

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

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|-------------------------------------|---|---------------------------------|
| EQUAL EMPLOYMENT |) | CIVIL ACTION NO. |
| OPPORTUNITY COMMISSION, |) | |
| |) | |
| Plaintiff, |) | |
| |) | <u>COMPLAINT</u> |
| v. |) | |
| |) | |
| WEST FRONT STREET FOODS, LLC |) | <u>JURY TRIAL DEMAND</u> |
| d/b/a COMPARE FOODS, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the bases of race and national origin and to provide appropriate relief to Robert Bruce who was adversely affected by the practices. Specifically, Plaintiff Equal Employment Opportunity Commission (“the Commission”) alleges that Defendant West Front Street Foods, LLC d/b/a Compare Foods (“Defendant”) discriminated against Robert Bruce by discharging him because of his race, White, and national origin, non-Hispanic.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII of the Civil Rights Act of 1964, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been a North Carolina limited liability company doing business in the State of North Carolina and the City of Statesville and has continuously had at least fifteen employees.

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

STATEMENT OF CLAIMS

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

7. On or around March 4, 2006, Defendant engaged in unlawful employment practices at its Statesville, North Carolina store, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). Specifically, Defendant discharged Robert Bruce, a non-Hispanic/White meat cutter, because of his national origin and race. At the time of his discharge, Mr. Bruce was performing his job at a level that met Defendant’s legitimate expectations. Defendant replaced Mr. Bruce with a Hispanic individual.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Robert Bruce of equal employment opportunities and otherwise adversely affect his status as an employee because of his national origin and race, non-Hispanic/White.

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

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

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice that discriminates on the bases of national origin or race.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for non-Hispanics, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Robert Bruce by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of the unlawful employment practices described in paragraph 7 above.

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

E. Order Defendant to make whole Robert Bruce by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to emotional pain, suffering, stress, headaches, inconvenience, loss of enjoyment of life, humiliation, loss of self-esteem and loss of civil rights, in amounts to be determined at trial.

F. Order Defendant to pay Robert Bruce punitive damages for its malicious and reckless conduct, as described above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

DATED this the 8th day of September, 2008.

Respectfully submitted,

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