennifer Lu, Austin Chu, Ivy Nguyen, and Angeline Wu were terminated and/or constructively
12 discharged, and one African American Brand Representative was transferred to a behind-the-
13 scenes stockroom position at another Abercrombie store. This action was not premised on any
14 legitimate business consideration, such as a lessened need for Brand Representatives or poor
15 work performance. The store hired several white Brand Representatives within two weeks of
16 firing Ms. Lu.

17 66. On February 8, 2003, Ms. Lu learned that she had been fired. She
18 informed the Store Manager that she was willing to be flexible with shift assignments, and that if
19 the staffing needs picked up in the summer months or other peak shopping seasons, she would
20 like to be considered. Mr. Richter told her that she was not needed at that time nor would she be
21 needed in the future.

22 67. Abercrombie has discriminated against Ms. Lu on the basis of her race,
23 color, and/or national origin by (a) terminating her employment because she is not white; and
24 (b) assigning her fewer hours than similarly-situated white Brand Representatives.

25 68. On or about April 22, 2003, Ms. Lu filed a charge of discrimination with
26 the EEOC. Ms. Lu received a copy of her Notice of Right to Sue from the DFEH, dated April 29,
27 2003. Attached to this Complaint as Exhibit G and incorporated by reference, are copies of that
28 charge and that notice. On or about December 30, 2003, the EEOC issued Ms. Lu a notice of

1 right to sue. Attached to this Complaint as Exhibit T and incorporated by reference is a copy of
2 that notice.

3 **Austin Chu**

4 69. Plaintiff Austin Chu is an Asian American male and a student at the
5 University of California at Irvine. He worked as a Brand Representative at the Abercrombie store
6 in the Crystal Court Mall in Costa Mesa, California from June 2001 to March 2003, when he was
7 constructively discharged.

8 70. Immediately after the January corporate “blitz” visit described herein in the
9 preceding paragraphs, Mr. Chu’s hours were reduced from the usual 10-15 hours per week he had
10 worked during his year and a half tenure to roughly zero hours per week. This “zeroing out”
11 began on or about February 8, 2003 and lasted until approximately March 26, 2003, during which
12 six-week period Mr. Chu was assigned only one four-hour shift (in contrast to his usual 60-90
13 hours for such a six-week period), despite notifying his managers each week of his availability
14 and interest in working the usual 10-15 hours per week. Mr. Chu attempted to gain more hours
15 by offering to fill in for those who were unavailable, and he was denied the opportunity to work
16 more hours. Because he was not assigned any hours to work, Mr. Chu tendered his resignation on
17 March 26, 2003. Mr. Chu was known as one of the most effective Brand Representatives in the
18 store due to his gregarious nature.

19 71. Abercrombie has discriminated against Mr. Chu on the basis of his race,
20 color, and/or national origin by (a) constructively terminating his employment because he is not
21 white; and (b) assigning him fewer hours than similarly-situated white Brand Representatives.

22 72. On or about April 22, 2003, Mr. Chu filed a charge of discrimination with
23 the EEOC. Mr. Chu received a copy of his Notice of Right to Sue from the DFEH, dated
24 April 29, 2003. Attached to this Complaint as Exhibit H and incorporated by reference, are
25 copies of that charge and that notice. On or about December 30, 2003, the EEOC issued Mr. Chu
26 a notice of right to sue. Attached to this Complaint as Exhibit U and incorporated by reference is
27 a copy of that notice.
28

Ivy Nguyen

73. Plaintiff Ivy Nguyen is an Asian American female and a student at the University of California at Irvine. She worked as a Brand Representative in the Abercrombie store in the Crystal Court Mall in Costa Mesa, California from approximately June 2002 until she was fired sometime during February 2003, shortly after the corporate “blitz” described herein in the preceding paragraphs.

74. Abercrombie maintained a target ratio for the number of male Brand Representatives relative to female Brand Representatives of 60:40. This policy was in writing on a board in the back of the store, designating the recruiting goal. In order to meet the target ratio, Brand Representatives were encouraged to recruit more men than women to work as Brand Representatives.

75. Immediately after the corporate “blitz” described in paragraph 62, corporate representatives reiterated the 60:40 policy to management at the Crystal Court Mall store by indicating that there were too many women working in the store.

76. Abercrombie has discriminated against Ms. Nguyen on the basis of her race, color, national origin, and/or gender by (a) terminating her employment because she is not white or male; and (b) assigning her fewer hours than similarly-situated white or male Brand Representatives.

77. On or about June 16, 2003, Ms. Nguyen filed a charge of discrimination with the EEOC. Attached to this Complaint as Exhibit I and incorporated by reference, is a copy of that charge. On or about December 30, 2003, the EEOC issued Ms. Nguyen a notice of right to sue. Attached to this Complaint as Exhibit V and incorporated by reference is a copy of that notice.

Angeline Wu

78. Plaintiff Angeline Wu is an Asian American female and a student at the University of California at Irvine. She worked as a Brand Representative at the Abercrombie store in the Crystal Court Mall in Costa Mesa, California from August 2002 to February 2003.

1 79. Ms. Wu worked approximately 5-10 hours a week, at least 2-3 shifts per
2 week. Shortly after the corporate “blitz” described herein in the preceding paragraphs, Ms. Wu's
3 hours were reduced and eventually “zeroed out.” Ms. Wu was then terminated in February 2003.

4 80. Abercrombie maintained a target ratio for the number of male Brand
5 Representatives relative to female Brand Representatives of 60:40. This policy was in writing on
6 a board in the back of the store, designating the recruiting goal. In order to meet the target ratio,
7 Brand Representatives were encouraged to recruit more men than women to work as Brand
8 Representatives.

9 81. Immediately after the corporate “blitz” described in paragraph 62,
10 corporate representatives reiterated the 60:40 policy to management at the Crystal Court Mall
11 store by indicating that there were too many women working in the store.

12 82. Abercrombie has discriminated against Ms. Wu on the basis of her race,
13 color, national origin, and/or gender by (a) terminating her employment because she is not white
14 or male; and (b) assigning her fewer hours than similarly-situated white or male Brand
15 Representatives.

16 83. On or about April 17, 2003, Ms. Wu filed a charge of discrimination with
17 the EEOC. Ms. Wu received a copy of her Notice of Right to Sue from the DFEH, dated
18 April 22, 2003. Attached to this Complaint as Exhibit J and incorporated by reference, are copies
19 of that charge and that notice. On or about December 30, 2003, the EEOC issued Ms. Wu a
20 notice of right to sue. Attached to this Complaint as Exhibit W and incorporated by reference is a
21 copy of that notice.

22 **Eric Fight**

23 84. Plaintiff Eric Fight is an African American male residing in Venice,
24 California. He worked as a Brand Representative in the stock room only (a non-sales position) at
25 the Abercrombie store in the Third Street Promenade in Santa Monica, California, from roughly
26 May 2003 to June 2003. He was constructively discharged in or around June 2003 when he
27 learned that he was not allowed to work on the sales floor due to his race or color and that he had
28

1 been misled by the manager with whom he had interviewed into believing that there were no sales
2 floor Brand Representative positions available.

3 85. In May 2003, Mr. Fight applied for a position as a Brand Representative at
4 the Abercrombie store in the Third Street Promenade in Santa Monica, California and participated
5 in a group interview for the job. Mr. Fight informed the manager conducting the interview that he
6 would rather work as a floor Brand Representative because he had substantial experience in sales
7 and did not have any experience working in a stockroom. The manager told Mr. Fight that he
8 would call him with a hiring decision within a week. Mr. Fight was qualified for the floor Brand
9 Representative job because of his prior work experience as a sales representative for comparable
10 retail clothing stores, including the Gap, Urban Outfitters, and Miller's Outpost. Abercrombie
11 refused to hire Mr. Fight as a Brand Representative despite knowing of his qualifications for the
12 position, based on his race or color.

13 86. A week later, not having heard from the store, Mr. Fight called the store to
14 inquire about the status of his application. The same manager told Mr. Fight that the store was
15 not hiring floor Brand Representatives. Roughly ten days later, the store's stock manager called
16 Mr. Fight and offered him a position in the stock room (a non-sales position). Mr. Fight accepted
17 the position and began working at the store in June 2003, expecting that the store would soon be
18 hiring floor Brand Representatives again and that he could reapply for such a position then. Upon
19 beginning work at the Third Street Promenade store, Mr. Fight observed that the floor Brand
20 Representative staff was virtually exclusively white.

21 87. In June 2003, on Mr. Fight's second day of work at Abercrombie, he met a
22 white floor Brand Representative who had just begun working at the store. Mr. Fight learned that
23 this new Brand Representative had recently been hired, and thus that the manager with whom he
24 had interviewed had deceived him about the availability of floor Brand Representative positions.
25 Mr. Fight concluded that the manager and the store would not consider him for floor Brand
26 Representative positions at that time or in the future due to his race or color. Mr. Fight thus
27 realized that he had been constructively discharged.
28

1 88. Approximately a week after his discharge, Mr. Fight was hired as a sales
2 associate for the Levi's Store at the Third Street Promenade, a similar retail clothing store that
3 competes with Abercrombie for customers and employees.

4 89. Abercrombie has discriminated against Mr. Fight on the basis of his race,
5 color, and/or national origin by denying him employment as a Brand Representative and
6 channeling him to a stock room position because he is not white.

7 90. On or about August 18, 2003, Mr. Fight filed a charge of discrimination
8 with the EEOC. Attached to this Complaint as Exhibit K, and incorporated by reference, is a
9 copy of that charge. On or about December 30, 2003, the EEOC issued Mr. Fight a notice of
10 right to sue. Attached to this Complaint as Exhibit X and incorporated by reference is a copy of
11 that notice.

12 **Carla Grubb**

13 91. Plaintiff Carla Grubb is an African American female and a student at
14 California State University at Bakersfield. She worked as a Brand Representative at the
15 Abercrombie store in the Bakersfield Valley Plaza Mall in Bakersfield, California from
16 November 2002 to January 2003, when she was constructively discharged.

17 92. From November 2002 to December 2002, Ms. Grubb worked as Brand
18 Representative. Each week she requested daytime shifts. However, she was usually assigned to
19 work night shifts, often starting approximately one hour before closing and continuing into the
20 late night. When Ms. Grubb began working for Abercrombie, she observed that she was the only
21 African American employee at the store; besides one Latino male Brand Representative, all the
22 other employees were white. She also noticed that white Brand Representatives were receiving
23 daytime hours and floor time. Although she was officially a floor Brand Representative,
24 Ms. Grubb spent the vast majority of her work time dusting and cleaning windows.

25 93. In approximately late December 2002, Ms. Grubb notified a manager that
26 she would not be available for shifts for the next few weeks, a practice that she had observed to
27 be unremarkable among Brand Representatives in the store. The manager granted her request and
28 stated that it would be "no problem." Upon returning to work roughly two weeks later, in January

1 2003, Ms. Grubb's hours had been reduced from the normal 15-20 hours per week to almost
2 nothing. She was assigned one 4-hour shift during the month of January. From the seven-month
3 period from the end of January to the present (August 2003), Ms. Grubb has been assigned no
4 shifts, despite notifying her managers each week of her interest in working up to 30 hours a week,
5 and indicating availability from roughly 8 am to 10 pm each day as well as requesting
6 opportunities to sign up for overnight shifts. Ms. Grubb has since learned that there was a
7 corporate "blitz" of the store in early January 2003, which the store managers knew about in
8 advance. The blitz involved a visit by Abercrombie corporate representatives, who took pictures
9 of the Brand Representatives to gauge the store's compliance with the "A&F Look."

10 94. In or around May 2003, Ms. Grubb asked her managers for an explanation
11 as to why she was not being assigned shifts. She was informed that she could not return to work
12 because the store was full of employees, although the store still considered her an Abercrombie
13 employee. At the time Ms. Grubb was aware of at least two white Brand Representatives at the
14 store who were assigned shifts of up to 40 hours a week, while Ms. Grubb, despite her continued
15 requests, was assigned no hours.

16 95. Abercrombie has discriminated against Ms. Grubb on the basis of her race,
17 color, and/or national origin by (a) constructively terminating her employment because she is not
18 white and (b) assigning her fewer hours than similarly-situated white Brand Representatives.

19 96. On or about August 18, 2003, Ms. Grubb filed a charge of discrimination
20 with the EEOC. Attached to this Complaint as Exhibit L, and incorporated by reference, is a
21 copy of that charge. On or about December 30, 2003, the EEOC issued Ms. Grubb a notice of
22 right to sue. Attached to this Complaint as Exhibit Y and incorporated by reference is a copy of
23 that notice.

24 **David Culpepper**

25 97. Plaintiff David Culpepper is a minority resident of Berkeley, California and
26 a graduate student at the University of California at Berkeley. He was denied positions as a
27 Brand Representative at the Abercrombie store in the SF Shopping Center in San Francisco,
28

1 California in June 2003, and at the SF Stonestown Galleria in San Francisco, California in March
2 2003 on account of his race or color.

3 98. Mr. Culpepper applied to work as a Brand Representative at the SF
4 Shopping Center store in late May 2002, September 2002, and early June 2003 by handing a
5 written application to an Abercrombie sales associate or manager each time. On the first visit, the
6 Abercrombie employee stated that she would pass the application to the manager. On the second
7 and third visits, the managers there told him that the store was not hiring and that there were no
8 positions available. Mr. Culpepper also applied to work at the SF Stonestown Galleria store in
9 June 2002, late November or early December 2002, and March 2003 by handing a written
10 application to an Abercrombie sales associate or manager each time. On the first and third visits,
11 the Abercrombie employees there told him that the store was not hiring and that there were no
12 positions available. On the second visit, the Abercrombie employee stated that the store would
13 contact him if they were interested. During none of these six application attempts did any
14 Abercrombie employee inform him of the existence of a group interview or ask about his
15 qualifications. Because Mr. Culpepper visited both locations frequently, he noticed many new
16 white Brand Representatives working at both stores, several of whom informed him that they had
17 been hired in recent weeks (during times immediately before and after each of his application
18 attempts). Mr. Culpepper was not hired nor was he ever contacted by Abercrombie.

19 99. By the time of his first application to work at Abercrombie, in May 2002,
20 Mr. Culpepper had substantial experience as a sales associate for comparable stores including
21 Banana Republic, Aeropostale, and Instant (a boutique clothing store in New York City). He was
22 then a recent graduate of the University of California at Berkeley.

23 100. In June 2002, within a few weeks of Mr. Culpepper's first application to
24 the SF Shopping Center, four white male friends of his with no retail experience applied to that
25 store and were all hired on the spot and scheduled for their first shifts.

26 101. Abercrombie has discriminated against Mr. Culpepper on the basis of his
27 race, color, and/or national origin by denying him employment because he is not white.
28

1 102. On or about August 18, 2003, Mr. Culpepper filed a charge of
2 discrimination with the EEOC. Attached to this Complaint as Exhibit M, and incorporated by
3 reference, is a copy of that charge. On or about December 30, 2003, the EEOC issued Mr.
4 Culpepper a notice of right to sue. Attached to this Complaint as Exhibit Z and incorporated by
5 reference is a copy of that notice.

6 **Patrice Douglass**

7 103. Plaintiff Patrice Douglass, an African American female, is a student at the
8 University of California, Santa Cruz. She applied for a position as a Brand Representative at the
9 Abercrombie store in the Bay Street shopping area in Emeryville, California in or about May
10 2003. She submitted a written application to a manager on duty and informed him of her
11 qualifications, including her prior retail experience. She was qualified for the job, in part based
12 on that retail experience. Abercrombie refused to hire Ms. Douglass despite knowing of her
13 qualifications, based on her race, color, and/or national origin.

14 104. The manager informed Ms. Douglass that May was “early” to apply for
15 summer employment. He also questioned Ms. Douglass why she had included two phone
16 numbers, when the “usual” applicant only listed one.

17 105. One week later, Ms. Douglass’s friend, who is white, requested an
18 application for summer employment as a Brand Representative at the same Abercrombie store.
19 An Abercrombie employee invited the friend to attend one of the group interviews that the store
20 held every Wednesday. The friend did so and was hired.

21 106. Abercrombie has discriminated against Ms. Douglass on the basis of her
22 race, color, and/or national origin by denying her employment because she is not white.

23 107. On or about December 23, 2003, Ms. Douglass filed a charge of
24 discrimination with the EEOC. Ms. Douglass received a copy of her Notice of Right to Sue from
25 the DFEH, dated December 23, 2003. Attached to this Complaint as Exhibit N, and incorporated
26 by reference, are copies of that charge and that notice. On or about December 30, 2003, the
27 EEOC issued Ms. Douglass a notice of right to sue. Attached to this Complaint as Exhibit AA
28 and incorporated by reference is a copy of that notice.

1 **Robair Sherrod**

2 108. Plaintiff Robair Sherrod, an African American male, is a student at
3 California State University at Dominguez Hills. He applied for a position as a Brand
4 Representative at the Abercrombie store in the South Bay Galleria in Redondo Beach, California
5 in or around December 2002. He submitted a written application and participated in two group
6 interviews. He was qualified for the job, in part based on his prior retail experience.
7 Abercrombie refused to hire Mr. Sherrod despite knowing of his qualifications, based on his race,
8 color, and/or national origin.

9 109. In or around January 2003, shortly after he had submitted his application,
10 Mr. Sherrod was invited to a group interview. The manager who conducted the interview
11 informed Mr. Sherrod that the Company would contact him within a week regarding his
12 application. Approximately one month later, a store employee called Mr. Sherrod to invite him to
13 a second group interview. Again, the manager who conducted the interview informed Mr.
14 Sherrod that he would be called within a week regarding his application. No store employee has
15 since contacted Mr. Sherrod regarding his application.

16 110. Abercrombie has discriminated against Mr. Sherrod on the basis of his
17 race, color, and/or national origin by denying him employment because he is not white.

18 111. On or about December 1, 2003, Mr. Sherrod filed a charge of
19 discrimination with the EEOC. Mr. Sherrod received a copy of her Notice of Right to Sue from
20 the DFEH, dated December 30, 2003. Attached to this Complaint as Exhibit O, and incorporated
21 by reference, are copies of that charge and that notice. On or about December 30, 2003, the
22 EEOC issued Mr. Sherrod a notice of right to sue. Attached to this Complaint as Exhibit BB and
23 incorporated by reference is a copy of that notice.

24 **Brandy Hawk**

25 112. Plaintiff Brandy Hawk, an African American female, is a student of the
26 College of New Jersey. She applied for a position as a Brand Representative at the Abercrombie
27 store in the Cherry Hill mall in Cherry Hill, New Jersey in or about May 2003. She submitted a
28 written application to an employee at the store, indicating that she was a full time college student,

1 varsity athlete, possessed comparable retail experience, and was willing to work flexible hours.
2 She was qualified for the job, in part based on those qualities and that retail experience.
3 Abercrombie refused to hire Ms. Hawk despite knowing of her qualifications, based on her race,
4 color, and/or national origin.

5 113. Within a few days of submitting this application, Brandy Hawk was
6 interviewed for the position by Keri Renfroe, an Assistant Manager at the store. During this
7 interview, Ms. Renfroe informed Ms. Hawk that she would recommend Ms. Hawk for the Brand
8 Representative position. However, Abercrombie never hired Ms. Hawk. Ms. Hawk subsequently
9 learned that Ms. Renfroe's supervisor, Sherry Donchez, refused to hire Ms. Hawk to work on the
10 sales floor because Ms. Donchez believed that Ms. Hawk did not have the "image" Abercrombie
11 wanted to portray.

12 114. The store hired a white employee in Ms. Hawk's place.

13 115. Abercrombie has discriminated against Ms. Hawk on the basis of her race,
14 color, and/or national origin by denying her employment because she is not white.

15 116. On or about July 17, 2003, Ms. Hawk filed a charge of discrimination with
16 the EEOC. Attached to this Complaint as Exhibit CC and incorporated by reference is a copy of
17 that charge.

18 **Andre Steele**

19 117. Plaintiff Andre Steele is a minority resident of Waukegan, Illinois, and a
20 graduate of DePaul University. He was hired as a Brand Representative in December 1998 and
21 became an Assistant Store Manager in fall 1999. After filing a charge of discrimination in
22 November 2001, Mr. Steele was involuntarily transferred from the Gurnee Mills Mall store to a
23 location with a longer commute. On September 1, 2002, Abercrombie promoted a white
24 Assistant Manager to Store Manager of the Gurnee Mills Mall store without considering
25 Mr. Steele, who was equally qualified. Mr. Steele left Abercrombie in 2003.

26 118. During his years at Abercrombie, Mr. Steele observed that Abercrombie
27 routinely discriminated against minority individuals with respect to hiring and promotion.
28

119. On February 11, 2003, Mr. Stele filed a charge of discrimination with the EEOC alleging class wide discrimination and individual retaliation on the basis of race against Abercrombie. Attached to this Complaint as Exhibit DD and incorporated by reference is a copy of that charge. Attached hereto as Exhibit EE and incorporated by reference is a copy of the right issue letter Mr. Steele received for the EEOC on November 4, 2004.

GENERAL POLICIES OR PRACTICES OF DISCRIMINATION

120. The denials and abridgments of employment opportunities suffered by the Representative Plaintiffs are part of a general policy or practice of discrimination on the basis of race, color, and/or national origin in employment that has existed at Abercrombie since February 24, 2004. These are not isolated examples of employment practices or individual decisions. On the contrary, these incidents are representative of A&F's systematic discrimination against minorities and in favor of white applicants and employees, to create an overwhelmingly white Brand Representative and store manager workforce.

121. On September 13, 2001, the EEOC issued a Letter of Determination with respect to the EEOC charge filed by Plaintiff Juancarlos Gomez-Montejano, stating,

The preponderance of the evidence supports Charging Party's claim that he was denied a permanent position as a Brand Representative, denied an assignment and terminated because of his national origin. Moreover, evidence obtained during the course of the investigation revealed that *Latinos and Blacks, as a class, were denied permanent positions, denied assignments and treated in an unfair manner with regard to recruitment based on their race and national origin*, and that Respondent failed to maintain employment records as required by Title VII. Therefore, I have concluded that the evidence is sufficient to establish a violation of the above-cited statute.

Attached hereto as Exhibit E (emphasis added).

122. The EEOC sent this letter to Mr. Gomez-Montejano and to Abercrombie.

123. The EEOC issued additional Letters of Determination on September 30, 2004 and November 1, 2004. Attached to this Complaint as Exhibits FF to OO and incorporated by reference are copies of those letters.

124. The under-representation of minorities in Brand Representative and store manager positions throughout Abercrombie's approximately 700 stores in the United States

1 results from an intentional policy and practice of discrimination on the basis of race, color, and/or
2 national origin in hiring, initial job assignment, weekly hours allocation, internal job transfer,
3 inter-store transfer, and termination.

4 125. Abercrombie has pursued policies or practices on a continuing basis that
5 have denied or restricted job opportunities to qualified minority applicants and employees.

6 126. Such discriminatory policies or practices include, without limitation:

7 a. reliance on subjective, arbitrary, standardless, and unvalidated
8 criteria in making hiring decisions, focusing on whether applicants properly reflect the
9 predominantly white “A&F Look” and image rather than whether they would be responsible,
10 effective Brand Representatives and store managers who could perform their jobs well;

11 b. reliance on subjective, arbitrary, standardless, and unvalidated
12 criteria in making decisions in job assignments, weekly hour allocations, and ability to transfer
13 between stores focusing on whether employees properly reflect the predominantly white “A&F
14 Look” and image rather than whether they would be responsible, effective Brand Representatives
15 and store managers who perform their jobs well;

16 c. shunting minority applicants and Brand Representatives to stock
17 room and overnight shift positions where they are out of the public eye;

18 d. targeting white candidates for recruitment, both systemically (e.g.,
19 recruiting visits to college campuses and/or targeting of specific sororities and fraternities) and
20 individually (e.g., inviting individual customers in the store to apply to become Brand
21 Representatives and Managers-in-Training), but avoiding, ignoring, discouraging or dissuading
22 equally qualified minorities from applying;

23 e. use of the “Look Book,” the A&F Quarterly, and wall posters as
24 guidelines for management to select Brand Representatives on the basis of their appearance – e.g.,
25 white – as opposed to their qualifications for the job;

26 f. use of corporate “blitzes” to monitor and enforce stores’
27 compliance with the “A&F Look” and to weed out minority Brand Representatives and store
28 managers;

1 g. denying minority Managers-in-Training and other store managers
2 promotion to store management; and

3 h. termination of employees based on race, color, and/or national origin
4 without regard to their performance on the job.

5 **FIRST CLAIM FOR RELIEF**
6 **(42 U.S.C. § 2000eet seq.)**

7 127. Plaintiffs incorporate paragraphs 1 through 126 as alleged above.

8 128. This Claim is brought by all representative Plaintiffs, except Mr. Ocampo
9 and Ms. Hawk, on behalf of themselves and the Class they represent.

10 129. Abercrombie has maintained a system that is intentionally discriminatory,
11 subjective, standardless, and arbitrary with respect to recruitment, hiring, job assignment,
12 promotion, transfer, weekly hour allocation, and termination. The system has an adverse
13 disparate impact on minority applicants and employees. This system is not and cannot be
14 justified by business necessity, but even if it could be so justified, less discriminatory alternatives
15 exist that could equally serve any alleged necessity.

16 130. Abercrombie's discriminatory policies or practices described above have
17 denied minority applicants and employees employment, job assignments, promotions, job
18 transfers, and weekly hour allocations, resulting in the loss of past and future wages and other job
19 benefits.

20 131. As noted above, the EEOC has determined that "the evidence is sufficient
21 to establish" that Abercrombie has violated Title VII, because "Latinos and Blacks, as a class,
22 were denied permanent positions, denied assignments and treated in an unfair manner with regard
23 to recruitment based on their race and national origin." Exhibit E.

24 132. The foregoing conduct constitutes illegal, intentional discrimination as
25 unjustified disparate impact prohibited by 42 U.S.C. § 2000e et seq.

26 133. Plaintiffs request relief as hereinafter provided.
27
28

SECOND CLAIM FOR RELIEF
(42 U.S.C. § 1981)

134. Plaintiffs incorporate paragraphs 1 through 126 as alleged above.

135. This claim is brought by all representative Plaintiffs on behalf of themselves and the Class they represent.

136. Abercrombie has maintained an intentionally discriminatory system with respect to recruitment, hiring, job assignments, promotions, transfers, weekly hour allocations, and termination.

137. The foregoing conduct constitutes illegal intentional discrimination with respect to the making, performance, modification, and termination of contracts prohibited by 42 U.S.C. § 1981.

138. Plaintiffs request relief as hereinafter provided.

THIRD CLAIM FOR RELIEF
(California Fair Employment and Housing Act, Government Code § 12940et seq.)

139. Plaintiffs incorporate paragraphs 1 through 126 as alleged above.

140. This claim is brought by all representative Plaintiffs except Mr. Ocampo, Ms. Hawk, and Mr. Steele on behalf of themselves and the subclass of California class members they represent.

141. Plaintiffs Eduardo Gonzalez, Johan Montoya, Juancarlos Gomez-Montejano, Jennifer Lu, Austin Chu, Angeline Wu and Andre Steele have received copies of their Right to Sue letters from the DFEH. The pendency of the EEOC investigations into Plaintiffs' charges tolled the time limits for filing civil actions pursuant to the Fair Employment and Housing Act. Plaintiffs have therefore timely complied with all prerequisites to suit.

142. Plaintiffs request relief as hereinafter provided.

FOURTH CLAIM FOR RELIEF
(42 U.S.C. § 2000eet seq.)

143. Plaintiffs incorporate paragraphs 1 through 126 as alleged above.

1 144. This Claim is brought by representative Plaintiffs Nguyen and Wu on
2 behalf of themselves individually.

3 145. Abercrombie has maintained a system that is intentionally discriminatory,
4 subjective, standardless, and arbitrary with respect to recruitment, hiring, job assignment, transfer,
5 weekly hour allocation, and termination. The system has had an adverse disparate impact on
6 Plaintiffs Nguyen and Wu on the basis of their gender. This system is not and cannot be justified
7 by business necessity, but even if it could be so justified, less discriminatory alternatives exist that
8 could equally serve any alleged necessity.

9 146. Abercrombie's discriminatory policies or practices described above have
10 denied Plaintiffs Nguyen and Wu employment, job assignments, job transfers, and weekly hour
11 allocations, resulting in the loss of past and future wages and other job benefits, due to their
12 gender.

13 147. The foregoing conduct constitutes illegal, intentional gender discrimination
14 as unjustified disparate impact prohibited by 42 U.S.C. § 2000e *et seq.*

15 148. Plaintiffs request relief as hereinafter provided.

16 **FIFTH CLAIM FOR RELIEF**
17 **(California Fair Employment and Housing Act, Government Code § 12940*et seq.*)**

18 149. Plaintiffs incorporate paragraphs 1 through 126 as alleged above.

19 150. This Claim is brought by representative Plaintiffs Nguyen and Wu on
20 behalf of themselves individually.

21 151. Abercrombie's actions with respect to Plaintiffs Nguyen and Wu constitute
22 gender discrimination in violation of FEHA. Plaintiffs Nguyen and Wu have received copies of
23 their Right to Sue letters from the DFEH. The pendency of the EEOC investigations into their
24 charges tolled the time limits for filing civil actions pursuant to the Fair Employment and
25 Housing Act. They have therefore timely complied with all prerequisites to suit.

26 152. Plaintiffs request relief as hereinafter provided.
27
28

ALLEGATIONS REGARDING RELIEF

153. Plaintiffs, and the class they seek to represent, have no plain, adequate, or complete remedy at law to redress the wrongs alleged herein, and the injunctive relief sought in this action is the only means of securing complete and adequate relief. Plaintiffs, and the class they seek to represent, are now suffering and will continue to suffer irreparable injury from defendant's discriminatory acts and omissions.

154. Abercrombie's actions have caused and continue to cause plaintiffs and all class members substantial losses in earnings, work experience, weekly hour allocations, and other employment benefits.

155. In addition, representative plaintiffs and the class suffer and continue to suffer humiliation, embarrassment, and anguish, all to their damage in an amount according to proof.

156. Abercrombie performed the acts herein alleged with malice or reckless indifference. Plaintiffs and class members are thus entitled to recover punitive damages in an amount according to proof.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs and the class pray for relief as follows:

157. Certification of the case as a class action on behalf of the proposed class;

158. Designation of Representative Plaintiffs as representatives of the class;

159. Designation of Representative Plaintiffs' counsel of record as class counsel;

160. A declaratory judgment that the practices complained of herein are unlawful and violate 42 U.S.C. § 1981;

161. A preliminary and permanent injunction against Abercrombie and its officers, agents, successors, employees, representatives, and any and all persons acting in concert with them, from engaging in each of the unlawful policies, practices, customs, and usages set forth herein;

1 162. An order that Abercrombie institute and carry out policies, practices, and
2 programs that provide equal employment opportunities for all minorities, and that it eradicate the
3 effects of its past and present unlawful employment practices;

4 163. An order restoring plaintiffs and class members to their rightful positions at
5 Abercrombie, or, in lieu of reinstatements, an order for front pay benefits;

6 164. Back pay (including interest and benefits) for individual plaintiffs and class
7 members;

8 165. All damages sustained as a result of Abercrombie's conduct, including
9 damages for emotional distress, humiliation, embarrassment, and anguish, according to proof;

10 166. Exemplary and punitive damages in an amount commensurate with
11 Abercrombie's ability to pay and to deter future conduct;

12 167. Costs incurred herein, including reasonable attorneys' fees to the extent
13 allowable by law;

14 168. Pre-judgment and post-judgment interest, as provided by law; and

15 169. Such other and further legal and equitable relief as this Court deems
16 necessary, just, and proper.

17
18 Dated: November 8, 2004

19 Respectfully submitted,

20 Thomas A. Saenz
21 Shaheena Ahmad Simons
22 MEXICAN AMERICAN LEGAL DEFENSE
23 AND EDUCATIONAL FUND
24 634 South Spring Street
25 Los Angeles, CA 90014
26 Telephone: (213) 629-2512
27 Facsimile: (213) 629-0266
28

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1 Julie Su
2 Minah Park
3 ASIAN PACIFIC AMERICAN LEGAL
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5 1145 Wilshire Boulevard, 2nd Floor
6 Los Angeles, CA 90017
7 Telephone: (213) 977-7500
8 Facsimile: (213) 977-7595

9
10 Kimberly West-Faulcon
11 NAACP LEGAL DEFENSE AND
12 EDUCATIONAL FUND, INC.
13 1055 Wilshire Blvd., Suite 1480
14 Los Angeles, CA 90017
15 Telephone: (213) 975-0211
16 Facsimile: (213) 202-5773

17
18 Sidney L. Gold
19 Traci M. Greenberg
20 SIDNEY L. GOLD & ASSOCIATES, P.C.
21 1835 Market Street, Suite 515
22 Philadelphia, PA 19103
23 Telephone: (215) 569-1999

24
25 Cleo Fields
26 RAINBOW/PUSH COALITION
27 930 East 50th Street
28 Chicago, IL 60615
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MILLER FAUCHER AND CAFFERTY
One Logan Square, Suite 1700
Philadelphia, PA 19103
Telephone: (215) 864-2800

By: /s/ Bill Lann Lee
Bill Lann Lee

Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury as to all issues so triable.

Dated: November 8, 2004

Respectfully submitted,

Julie Su
Minah Park
ASIAN PACIFIC AMERICAN LEGAL
CENTER

Kimberly West-Faulcon
NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.

Sidney L. Gold
Traci M. Greenberg
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Shaheena Ahmad Simons
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AND EDUCATIONAL FUND

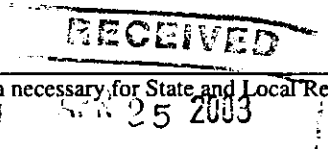
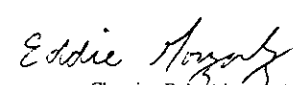
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Diana Liberto
Hilary Cohen
KOHN, SWIFT & GRAF, P.C.

By: /s/ Bill Lann Lee
Bill Lann Lee

Attorneys for Plaintiffs

CHARGE OF DISCRIMINATION Case 3:03-cv-02817-SJ Document 92-2 Filed 11/08/2004		AGENCY ☐ FEPA ☒ EEOC	CHARGE NUMBER Page 1 of 33 340-2003-09802
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if any</i>			
NAME (indicate Mr., Ms. or Mrs.) Mr. Eduardo Gonzalez		HOME TELEPHONE (include area code) Redacted	
STREET ADDRESS Hayward, CA 94545 Stanford, CA 94309		CITY, STATE AND ZIP CODE DATE OF BIRTH October 19, 1983	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Abercrombie & Fitch at Valley Fair		NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 408-551-0252
STREET ADDRESS 2855 Stevens Creek Blvd., Space B585, Santa Clara, CA 95050		CITY, STATE AND ZIP CODE COUNTY SANTA CLARA	
NAME Abercrombie & Fitch		NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 614-283-6500
STREET ADDRESS 6301 Fitch Path, New Albany, Ohio 43054		CITY, STATE AND ZIP CODE COUNTY FRANKLIN	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) ☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)			DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 8/7/02 ☒ CONTINUING ACTION
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)): I. I am a Latino male. I was denied a position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store in the Valley Fair Mall in Santa Clara, California. I initially applied at the Valley Fair Mall store on August 7, 2002 and returned for a group interview on August 27, 2002. I was not hired nor was I ever contacted by Abercrombie. II. I believe that I have been discriminated against by Abercrombie on the basis of national origin, color, or race for the following reasons: I am qualified for the sales associate position. I am a Stanford University undergraduate who was looking for a part-time job at the time. On both August 7 and 27, 2002, I noticed that none of the sales associates at the Valley Fair Abercrombie were minority individuals, i.e., Latino, African American or Asian American. When I initially applied, an Abercrombie manager suggested that I apply to work in the stock room or on the late night crew in a non-sales position. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, or race in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of national origin, color, or race.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.		NOTARY - (When necessary for State and Local Requirements)  25 2003	
I declare under penalty of perjury that the foregoing is true and correct. 8/25/2003 Date  Eddie Gonzalez Charging Party (signature)		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐ 1001 Tower Way, Suite 250
Bakersfield, CA 93309
H (805) 395-2729

Ms. Rachel Riddle
Human Resources Director
Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 430054

EEOC Number: 340-2003-09802

Case Name: GONZALEZ, EDUARDO

Date: April 29, 2003

☐ 1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

☐ 611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
B (213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ 1515 Clay Street, Suite 701
Oakland, CA 94612-2512
M (510) 622-2941

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
E (916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐ 350 W. Ash Street, Suite 950
San Diego, CA 92101-3440
D (619) 645-2681

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐ 121 Spear Street, Suite 430
San Francisco, CA 94105
A (415) 904-2303

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ 111 North Market Street, Suite 810
San Jose, CA 95113-1102
G (408) 277-1277

The DFEH does not retain case records beyond three years after a complaint is filed.

☐ 2101 E. Fourth Street, Suite 255-B
Santa Ana, CA 92705-3855
K (714) 558-4266

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

CHARGE OF DISCRIMINATION		AGENCY ☐ FEPA ☒ EEOC	CHARGE NUMBER 340A201971
Form is affected by the Privacy Act of 1974; See Privacy Act Statement before filing this form.			
California Department of Fair Employment and Housing State or Local Agency, if any		and EEOC	
NAME (Indicate Mr., Ms., Mrs., etc.) Carmación Gutierrez		HOME TELEPHONE (Include Area Code)	
STREET ADDRESS Panorama City, CA 91402	CITY, STATE AND ZIP CODE		DATE OF BIRTH 6-29-75
IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
Abercrombie & Fitch	NUMBER OF EMPLOYEES, MEMBERS Unknown (25+)	TELEPHONE (Include Area Code) 310-899-2966	
STREET ADDRESS 45 Third Street Promenade, Santa Monica, CA 90401	CITY, STATE AND ZIP CODE	COUNTY Los Angeles	
DATE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST	
☐ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)		June/July 2001-continuing ☒ CONTINUING ACTION	
PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			

During the summer of 2001, I went to the Abercrombie & Fitch store located on the Third Street Promenade in Santa Monica, California, and I inquired about the availability of employment at the store. I received an application, which I was instructed to fill out. I was told to bring the completed application to a group interview on a set day of the week and time. I did return for the group interview, with my completed application. The group interview was conducted in the open area on the second floor of the store by a white male identified as the manager. There were seven or eight applicants sitting in a circle. The manager asked us to go around the circle and introduce ourselves, say something about ourselves, and indicate what job position we wanted to obtain. Each applicant did as instructed. The manager asked a very few follow-up questions of particular applicants. I do recall that he asked the first applicant to speak -- an Asian American male -- whether he spoke English even though his answer to the initial set of questions plainly demonstrated that he did in fact speak English. After we each responded, the manager told us that the interview was over and collected our applications. I have never been contacted about taking a position at the Abercrombie & Fitch store even though I never withdrew my application. I also have never received any sort of letter or communication indicating that my application was rejected or asking for any further information about my qualifications. Based on my observations of who works in the store, who was interviewed (more than half of those in my group interview were minorities), and the manager's interest in each applicant, I believe that I have not been hired or contacted because I am Latino.

☐ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.	NOTARY - (when necessary for State and Local Requirements)
	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT	MAY 12 2003 EEOC INTAKE
SUBSCRIBED AND SWORN TO BEFORE (Day, Month, and year)	
DATE EEOC FORM 5 (Rev. 06/02)	Charging Party (Signature)

EXHIBIT B

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

This charge is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

340A201971

CA Dept. Fair Employment & Housing
State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Mr. Encarnacion Gutierrez

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

Panorama City, CA 91402

06/29/1975

NAME IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Abercrombie & Fitch Co.

Cat D (501 +)

(310) 899-2966

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

131 3rd Street Promenade, Los Angeles, CA 90063

037

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION-BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST☒ R☒ COLOR☐ SEX☐ RELIGION☒ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify)

06/01/2001 05/21/2002

☒ CONTINUING ACTIONTHE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):
Alleged Charge

During the summer of 2001, I went to the Abercrombie & Fitch store located on the Third Street Promenade in Santa Monica, California, and I inquired about the availability of employment at the store. I received an application, which I was instructed to fill out. I was told to bring the completed application to a group interview on a set day of the week and time. I did not turn for the group interview, with my completed application. The group interview was conducted in the open area on the second floor of the store by a white male identified as the manager. There were seven or eight applicants sitting in a circle. The manager asked us to go around the circle and introduce ourselves, say something about ourselves, and indicate what job position we wanted to obtain. Each applicant did as instructed. The manager asked a very few follow-up questions of particular applicants. I do recall that he asked the first applicant to speak as an Asian American male -- whether he spoke English even though his answer to the initial set of questions plainly demonstrated that he did in fact speak English. After we each responded, the manager told us that the interview was over and collected our applications. I have never been contacted about taking a position at the Abercrombie & Fitch store even though I never withdrew my application. I also have never received any sort of letter or communication indicating that my application was rejected or asking for any further information about my qualifications. Based on my observations of who works in the store, who was interviewed (more than half of those in my group interview were minorities), and the manager's interest in each applicant, I believe that I have not been hired or contacted because I am Latino.

RECEIVED

JUN 12 2002

EEOC INTAKE

I warrant that this charge is filed with both the EEOC and the State or local agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)Date
EEOC

N 5 (Rev. 07/95)

Charging Party (Signature)

CHARGE OF DISCRIMINATION

AGENCY	CHARGE NUMB
☐ FEPA	340A20197
☒ EEOC	

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

CA Dept. Fair Employment & Housing
State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)		HOME TELEPHONE (Include Area Code)	
Mr. Encarnacion Gutierrez			
STREET ADDRESS		CITY, STATE AND ZIP CODE	DATE OF BIRTH
Panorama City, CA 91402			06/29 1975
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (Include Area Code)	
Abercrombie & Fitch Co.	Cat D (501 +)	(310) 899-2	6
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
1346 3rd Street Promenade, Los Angeles, CA 90063		03	
NAME	TELEPHONE NUMBER (Include Area Code)		
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify)		EARLIEST LATEST	
		06/01/2001 05/21	2002
		☒ CONTINUING ACTION	

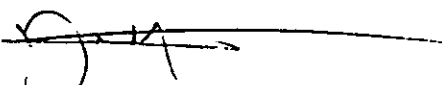
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):
Amended Charge

During the summer of 2001, I went to the Abercrombie & Fitch store located on the Third Street Promenade in Santa Monica, California, and I inquired about the availability of employment at the store. I received an application, which I was instructed to fill out. I was told to bring the completed application to a group interview on a set day of the week and time. I did return for the group interview, with my completed application. The group interview was conducted in the open area on the second floor of the store by a white male identified as the manager. There were seven or eight applicants sitting in a circle. The manager asked us to go around the circle and introduce ourselves, say something about ourselves, and indicate what job position we wanted to obtain. Each applicant did as instructed. The manager asked a very few follow-up questions of particular applicants. I do recall that he asked the first applicant to speak -- an Asian American male -- whether he spoke English even though his answer to the initial set of questions plainly demonstrated that he did in fact speak English. After we each responded, the manager told us that the interview was over and collected our applications. I have never been contacted about taking a position at the Abercrombie & Fitch store even though I never withdrew my application. I also have never received any sort of letter or communication indicating that my application was rejected or asking for any further information about my qualifications. Based on my observations of who works in the store, who was interviewed (more than half of those in my group interview were minorities), and the manager's interest in each applicant, I believe that I have not been hired or contacted because I am Latino.

RECEIVED

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - (When necessary for State and Local Agencies)
I declare under penalty of perjury that the foregoing is true and correct.	I swear or affirm that I have read the above charge and it is true to the best of my knowledge, information and belief.
SIGNATURE OF CHARGING PARTY	SIGNATURE OF COMPLAINANT
SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE	

EEOC FORM 5 (Rev. 07/99)

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		☐ FEPA	340-2003-09730
		☒ EEOC	
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if any</i>			
NAME (indicate Mr., Ms. or Mrs.) Mr. Johan Montoya		HOME TELEPHONE (include area code)	
STREET ADDRESS Van Nuys, CA 91406 Goleta, CA 93117		CITY, STATE AND ZIP CODE DATE OF BIRTH July 7, 1984	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Abercrombie & Fitch at Topanga		NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 818-713-1391
STREET ADDRESS 6600 Topanga Canyon Blvd., Space #83, Canoga Park, CA 91303		CITY, STATE AND ZIP CODE	COUNTY Los Angeles
NAME Abercrombie & Fitch		NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 614-283-6500
STREET ADDRESS 6301 Fitch Path, New Albany, Ohio 43054		CITY, STATE AND ZIP CODE	COUNTY Franklin
CAUSE OF DISCRIMINATION BASED ONK (Check appropriate box(es))			DATE DISCRIMINATION TOOK PLACE EARLIEST 8/7/02 LATEST
☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)			☒ CONTINUING ACTION
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
I. I am a Latino male. I was denied a position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store in the Topanga Mall in Canoga Park, California. I initially applied to work at that store in August or September 2002 and returned for a group interview the following Saturday afternoon. I was not hired nor was I ever contacted by Abercrombie. II. I believe that I have been discriminated against by Abercrombie on the basis of national origin, color, or race for the following reasons: I am qualified for the sales associate position. I am an undergraduate at the University of California at Santa Barbara who was looking for a part-time job at the time, having already worked for roughly 6 months as a sales associate at the Foot Action USA in the same mall (Topanga). On both visits to the store, I noticed that none of the sales associates at the Topanga Abercrombie were minority individuals, i.e., Latino, African American or Asian American. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, or race in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of national origin, color, or race.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.		NOTARY -- (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
 Date 4-5-03 Charging Party (signature)		SIGNATURE OF COMPLAINANT  4-5-03 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

Rachel Riddle

Human Resources Director EEOC Number: 340-2003-09730

Abercrombie & Fitch

6301 Fitch Path

New Albany, OH 43054

Case Name: MONTOYA, JUAN

Date: April 29, 2003

☐ 1001 Tower Way, Suite 250
Bakersfield, CA 93309
H (805) 395-2729

☐ 1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760

☐ 611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
B (213) 439-6799

☐ 1515 Clay Street, Suite 701
Oakland, CA 94612-2512
M (510) 622-2941

☐ 2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
E (916) 445-5523

☐ 350 W. Ash Street, Suite 950
San Diego, CA 92101-3440
D (619) 645-2681

☐ 121 Spear Street, Suite 430
San Francisco, CA 94105
A (415) 904-2303

☐ 111 North Market Street, Suite 810
San Jose, CA 95113-1102
G (408) 277-1277

☐ 2101 E. Fourth Street, Suite 255-B
Santa Ana, CA 92705-3855
K (714) 558-4266

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY
☐ FEPA
☒ EEOC

CHARGE NUMBER
 340A00452

CA Dept. Fair Employment & Housing
 State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Mr. Juan C. Gomez-Montejano

HOME TELEPHONE (Include Area Code)

Redacted

CITY, STATE AND ZIP CODE

Westwood, CA 90024

Redacted

DATE OF BIRTH
 02/04/1979

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

Abercrombie & Fitch Co.

NUMBER OF EMPLOYEES, MEMBERS

Cat C (201-500)

TELEPHONE (Include Area Code)
 (310) 899-2966

STREET ADDRESS

CITY, STATE AND ZIP CODE

1346 3rd Street Promenade, Los Angeles, CA 90063

COUNTY

037

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

CAUSE OF DISCRIMINATION BASED ON (check appropriate box(es))

☐ RACE

☐ COLOR

☐ SEX

☐ RELIGION

☒ NATIONAL ORIGIN

☐ RETALIATION

☐ AGE

☐ DISABILITY

☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
 EARLIEST LATEST

04/15/1999 04/15/1999

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

- I. In June 1999, I received a copy of my personnel file which indicated that on April 15, 1999 I was laid off from my position as Brand Representative. My employers never informed me of my layoff. I was initially hired by the Respondent on November 22, 1998.
- II. My layoff notice did not indicate why I was laid off but stated that I was eligible for rehire.
- III. I believe that I was laid off because of my National origin, Mexican which is in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED

DEC 21 1999

EEOC/LADO
 INTAKE

☐ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for state and local requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Month, day and year)

EXHIBIT D

CHARGING PARTY COPY

THE PULSE UCLA@ACKERMAN

MARK - U.I. 00 (WED) 18:30

TEL: 310 206 0894

P. 002



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Los Angeles District Office

235 E. TEMPLE STREET, 4TH FLOOR
 LOS ANGELES, CALIFORNIA 90012
 1-800-669-4000
 (213) 894-1000
 TDD (213) 894-1121
 FAX (213) 894-1118

Juan C. Gomez-Monetiano

Redacted

Los Angeles, California 90024

Charge Number 340A00452

Charging Party

Abercrombie & Fitch Co.
 1346 3rd Street Promenade
 Los Angeles, California 90063

Respondents

Abercrombie & Fitch Co.
 Four Limited Parkway East
 Reynoldsburg, Ohio 43068

LETTER OF DETERMINATION

By the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that he was denied a permanent position as a Brand Representative, denied an assignment and terminated because of his national origin, Mexican-American. Charging Party further alleges that Latinos and Blacks, as a class, are discriminated against in recruitment, hiring, and assignment. Respondent denies the allegations of discrimination and contends the Charging Party was not denied a permanent position of Brand Representative, denied an assignment, or terminated based on his national origin.

The preponderance of the evidence supports Charging Party's claim that he was denied a permanent position as a Brand Representative, denied an assignment and terminated because of his national origin. Moreover, evidence obtained during the course of the investigation revealed that Latinos and Blacks, as a class, were denied permanent positions, denied assignments and treated in an unfair manner with regard to recruitment based on their race and national origin, and that Respondent failed to maintain employment records as required by Title VII. Therefore, I have concluded that the evidence is sufficient to establish a violation of the above-cited statute.

Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in EEOC investigations is also prohibited. These protections apply regardless of the EEOC's determination on the merits of the charge.

EXHIBIT E

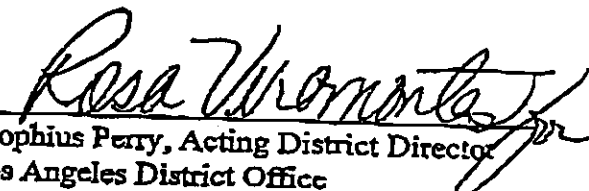
LOD
CHARGE NUMBER 340A00452
PAGE 2 OF 2

Having determined that there is reason to believe that violations have occurred, the EEOC now invites the parties to join with it in a collective effort toward a just resolution of this matter. If Respondent declines to enter into settlement discussions, or if for any other reason the EEOC's representative is unable to secure an acceptable settlement, the Director will so inform the parties in writing and advise them of the court enforcement alternative available to the charging party and the EEOC.

Investigator Karrie Maeda will be contacting you shortly to begin conciliation discussions. You can contact Investigator Maeda at (213) 894-1715.

On behalf of the Commission:

September 13, 2001
Date


Olophius Perry, Acting District Director
Los Angeles District Office

STATE OF CALIFORNIA STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)

GRAY DAVIS, Governor



TTY # (800) 700-2320

☐ 1001 Tower Way, Suite 250
Bakersfield, CA 93309-1588
H (805) 398-2728

Mr. Jim Whselox
Human Resources Manager
Abercrombie & Fitch Co.
3 Limited Parking
Columbus, OH 43216

EEOC Number: 340A00452

Case Name: Mr. Juan C. Gomez-Montejano

Date: December 21, 1999

☐ 1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

☐ 811 West Sixth Street, Suite 1800
Los Angeles, CA 90017-3110
B (213) 438-6789

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12980. This notice constitutes service pursuant to Government Code section 12962.

☐ 1519 Clay Street, Suite 701
Oakland, CA 94612-2512
M (510) 822-2941

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
E (916) 446-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐ 1548 S. Business Center Dr., Suite 127
San Bernardino, CA 92408-3426
J (908) 383-4373

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐ 350 W. Ash Street, Suite 950
San Diego, CA 92101-3440
D (619) 646-2881

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. The civil action must be filed within one year of this letter. This right may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ 455 Golden Gate Avenue, Suite 7800
San Francisco, CA 94102-7008
A (415) 703-4176

☐ 111 North Market Street, Suite 610
San Jose, CA 95113-1102
G (408) 277-1277

The DFEH does not retain case records beyond three years after a complaint is filed.

☐ 28 Civic Center Plaza, Suite 838
Santa Ana, CA 92701-4010
K (714) 558-4288

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

☐ 1732 Palma Drive, Suite 200
Ventura, CA 93003-5798
L (805) 654-4314

Sincerely,

Barbara J. Osborne
Barbara J. Osborne
Deputy Director
Enforcement Field Operations

EXHIBIT F

DFEH-200-02 (8/99)

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		☐ FEPA ☒ EEOC	340-2003-09736
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if any</i>			
NAME (indicate Mr., Ms. or Mrs.) Ms. Jennifer Lu		HOME TELEPHONE (include area code) 1	
STREET ADDRESS Irvine, CA 92612		DATE OF BIRTH March 3, 1982	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Abercrombie & Fitch at Crystal Court	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 714-557-9787	
STREET ADDRESS 3333 Bear St. Suite # 223, Costa Mesa, CA 92626	CITY, STATE AND ZIP CODE	COUNTY ORANGE	
NAME Abercrombie & Fitch	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 614-283-6500	
STREET ADDRESS 6301 Fitch Path, New Albany, Ohio 43054	CITY, STATE AND ZIP CODE	COUNTY FRANKLIN	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) ☒ RACE ☒ COLOR ☒ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 8/7/02 ☒ CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)).			
I. I am an Asian American female. I was terminated from my position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store in the Crystal Court Mall in Costa Mesa, California. I had worked at the Crystal Court store from September 2000 to February 2003. II. I believe that I have been discriminated against by Abercrombie on the basis of national origin, color, race or sex for the following reasons: I have worked in the sales associate position for three years. Based on my experience and demonstrated responsibility, I was entrusted with the duties of handling the cash register and even returns and exchanges. I am an undergraduate attending University of California at Irvine. On or about February 8, 2003, I was terminated from the Crystal Court Abercrombie along with 4 other Asian American sales associates. I believe the terminations were a direct result of a visit to the store by employees from Abercrombie's corporate offices, where they told the store management that it needed to "reevaluate the look" of the store and they pointed to a picture of a white male model hanging in the store, and stated something to the effect of, "This is the Abercrombie look." I believe this was code language to recommend that minority sales staff, particularly the Asian Americans and females, be terminated from employment. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, race or sex in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of national origin, color, race, or sex.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date <u>Jennifer Lu</u> <u>4/3/2003</u> Charging Party (signature)		SIGNATURE OF COMPLAINANT <u>Jennifer Lu</u> <u>4/3/03</u> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐ 1001 Tower Way, Suite 250
Bakersfield, CA 93309
H (805) 395-2729

Rachel Riddle
Human Resources Director
Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

EEOC Number: 340-2003-09736

Case Name: LU, JENNIFER

Date: April 29, 2003

☐ 1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

☐ 611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
B (213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ 1515 Clay Street, Suite 701
Oakland, CA 94612-2512
M (510) 622-2941

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
E (916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐ 350 W. Ash Street, Suite 950
San Diego, CA 92101-3440
D (619) 645-2681

☐ 121 Spear Street, Suite 430
San Francisco, CA 94105
A (415) 904-2303

☐ 111 North Market Street, Suite 810
San Jose, CA 95113-1102
G (408) 277-1277

☐ 2101 E. Fourth Street, Suite 255-B
Santa Ana, CA 92705-3855
K (714) 558-4266

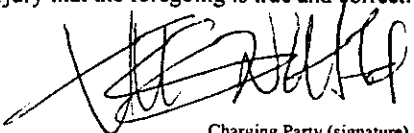
Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		☐ FEPA ☒ EEOC	340-2003-09740
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if any</i>			
NAME (indicate Mr., Ms. or Mrs.) Mr. Austin Chu		HOME TELEPHONE (include area code)	
STREET ADDRESS Redacted Irvine, CA 92604		CITY, STATE AND ZIP CODE DATE OF BIRTH January 12, 1983	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Abercrombie & Fitch at Crystal Court	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 714-557-9787	
STREET ADDRESS 3333 Bear St. Suite # 223, Costa Mesa, CA 92626	CITY, STATE AND ZIP CODE	COUNTY Orange	
NAME Abercrombie & Fitch	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 614-283-6500	
STREET ADDRESS 6301 Fitch Path, New Albany, Ohio 43054	CITY, STATE AND ZIP CODE	COUNTY Franklin	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) ☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST 8/7/02 LATEST ☒ CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
I. I am an Asian American male. I was constructively discharged from my position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store in the Crystal Court Mall in Costa Mesa, California, where I had worked from June 2001 to February 2003. II. I believe that I have been discriminated against by Abercrombie on the basis of national origin, color, or race for the following reasons: I have worked in the sales associate position for almost two years. Based on my experience and demonstrated responsibility, I was entrusted with the duties of handling the cash register and even returns and exchanges. I am an undergraduate attending University of California at Irvine. After February 8, 2003, my hours were reduced from an average of 10-15 hours/week to only 4 hours in the month and a half period between February 8 and March 26, 2003. At the same time my hours were reduced, management at the Crystal Court Abercrombie terminated 5 female Asian American sales associates and hired 5-7 white male sales associates. I believe the terminations were a direct result of a visit to the store by employees from Abercrombie's corporate offices, where they told the store management that it needed to "reevaluate the look" of the store and they pointed to a picture of a white male model hanging in the store, and stated something to the effect of "This is the Abercrombie look." I believe this was code language that minority sales staff, particularly Asian Americans and females, be terminated. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, race or sex in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of national origin, color, or race.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.		NOTARY - (When necessary for State and Local Requirements) RECEIVED 2003	
I declare under penalty of perjury that the foregoing is true and correct. 4/17/03 Date		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT 4/17/03 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	
Charging Party (signature) 			

Case 3:03-cv-02817-S Document 92-2 Filed 11/08/2004 Page 15 of 33

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐ 1001 Tower Way, Suite 250
Bakersfield, CA 93309
H (805) 395-2729

Rachel Riddle
Human Resources Director EEOC Number: 340-2003-09740
Abercrombie & Fitch
6301 Fitch Path
Costa Mesa, CA 92626

Case Name: CHU, AUSTIN C

Date: April 29, 2003

☐ 1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

☐ 611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
B (213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ 1515 Clay Street, Suite 701
Oakland, CA 94612-2512
M (510) 622-2941

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
E (916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐ 350 W. Ash Street, Suite 950
San Diego, CA 92101-3440
D (619) 645-2681

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ 121 Spear Street, Suite 430
San Francisco, CA 94105
A (415) 904-2303

☐ 111 North Market Street, Suite 810
San Jose, CA 95113-1102
G (408) 277-1277

☐ 2101 E. Fourth Street, Suite 255-B
Santa Ana, CA 92705-3855
K (714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		☐ FEPA ☒ EEOC	Case 3:03-cv-02817-SI Document 92-2 Filed 11/08/2004 Page 16 of 33
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if applicable</i>			
NAME (indicate Mr., Ms. or Mrs.)		RECEIVED JUN 16 2003	
Ms. Ivy Nguyen		HOME TELEPHONE (include area code) (714) 635-7065	
STREET ADDRESS	CITY, STATE AND ZIP CODE	DATE OF BIRTH	
1503 West Kimberly, Anaheim, CA	92802	09/21/1983	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (include area code)	
Abercrombie & Fitch at Crystal Court	Cat. D (500+)	Redacted	
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
Costa Mesa, CA	92626	Orange	
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (include area code)	
Abercrombie & Fitch	Cat. D (500+)	614-283-6500	
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
6301 Fitch Path, New Albany, Ohio	43054	FRANKLIN	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE	
☒ RACE ☒ COLOR ☒ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)		EARLIEST LATEST 02/8/03	
☒ CONTINUING ACTION			
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
I. I am an Asian American female. Around February 8, 2003, I was terminated from my position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store in the Crystal Court Mall in Costa Mesa, California. I had worked there from June 2002 to February 2003. II. I believe that I have been discriminated against by Abercrombie on the basis of national origin, color, race, or sex for the following reasons: I have worked in the sales associate position for three years. Based on my experience and demonstrated responsibility, I was entrusted with the duties of handling the cash register and even returns and exchanges. I am an undergraduate attending University of California at Irvine. On or about February 8, 2003, I was terminated from the Crystal Court Abercrombie along with 4 other Asian American sales associates. I believe the terminations were racially motivated. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, race, or sex in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of national origin, color, race, or sex.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.		NOTARY (When necessary for State and Local Requirements) 	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date 6/13/03 Charging Party (signature)		SIGNATURE OF COMPLAINANT 6/13/03	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

CHARGE OF DISCRIMINATION

AGENCY CHARGE NUMBER

☐ FEPA☒ EEOC

345-223-0440

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

CA DEPT OF FAIR EMPLOYMENT/HOUSING

State or local Agency, if any

and EEOC

NAME (Indicate Mr., Ms., Mrs.)

Ms. Angeline Wu

HOME TELEPHONE (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

Hacienda Heights, CA 91745

DATE OF BIRTH

08/14/1983

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

ABERCROMBIE & FITCH

NUMBER OF EMPLOYEES, MEMBERS

Cat C (201-500)

TELEPHONE (Include Area Code)

(714) 557-9787

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

3333 Bear Street (Suite 223), Costa Mesa, CA 92626

059

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE☐ COLOR☒ SEX☐ RELIGION☐ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify)DATE DISCRIMINATION TOOK PLACE
EARLIEST LATEST

02/09/2003 02/09/2003

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I. I was hired on or about 09-16-02, as a Sales Associate. On 02-09-03, I was laid off.

II. According to Kyle Richter (General Manager, White), the action was taken because the business slowed down and there were too many employees.

III. I believe I have been discriminated against because of my race, Asian, and my sex, Female, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED

APR 17 2003

EEOC/LADO
SDAO

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

Date

Charging Party (Signature)

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

Abercrombie & Fitch
P.O. Box 182168
Columbus, OH 43218

EEOC Number: 345-2003-04040

☐ 1001 Tower Way, Suite 250
Bakersfield, CA 93309
H (805) 395-2729Case Name: **Wu v. Abercrombie & Fitch**

Date: 4/22/03

☐ 1320 E. Shaw Avenue, Suite 150
Fresno, CA 93710
C (559) 244-4760**NOTICE TO COMPLAINANT AND RESPONDENT**☐ 611 West Sixth Street, Suite 1500
Los Angeles, CA 90017
B (213) 439-6799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ 1515 Clay Street, Suite 701
Oakland, CA 94612-2512
M (510) 622-2941

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120
Sacramento, CA 95814-5212
E (916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐ 350 W. Ash Street, Suite 950
San Diego, CA 92101-3440
D (619) 645-2681**NOTICE TO COMPLAINANT OF RIGHT-TO-SUE**☐ 121 Spear Street, Suite 430
San Francisco, CA 94105
A (415) 904-2303

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ 111 North Market Street, Suite 810
San Jose, CA 95113-1102
G (408) 277-1277☐ 2101 E. Fourth Street, Suite 255-B
Santa Ana, CA 92705-3855
K (714) 558-4266

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974; See Privacy Act

Statement before completing this form.

AGENCY ☐ FEPA☒ EEOC

CHARGE NUMBER

California Department of Fair Employment and Housing and EEOC State or local Agency, if any

NAME (indicate Mr., Ms. or Mx.) Mr. Eric Ficht

H

HOME TELEPHONE (include area code)

STREET ADDRESS CITY, STATE AND ZIP CODE

Venice, CA 90291

D

DATE OF BIRTH May 30, 1974

NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (if more than one, list below.)

NAME Abercrombie & Fitch at the Third Street Promenade

NUMBER OF EMPLOYEES, MEMBERS Cat. D

(500+)

TELEPHONE (include area code) 310-899-2966

STREET ADDRESS CITY, STATE AND ZIP CODE 1345 Third Street Promenade, Santa Monica, CA 90401

C

COUNTY Los Angeles

NAME Abercrombie & Fitch

NUMBER OF EMPLOYEES, MEMBERS Cat. D

(500+)

TELEPHONE (include area code) 614-283-6500

STREET ADDRESS CITY, STATE AND ZIP CODE 6301 Fitch Path, New Albany, OH 43054

C

COUNTY Franklin

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE☒ COLOR☐ SEX☐RELIGION ☐ NATIONAL ORIGIN☐ RETALIATION☐ AGE☐ DISABILITY☐

OTHER (specify)

D

DATE DISCRIMINATION TOOK PLACE EARLIEST LATEST 11/02 ☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)): I. I am an African American male. I was denied a position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store in the Third Street Promenade in Santa Monica, California. I initially applied to work at that store in May 2003. During my interview, I informed the manager that I had substantial clothing retail sales experience working with the Gap, Urban Outfitters, and Miller's Outpost. The manager told me that the store would call me with a decision within a week. One week later, I called the store to inquire about my application, and the same manager told me that the store was not hiring floor sales associates. Roughly ten days later, the stock room manager called me and offered me a stock room position. I began work in that capacity, expecting that the store would soon be hiring floor sales associates again and that I could reapply for such a position then. On my second day of work in the stock room, in June 2003, I met a new white floor sales associate who was working his first day with Abercrombie. Knowing that he had recently been hired, I realized that the manager had deceived me about the availability of floor sales associate positions. Therefore, in June 2003, I was constructively discharged when I learned that I was not allowed to work on the sales floor due to my race or color and that I had been misled by the manager with whom I had interviewed into believing that there were no regular floor sales associate positions available. II. I believe that I have been discriminated against by Abercrombie on the basis of color or race for the following reasons. I had substantial retail clothing sales experience, and I informed the manager about my interest in working on the floor as a sales associate. However, I was channeled to a stock room position instead, where I would be out of public view. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of color or race in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of color or race.

☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.

NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Date Charging Party (signature)

SIGNATURE OF

COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

RECEIVED

EXHIBIT K

CHARGE OF DISCRIMINATION		AGENCY ☐ FEPA ☒ EEOC	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.			
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if any</i>			
NAME (indicate Mr., Ms. or Mrs.) Ms. Carla Grubb		HOME TELEPHONE (include area code)	
STREET ADDRESS Bakersfield, CA 93313		CITY, STATE AND ZIP CODE DATE OF BIRTH October 4, 1983	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Abercrombie & Fitch at Bakersfield Valley Plaza Mall	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 661-832-1549	
STREET ADDRESS 2701 Ming Avenue, Bakersfield, CA 93304	CITY, STATE AND ZIP CODE	COUNTY Kern	
NAME Abercrombie & Fitch	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 614-283-6500	
STREET ADDRESS 6301 Fitch Path, New Albany, OH 43054	CITY, STATE AND ZIP CODE	COUNTY Franklin	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) ☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST 11/02 LATEST ☒ CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)).			
I. I am an African American female. I was denied a position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store in the Bakersfield Valley Plaza Mall in Bakersfield, California. I began to work in November 2002. In approximately late January 2003, I was constructively discharged from my position. II. I believe that I have been discriminated against by Abercrombie on the basis of color, race, or national origin for the following reasons. I had four years of retail sales experience. I am an undergraduate at California State University at Bakersfield. However, I was given work assignments with few hours at inconvenient times as a sales associate. Despite requesting longer shifts during business hours, I was generally assigned clean-up shifts just before and after the store closed, usually for only 2 hours at a time, usually at most 10 hours a week. I spent the vast majority of my work time dusting and cleaning. In late January 2003, shortly after an early January corporate visit to the store, I stopped receiving shift assignments, despite continuing to express my availability for times as flexible as 8 am to 10 pm. Since I have not been scheduled for any shifts since January 2003, I have concluded that I have been constructively discharged. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of color, race, or national origin in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of color, race, or national origin.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure. I declare under penalty of perjury that the foregoing is true and correct.		NOTARY - (When necessary for State or local requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT Carla Grubb 8/16/03 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

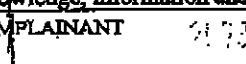
Date

Charging Party (signature)

8/16/03

Carla Grubb

EXHIBIT L

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		☐ FEPA	
		☒ EEOC	
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if any</i>			
NAME (Indicate Mr., Ms. or Mrs.) Mr. David Culpepper		HOME TELEPHONE (include area code)	
STREET ADDRESS Berkeley, CA 94703		DATE OF BIRTH October 7, 1977	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (include area code)	
Abercrombie & Fitch at San Francisco Shopping Center, and Abercrombie & Fitch at SF Stonestown Galleria	Cat. D (500+)	415-284-9276 415-664-3091	
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
865 Market St., San Francisco, CA 94103, and 3251 Twentieth Ave., Suite #202, San Francisco, CA 94132.		San Francisco	
NAME	NUMBER OF EMPLOYEES, MEMBERS	TELEPHONE (include area code)	
Abercrombie & Fitch	Cat. D (500+)	614-283-6500	
STREET ADDRESS	CITY, STATE AND ZIP CODE	COUNTY	
6301 Fitch Path, New Albany, Ohio 43054		Franklin	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))		DATE DISCRIMINATION TOOK PLACE EARLIEST 5/01/02 LATEST	
☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)		☒ CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
I. I am an African American male. I was denied a position as a sales associate ("Brand Representative") at the Abercrombie & Fitch stores in the SF Shopping Center and SF Stonestown Galleria in San Francisco, California. I applied to work at the SF Shopping Center store in late May 2002, September 2002, and early June 2003 by handing a written application to an Abercrombie sales associate or manager each time. On the first visit, the Abercrombie employee stated that she would pass the application to the manager. On the second and third visits, the managers there told me that the store was not hiring and that there were no positions available. I also applied to work at the SF Stonestown Galleria store in June 2002, late November or early December 2002, and March 2003 by handing a written application to an Abercrombie sales associate or manager each time. On the first and third visits, the Abercrombie employees there told me that the store was not hiring and that there were no positions available. On the second visit, the Abercrombie employee stated that the store would contact me if they were interested. During none of these six application attempts did any Abercrombie employee inform me of the existence of a group interview or ask about my qualifications. Because I visited both locations frequently, I noticed many new white Brand Representatives working at both stores, several of whom informed me that they had been hired in recent weeks (during times immediately before and after each of my application attempts). I was not hired nor was I ever contacted by Abercrombie. II. I believe that I have been discriminated against by Abercrombie on the basis of color or race because I was qualified for the Brand Representative position. By May 2002, I had substantial experience as a sales associate for comparable stores including Banana Republic, Aeropostale, and Instant (a boutique clothing store in New York City). I was then a recent graduate of the University of California at Berkeley. I am currently a graduate student there. Furthermore, in June 2002, within a few weeks of my first application to the SF Shopping Center, four white male friends of mine with no retail experience applied to that store and were all hired on the spot and scheduled for their first shifts. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, or race in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of national origin, color, or race.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure. I declare under penalty of perjury that the foregoing is true and correct.		NOTARY - (When necessary for State and Local Requirements) I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  EEOC/LARGO PREPARE SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)	

Date 8/16/03

Charging Party (signature)

EXHIBIT M

RECEIVED

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		☐ FEPA ☒ EEOC	292033 340-2004-00740
California Department of Fair Employment and Housing and EEOC State or local Agency, if any			
NAME (indicate Mr., Ms. or Mrs.) Patrice Douglass		HOME TELEPHONE (include area code)	
STREET ADDRESS CITY, STATE AND ZIP CODE El Sobrante, California 94803		DATE OF BIRTH 10/13/84	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Abercrombie & Fitch at Bay Street	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 510-595-1360	
STREET ADDRESS 5680 Bay Street	CITY, STATE AND ZIP CODE Emeryville, California 94608	COUNTY Alameda	
NAME A&F California, LLC	NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 614-283-6500	
STREET ADDRESS 6301 Fitch Path, New Albany, OH 43054	CITY, STATE AND ZIP CODE	COUNTY Franklin	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) ☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)		DATE DISCRIMINATION TOOK PLACE EARLIEST 05/03 LATEST ☒ CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)).			
I. I am an African American female. I was denied a position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store at Bay Street in Emeryville, California. In May of 2003 I submitted my application to a Manager on duty. From the initial point of contact until I walked out of the store, the Manager was distant and dismissive. After scrutinizing my application and commenting on details such as my inclusion of a cellular and dormitory phone number rather than the "usual" applicant's choice to list only a cellular number, the Manager stated that it was early in the season to submit an application for summer employment. I never received a follow up call from Abercrombie. II. I believe that Abercrombie discriminated against me on the basis of color, race, or national origin for the following reasons. At the time I applied for the Brand Representative position I was a college student and Rugby player at the University of California, Santa Cruz. Additionally, I possessed commensurate retail sales experience and wore almost exclusively Abercrombie clothes. One week after I was informed by Abercrombie Management that May was early for me to apply for a summer job which would begin in June, a Caucasian friend of mine requested an application for summer employment as a Brand Representative at the same Abercrombie store. Upon requesting an application she was instructed to attend one of the group interviews that the Company held every Wednesday. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of color, race, or national origin in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of color, race, or national origin. ☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.			
I declare under penalty of perjury that the foregoing is true and correct.		NOTARY - (When necessary for State and Local Requirements)	
Date 11, December, 2003		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Charging Party (signature)		SIGNATURE OF COMPLAINANT	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) 14, December, 2003	

EEOC/ADO

EXHIBIT N

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING

(SEE ADDRESS CHECKED BELOW)



TTY # (800) 700-2320

☐ 1001 Tower Way, Suite 250
H Bakersfield, CA 93309
(805) 395-2729

Ms. Rachel Riddle
Abercrombie & Fitch
6301 Fitch Path
New Albany, Ohio

EEOC Number:

340-2004-00740

Case Name:

Douglass, Patrice

Date:

December 23, 2003

☐ 1320 E. Shaw Avenue, Suite 150
C Fresno, CA 93710
(559) 244-4760

NOTICE TO COMPLAINANT AND RESPONDENT

☐ 611 West Sixth Street, Suite 1500
B Los Angeles, CA 90017
(213) 439-4799

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

☐ 1515 Clay Street, Suite 701
M Oakland, CA 94612-2512
(510) 622-2941

No response to the DFEH is required by the respondent.

☐ 2000 "O" Street, Suite 120
E Sacramento, CA 95814-6212
(916) 445-5523

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

☐ 350 W. Ash Street, Suite 950
D San Diego, CA 92101-3440
(619) 645-2681

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

☐ 121 Spear Street, Suite 430
A San Francisco, CA 94105
(415) 904-2303

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12965, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

☐ 111 North Market Street, Suite 810
G San Jose, CA 95113-1102
(408) 277-1277

The DFEH does not retain case records beyond three years after a complaint is filed.

☐ 2101 E. Fourth Street, Suite 255-B
K Santa Ana, CA 92705-3855
(714) 558-4266

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

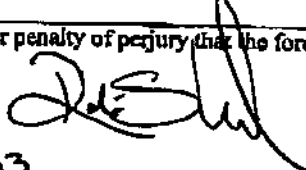
Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

-DEC-30-03 13:13 From: EEOC/LADO

12138941118

T-169 P.02/03 Job-545

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		☐ FEPA ☒ EEOC	340-2004-00747
California Department of Fair Employment and Housing and EEOC <i>State or local Agency, if any</i>			
NAME (indicate Mr., Ms. or Mrs.) Mr. Robair Sherrod		HOME TELEPHONE (include area code) REDACTED	
STREET ADDRESS REDACTED		CITY, STATE AND ZIP CODE Carson, CA 90746	
		DATE OF BIRTH 09/21/75	
NAME OF THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)			
NAME Abercrombie & Fitch at Redondo Beach, South Bay Galleria		NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 301-371-5575
STREET ADDRESS Hawthorne & Artesia Blvd		CITY, STATE AND ZIP CODE Redondo Beach, CA 90278	
		COUNTY Los Angeles	
NAME A&F California, LLC		NUMBER OF EMPLOYEES, MEMBERS Cat. D (500+)	TELEPHONE (include area code) 614-283-6500
STREET ADDRESS 6301 Fitch Path, New Albany, OH 43054		CITY, STATE AND ZIP CODE	
		COUNTY Franklin	
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))			DATE DISCRIMINATION TOOK PLACE EARLIEST 12/2002 LATEST
☒ RACE ☒ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN ☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (specify)			☒ CONTINUING ACTION
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
I. I am an African American male. I was denied a position as a sales associate ("Brand Representative") at the Abercrombie & Fitch store at Redondo Beach, South Bay Galleria, California. I applied for a position in approximately December 2002 and interviewed with the Company in approximately January and February 2003. Though I was told I would receive a call regarding my interview and application, I received no subsequent contact from Abercrombie and I was not hired for the sales position. II. I believe that I have been discriminated against by Abercrombie on the basis of color, race, or national origin for the following reasons. I am a college senior majoring in Business Management at California State University at Dominguez Hills. When I applied to Abercrombie, I had completed an Associate Degree from Santa Monica College and was taking a few preparatory courses at El Camino College. I had a very flexible schedule, and informed Abercrombie of the same. I also informed Abercrombie that I had approximately five years of experience in sales and retail sales. In addition, I have been a regular patron of Abercrombie stores, and own a wardrobe of their clothes. Despite the fact that Abercrombie was clearly hiring new Brand Representatives, I was not offered a position. III. I believe that Abercrombie has a pattern and practice of discriminating against minority individuals on the basis of color, race or national origin in staffing sales positions in its stores nationwide. I bring this charge on behalf of myself and similarly situated minority individuals denied sales positions as a result of color, race, or national origin.			
☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedure.		NOTARY - (When necessary for State and Local Requirements)	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
 Date 12-11-03 Charging Party (signature)		SIGNATURE OF COMPLAINANT RECEIVED DEC 1 2003 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year) EEOC/LADO INTAKE	

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF FAIR EMPLOYMENT & HOUSING
(SEE ADDRESS CHECKED BELOW)

TTY # (800) 700-2320

☐ 1001 Tower Way, Suite 250
H Bakersfield, CA 93309
(805) 396-2729☐ 1320 E. Shaw Avenue, Suite 150
C Fresno, CA 93710
(559) 244-4760☐ 611 West Sixth Street, Suite 1500
B Los Angeles, CA 90017
(213) 439-6799☐ 1516 Clay Street, Suite 701
M Oakland, CA 94612-2512
(510) 622-2941☐ 2000 "O" Street, Suite 120
E Sacramento, CA 95814-5212
(916) 445-6623☐ 350 W. Ash Street, Suite 950
D San Diego, CA 92101-3440
(619) 845-2881☐ 121 Spear Street, Suite 430
A San Francisco, CA 94105
(415) 804-2303☐ 111 North Market Street, Suite 810
G San Jose, CA 95113-1102
(408) 277-1277☐ 2101 E. Fourth Street, Suite 255-B
K Santa Ana, CA 92705-3855
(714) 568-4286Ms. Rachel Riddle
Human Resources Manager
Abercrombie & Fitch at
Redondo Beach, South Bay
6301 Fitch Path
New Albany, OH 43054

EEOC Number: 340-2004-00747

Case Name: Robair Sherrod

Date: December 30, 2003

NOTICE TO COMPLAINANT AND RESPONDENT

This is to advise you that the above-referenced complaint is being referred to the California Department of Fair Employment and Housing (DFEH) by the U.S. Equal Employment Opportunity Commission (EEOC). The complaint will be filed in accordance with California Government Code section 12960. This notice constitutes service pursuant to Government Code section 12962.

No response to the DFEH is required by the respondent.

The EEOC will be responsible for the processing of this complaint. DFEH will not be conducting an investigation into this matter. EEOC should be contacted directly for any discussion of the charge. DFEH is closing its case on the basis of "processing waived to another agency."

NOTICE TO COMPLAINANT OF RIGHT-TO-SUE

Since DFEH will not be issuing an accusation, this letter is also your right-to-sue notice. According to Government Code section 12965, subdivision (b), you may bring a civil action under the provisions of the Fair Employment and Housing Act against the person, employer, labor organization or employment agency named in the above-referenced complaint. The lawsuit may be filed in a State of California Superior, Municipal or Justice Court. Government Code section 12965, subdivision (b), provides that such a civil action must be brought within one year from the date of this notice. Pursuant to Government Code section 12966, subdivision (d)(1), this one year period will be tolled during the pendency of the EEOC's investigation of your complaint. You should consult an attorney to determine with accuracy the date by which a civil action must be filed. This right to file a civil action may be waived in the event a settlement agreement is signed. Questions about the right to file under federal law should be referred to the EEOC.

The DFEH does not retain case records beyond three years after a complaint is filed.

Remember: This Right-To-Sue Notice allows you to file a private lawsuit in State court.

Sincerely,

Barbara J. Osborne
Deputy Director
Enforcement Field Operations

DFEH-200-02 (03/03)

EXHIBIT O

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Eduardo Gonzalez
REDACTED
 Hayward, CA 94545

From: Equal Employment Opportunity Commission
 255 East Temple Street, 4th Floor
 Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
 340-2003-09802

EEOC Representative
 Legal Officer of the Day

Telephone No.
REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

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- [X] The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

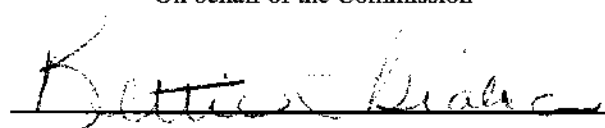
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If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosure(s)


 Olophius E. Perry, Director
 Los Angeles District Office

11-30-03
 (Date Mailed)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Encarnacion Gutierrez

REDACTED

Panorama City, CA 91402

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

340A201971

EEOC Representative

Legal Officer of the Day

Telephone No.

REDACTED

(See also the additional information attached to this form.)

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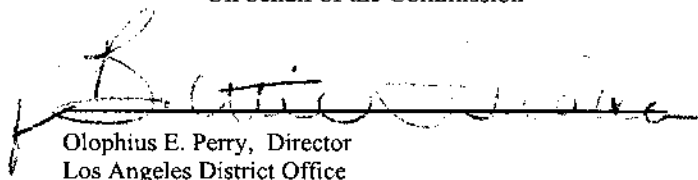
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On behalf of the Commission

Enclosure(s)


Olophius E. Perry, Director
Los Angeles District Office

12/30/03
(Date Mailed)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Johan Montoya

REDACTED

Van Nuys, CA 91406

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

340-2003-09730

EEOC Representative

Legal Officer of the Day

Telephone No.

REDACTED

(See also the additional information attached to this form.)

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If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

[Signature]
Dionylus E. Perry, Director
Los Angeles District Office

10-30-03
(Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Juan C. Gomez-Monetjano

REDACTED

Los Angeles, CA 90063

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

340A00452

EEOC Representative

Legal Officer of the Day

Telephone No.

REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

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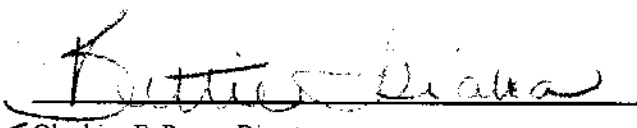
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On behalf of the Commission


Olophius E. Perry, Director
Los Angeles District Office

10/30/03
(Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Jennifer Lu
REDACTED
 Irvine, CA 92612

From: Equal Employment Opportunity Commission
 255 East Temple Street, 4th Floor
 Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
 340-2003-09736

EEOC Representative
 Legal Officer of the Day

Telephone No.
REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

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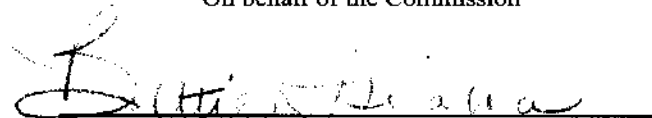
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On behalf of the Commission



Olophius E. Perry, Director
 Los Angeles District Office

10/30/03

(Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

EXHIBIT T

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Austin Chu
REDACTED
 Irvine, CA 92604

From: Equal Employment Opportunity Commission
 255 East Temple Street, 4th Floor
 Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
 340-2003-09740

EEOC Representative
 Legal Officer of the Day

Telephone No.
REDACTED

(See also the additional information attached to this form.)

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On behalf of the Commission

Enclosure(s)

[Signature]
 Orphiuss E. Perry, Director
 Los Angeles District Office

10/30/03
 (Date Mailed)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Ivy Nguyen

REDACTED

Anaheim, CA 92802

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

[] *On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))*

Charge No.

376-2003-00317

EEOC Representative

Legal Officer of the Day

Telephone No.

REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

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On behalf of the Commission

[Signature]
Ololphus E. Perry, Director
Los Angeles District Office

12-20-03
(Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Angeline Wu

REDACTED

Hacienda Heights, CA 91745

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is

CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

345-2003-04040

Legal Officer of the Day

REDACTED

(See also the additional information attached to this form.)

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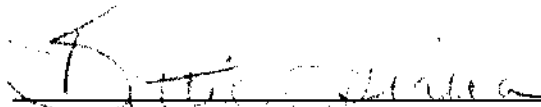
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On behalf of the Commission


Olophius E. Perry, Director
Los Angeles District Office

Enclosure(s)

15-30-23
(Date Mailed)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Eric Fight
REDACTED
 Venice, CA 90291

From: Equal Employment Opportunity Commission
 255 East Temple Street, 4th Floor
 Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
 340-2003-11249

EEOC Representative
 Legal Officer of the Day

Telephone No.
REDACTED

(See also the additional information attached to this form.)

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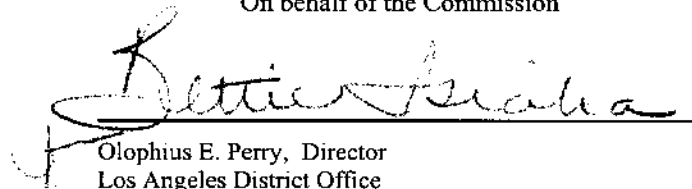
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Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


 Olophius E. Perry, Director
 Los Angeles District Office

10-30-03
 (Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Carla Grubb

REDACTED

Bakersfield, CA 93313

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

340-2003-11248

EEOC Representative

Legal Officer of the Day

Telephone No.

REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- [] More than 180 days have passed since the filing of this charge.
- [X] Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- [] The EEOC is terminating its processing of this charge.
- [X] The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- [] The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.
- [] The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

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If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Bettie Harrison
Olophius E. Perry, Director
Los Angeles District Office

12/30/03
(Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: David Culpepper

REDACTED

Berkeley, CA 94703

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is

CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

340-2003-11246

EEOC Representative

Legal Officer of the Day

Telephone No.

REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- [] More than 180 days have passed since the filing of this charge.
- [X] Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- [] The EEOC is terminating its processing of this charge.
- [X] The EEOC will continue to process this charge.

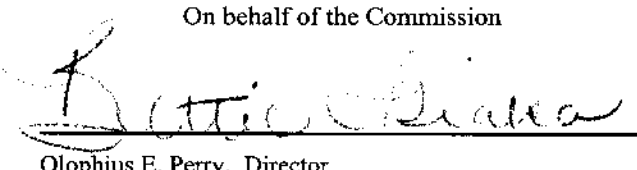
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- [] The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.
- [] The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of your charge, you may file suit in federal or state court under the ADEA at this time.

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If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission


Olophius E. Perry, Director
Los Angeles District Office

10/30/03
(Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Patrice Douglass

REDACTED

El Sobrante, CA 94803

From: Equal Employment Opportunity Commission

255 East Temple Street, 4th Floor

Los Angeles, California 90012

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.

EEOC Representative

Telephone No.

340-2004-00740

Legal Officer of the Day

REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- ☐ The EEOC is terminating its processing of this charge.
- ☒ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

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If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Patrice Douglass
 Olophius E. Perry, Director
 Los Angeles District Office

11-20-04
 (Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

EXHIBIT AA

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Robair Sherrod
REDACTED
 Carson, CA 90746

From: Equal Employment Opportunity Commission
 255 East Temple Street, 4th Floor
 Los Angeles, California 90012

[] On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.
 340-2004-00747

EEOC Representative
 Legal Officer of the Day

Telephone No.

REDACTED

(See also the additional information attached to this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964 and/or the Americans with Disabilities Act (ADA): This is your Notice of Right to Sue, issued under Title VII and/or the ADA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII or the ADA **must be filed in federal or state court WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

- [] More than 180 days have passed since the filing of this charge.
- [X] Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of the charge.
- [] The EEOC is terminating its processing of this charge.
- [X] The EEOC will continue to process this charge.

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- [] The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
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If you file suit based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Beth E. Perry
 Olophius E. Perry, Director
 Los Angeles District Office

12-30-03

(Date Mailed)

Enclosure(s)

cc: ABERCROMBIE & FITCH

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☒ EEOC

ACKNOWLEDGEMENT
COPY and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

MS. BRANDY HAWK

HOME TELEPHONE (Include Area Code)

Redacted

STREET ADDRESS

Redacted

CITY, STATE AND ZIP CODE

Redacted

DATE OF BIRTH

05/11/1984

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

ABERCROMBIE & FITCH

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Redacted

STREET ADDRESS

CHERRY HILL MALL RT. 38

CITY, STATE AND ZIP CODE

CHERRY HILL, NJ 08034

COUNTY

CAMDEN

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ AGE
☐ RETALIATION ☐ NATIONAL ORIGIN ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/IEPA) LA TEST (ALL)

05/11/2003

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

SEE STATEMENT OF PARTICULARS ATTACHED
HERETO

ACKNOWLEDGEMENT
COPY
RECEIVED - EEOC
PHILADELPHIA, D.O.
03 JUL 17 PM 2:55

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

7/14/03

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Day, month, and year)

EEOC STATEMENT OF PARTICULARS:

In re: Brandy Hawk v. Abercrombie & Fitch Co.

The Complainant alleges that the Respondent, through its agents, servants and employees, denied her employment solely on the basis of her race (African-American). The facts in support of these allegations are as follows:

- (a) On or about May 7, 2003, Complainant submitted a written application for the position of Brand Representative at the Respondent's Cherry Hill, New Jersey store.
- (b) Shortly thereafter, on or about May 10, 2003, Complainant was interviewed for said position by Keni Renfroe ("Renfroe"), Assistant Manager. During said interview, Renfroe informed the Complainant that she would recommend the Complainant for the position to Sherry Donchez ("Donchez"), Manager, however the Respondent did not hire the Complainant.
- (c) Subsequently, Complainant was informed by Jeffery Campbell, Security Supervisor for Respondent, that the said Renfroe was unable to hire the Complainant because Donchez would not permit the Complainant to work on the sales floor. Donchez further stated that Complainant did not have the "image" the Respondent wanted to portray.
- (d) Upon information and belief, the Respondent hired less qualified, less experienced Caucasian employees as opposed to hiring the Complainant.
- (e) Upon information and belief, the Respondent has formally adopted an "Appearance Policy," which requires that Brand Representatives fit the mold of the "A&F Look." The "A&F Look" is a "code word" for a "Caucasians only" employment policy that Respondent had adopted not only to market its clothing, but also to implement its discriminatory employment policies and practices. This illegal policy and practice is implemented and enforced by A&F's District Managers.
- (f) Upon information and belief, Respondent published and disseminated an "A&F Look Book," posters, and other photographs containing only Caucasian individuals. Respondent disseminates documentation to its stores mandating that its managers hire and continue to employ only Brand Representatives who fit within the narrow confines of the "A&F Look" and aforesaid posters, resulting in a disproportionately Caucasian work force.

- (g) Complainant believes and avers that she was denied employment with the Respondent solely because of her race (African-American).

WHEREFORE, the Complainant believes and therefore avers that the actions of the Respondent were discriminatory in nature and motivated solely on the basis of the Complainant's race, in violation of Title VII of the Civil Rights Act of 1964 and 1991, as amended.

From-LEGAL

3123538555

T-021 P.003/003 F-455

CHARGE OF DISCRIMINATION

is affected by the Privacy Act of 1974; See Privacy Act Statement before this form.

AGENCY

CHARGE NUMBER

☐ FEPA
☒ EEOC

210A301867

Illinois Dept. of Human Rights

and EEOC

State or local Agency, if any

AE (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (Include Area Code)

Mr. Andre Steele

(847) 924-6046

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

1833 Ridgeland, Waukegan, IL 60085

10/21/1971

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (Include Area Code)

Abercrombie & Fitch

Cat D (501 +)

(847) 855-2819

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

Gurnee Mills, 6701 West Grand Avenue, Gurnee, IL 60031

097

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

DATE DISCRIMINATION TOOK PLACE

EARLIEST

LATEST

☒ RACE☐ COLOR☐ SEX☐ RELIGION☐ NATIONAL ORIGIN☒ RETALIATION☐ AGE☐ DISABILITY☐ OTHER (Specify)

08/19/2002 08/19/2002

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

I was hired by the Respondent on or around December 1, 1998. My most recent position was Assistant Manager. On November 27, 2001, I filed a charge of discrimination with the EEOC against the Respondent, (Charge # 210A200774). On August 19, 2002, I was involuntarily transferred, to a location with a longer commute. On or around September 1, 2002, Respondent promoted a White Assistant Manager to the position of Store Manager at the store from which I was transferred. I was not considered for this promotion, although I was equally qualified.

I also believe that Respondent routinely discriminates against Blacks as a class with regard to hiring and promotion, in violation of Title VII.

I believe that I have been discriminated and retaliated against on the basis of my race, Black, and for filing my initial charge, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED EEOC

FEB 11 2003

OFFICIAL

DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(Month, day and year)

EXHIBIT DD

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
NOTICE OF RIGHT TO SUE
(Issued on request)

To:

Andre Steele

1833 Ridgeland

Waukegan, IL 60085

☐

On behalf of a person aggrieved whose identity is *CONFIDENTIAL*
(29 C.F.R. 1601.7(a))

From:

Equal Employment Opportunity Commission

500 West Madison

Suite 2800

Chicago, IL 60661

Charge Number
210A301867

EEOC Representative
Shawn Hayes, Federal Investigator

Telephone Number
312-353-8194

(See the additional information attached to this form)

TO THE PERSON AGGRIEVED: This is your NOTICE OF RIGHT TO SUE. It is issued at your request. If you intend to sue the respondent(s) named in your charge, YOU MUST DO SO WITHIN NINETY (90) DAYS OF YOUR RECEIPT OF THIS NOTICE: OTHERWISE YOUR RIGHT TO SUE IS LOST.

☒

More than 180 days have expired since the filing of this charge.

☐

Less than 180 days have expired since the filing of this charge, but I have determined that the Commission will be unable to complete its process within 180 days from the filing of the charge.

☐

With the issuance of this NOTICE OF RIGHT TO SUE, the Commission is terminating its process with respect to this charge.

☒

It has been determined that the Commission will continue to investigate your charge.

☐

ADEA: While Title VII and the ADA require EEOC to issue this notice of right to sue before you can bring a lawsuit, you may sue under the Age Discrimination in Employment Act (ADEA) any time 60 days after your charge was filed until 90 days after you received notice that EEOC has completed action on your charge.

☐

Because EEOC is closing your case, your lawsuit under the ADEA must be brought within 90 days of your receipt of this notice. Otherwise, your right to sue is lost.

☐

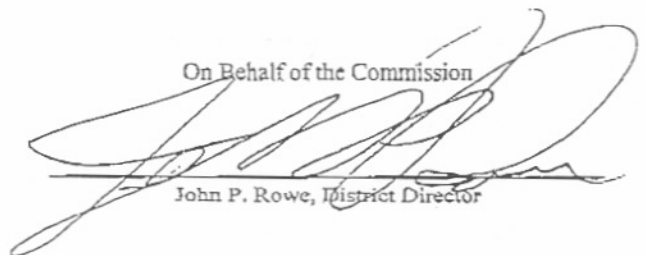
EEOC is continuing its investigation. You will be notified when we have completed action and, if appropriate, our notice will include notice of right to sue under the ADEA.

☐

EPA: While Title VII and the ADA require EEOC to issue this Notice of Right to Sue before you can bring a lawsuit, you already have the right to sue under the Equal Pay Act (EPA) (You are not required to complain to any enforcement agency before bringing an EPA suit in court). EPA suits must be brought within 2 years (3 years for willful violations) of the alleged EPA underpayment.

11/4/04
(Date)

On Behalf of the Commission



John P. Rowe, District Director

Enclosures

Information Sheet
Copy of Charge

cc: Respondent(s)

Abcercrombie & Fitch

EEOC Form 161-B (Rev. 10/94)

REDACTED

EXHIBIT EE



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

255 E. TEMPLE STREET, 4TH FLOOR
LOS ANGELES, CALIFORNIA 90012
1-800-669-4000
(213) 894-1000
TDD (213) 894-1121
FAX (213) 894-1118

Charge No.: 376-2003-00317

Ms. Ivy Nguyen

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that on February 8, 2003 she was discharged from the position of brand representative at Respondent's Crystal Court Mall location because of her race, Asian, national origin, color and/or sex, female. Charging Party further alleged that other Asian employees were discharged during the same period and that Respondent has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, race and/or sex (female) in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by discharging her and discharging a class of employees based on their race, Asian, national origin, color and/or sex, female, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions

LETTER OF DETERMINATION

Ivy Nguyen v. Abercrombie & Fitch
EEOC No.: 376-2003-00317

because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

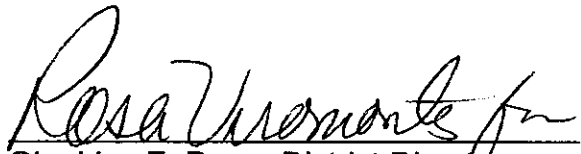
Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/04
Date


Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

255 E. TEMPLE STREET, 4TH FLOOR
LOS ANGELES, CALIFORNIA 90012
1-800-669-4000
(213) 894-1000
TDD (213) 894-1121
FAX (213) 894-1118

Charge No.: 340-2003-09740

Mr. Austin Chu

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that in February 2003 he was constructively discharged from the position of brand representative at Respondent's Crystal Court Mall location because of his race, Asian, national origin and/or color. Charging Party further alleged that other Asian employees were discharged during the same period of time that White male brand representatives were hired, his hours were substantially reduced and he was constructively discharged. Charging Party additionally alleged that Respondent has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, race and/or sex (female) in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by constructively discharging him and discharging a class of employees based on their race, Asian, national origin, color and/or sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training

LETTER OF DETERMINATION

Austin Chu v. Abercrombie & Fitch

EEOC No.: 340-2003-00740

positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

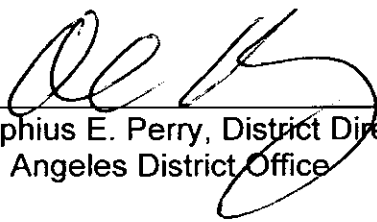
Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/2004
Date


Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

255 E. TEMPLE STREET, 4TH FLOOR
LOS ANGELES, CALIFORNIA 90012
1-800-669-4000
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FAX (213) 894-1118

Charge No.: 340-2003-11246

Mr. David Culpepper

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that he was denied employment and not invited to attend the group interviews at several of Respondent's store locations, because of his race, Black, national origin and/or color. Charging Party additionally alleged that Respondent has a pattern and practice of discriminating against minority individuals on the basis of national origin, color and/or race in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by failing to interview and hire the Charging Party based on his race, Black, national origin and/or color, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to hire and

LETTER OF DETERMINATION

David Culpepper v. Abercrombie & Fitch

EEOC No.: 340-2003-11246

assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/2004
Date



Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

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Charge No.: 340-2003-11249

Mr. Eric Fight

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that in May 2003 he was not hired as a brand representative, assigned to a stock position and constructively discharged from Respondent's Third Street Promenade location because of his race, Black and/or color. Charging Party further alleged that Respondent has a pattern and practice of discriminating against minority individuals on the basis of color and/or race in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by failing to hire him into a brand representative position, assigning him to a stock position and constructively discharging him based on his race, Black and/or color, in violation of Title VII of the Civil Rights Act of 1964, as amended

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions

LETTER OF DETERMINATION

Eric Fight v. Abercrombie & Fitch

EEOC No.: 340-2003-11249

because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/2004
Date



Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

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Charge No.: 340-2003-09802

Mr. Eduardo Gonzalez

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that in August 2002 he was not hired as a brand representative at Respondent's Valley Fair Mall location because of his national origin, Hispanic, race and/or color. Charging Party additionally alleged that Respondent has a pattern and practice of discriminating against minority individuals on the basis of national origin, color and/or race in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by not hiring him as a brand representative based on his national origin, Hispanic, race and/or color, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions

LETTER OF DETERMINATION

Eduardo Gonzalez v. Abercrombie & Fitch

EEOC No.: 340-2003-09802

because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

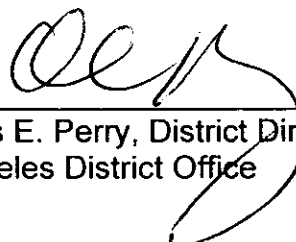
Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/2004
Date



Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

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Charge No.: 340-2002-01971

Mr. Encarnacion Gutierrez
REDACTED
REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that in the summer of 2001 and continuing, he was denied employment at Respondent's Third Street Promenade location because of his national origin, Hispanic, race and/or color. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by failing to hire the Charging Party based on his national origin, Hispanic, race and/or color, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color,

LETTER OF DETERMINATION
Encarnacion Gutierrez v. Abercrombie & Fitch
EEOC No.: 340-2002-01971

national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

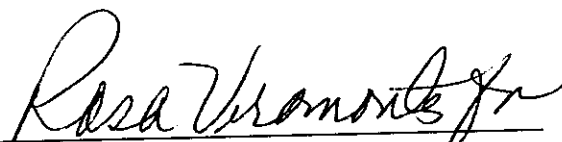
Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/04
Date


Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

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Charge No.: 345-2003-04040

Ms. Angela Wu

Charging Party

REDACTED

REDACTED

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that on or about February 9, 2003 she was laid off from the position of brand representative at Respondent's Crystal Court Mall location because of her race, Asian and/or sex, female. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by laying off the Charging Party from the position of brand representative based on her race, Asian and/or sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color,

LETTER OF DETERMINATION

Angeline Wu v. Abercrombie & Fitch

EEOC No.: 345-2003-04040

national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/20/2004

Date



Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

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1-800-669-4000
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Charge No.: 340-2003-11248

Ms. Carla Grubb

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that in November 2002 she was not hired as a brand representative at Respondent's Bakersfield Valley Plaza Mall location, assigned non-brand representative duties, limited hours and constructively discharged because of her race, Black, national origin and/or color. Additionally, Charging Party alleged that Respondent has a pattern and practice of discriminating against minority individuals on the basis of national origin, color and/or race in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by not hiring her as a brand representative, assigning her non-brand representative duties, limited hours and constructively discharging her based on her race, Black, national origin, and/or color, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit

EXHIBIT MM

LETTER OF DETERMINATION

Carla Grubb v. Abercrombie & Fitch

EEOC No.: 340-2003-11248

minority and female applicants for sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

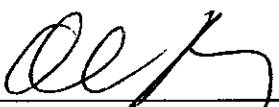
Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/2004
Date



Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

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Charge No.: 340-2003-09730

Mr. Johan Montoya

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that in August or September 2002 he was not hired as a brand representative at Respondent's Topanga Mall location because of his national origin, Hispanic, race and/or color. Charging Party additionally alleged that Respondent has a pattern and practice of discriminating against minority individuals on the basis of national origin, color and/or race in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by not hiring him as a brand representative based on his national origin, Hispanic, race and/or color, in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to hire and

LETTER OF DETERMINATION

Johan Montoya v. Abercrombie & Fitch

EEOC No.: 340-2003-09730

assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

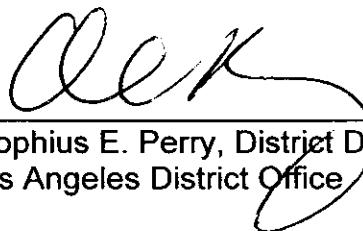
Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/2004

Date



Olophius E. Perry, District Director
Los Angeles District Office



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

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FAX (213) 894-1118

Charge No.: 340-2003-09736

Ms. Jennifer Lu

REDACTED

REDACTED

Charging Party

Abercrombie & Fitch
6301 Fitch Path
New Albany, OH 43054

Respondent

DETERMINATION

Under the authority vested in me by the Equal Employment Opportunity Commission (EEOC), I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended. All requirements for coverage have been met.

Charging Party alleged that on or about February 8, 2003 she and was discharged from the position of brand representative at Respondent's Crystal Court Mall location because of her race, Asian, national origin, color and/or sex, female. Charging Party further alleged that other Asian employees were discharged during the same period and that Respondent has a pattern and practice of discriminating against minority individuals on the basis of national origin, color, race and/or sex (female) in staffing sales positions, nationwide. Respondent denies Charging Party's allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that Respondent discriminated against Charging Party by discharging her and discharging a class of employees based on their race, Asian, national origin, color and/or sex (female), in violation of Title VII of the Civil Rights Act of 1964, as amended.

Like and related to the issues discussed above are the following, which are matters raised in the course of the investigation of the charge. The Commission's investigation of Respondent's stores nationwide reveals that Respondent violated Title VII by: deterring minority applicants from applying for sales, stock, overnight and manager-in-training positions because of their race, color and/or national origin; failing and refusing to recruit minority and female applicants for sales, stock, overnight and manager-in-training positions

EXHIBIT OO

LETTER OF DETERMINATION

Jennifer Lu v. Abercrombie & Fitch

EEOC No.: 340-2003-09736

because of their race, color, national origin and/or sex; failing and refusing to hire and assign minorities and females into sales, stock, overnight and manager-in-training positions because of their race, color, national origin and/or sex; failing and refusing to promote minorities and females into manager-in-training positions because of their race, color, national origin and/or sex; terminating minority and female employees because of their race, color, national origin and/or sex; and segregating its workforce on the basis of race, color, national origin and/or sex.

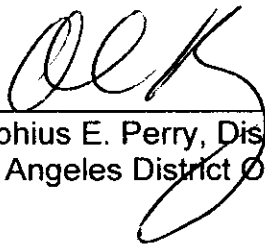
Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigation is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended, requires that if the Commission determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful employment practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reasonable cause to believe that the allegations are true, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made in accordance with 706(b) of Title VII and 29 CFR of 1601.26 of the Commission's Procedural Regulations. Where the Respondent declines to enter into settlement discussions, or the Commission is unable to secure a settlement acceptable to the office Director, the Director shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party and the Commission.

A representative of the Commission will be in contact with you to determine your interest in participating in conciliation discussions.

On Behalf of the Commission:

9/30/2004
Date



Olophius E. Perry, District Director
Los Angeles District Office