

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

FILED

FEB 16 2007

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
CAPE GIRARDEAU

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF HAYTI HEIGHTS, MISSOURI,)
)
 Defendant.)

Case No.

JURY TRIAL DEMANDED

1 : 07 CV 00026 FRB

COMPLAINT

Plaintiff, United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

3. The Defendant, City of Hayti Heights, Missouri (the "City"), is a governmental body created pursuant to the laws of the State of Missouri.

4. The City is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer or agent of an employer within the meaning of 42 U.S.C. § 2000e(b).

5. Johnnie Small ("Small") was employed by the Defendant as a "Patrolman" from July 9, 2004 until the City discharged her on August 24, 2004.

6. The Defendant discriminated against Small on the basis of her sex, female, in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (a) Terminating Small's employment with the City on the basis of her sex;
and
- (b) Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Small.

7. The Equal Employment Opportunity Commission ("EEOC") received a timely charge of discrimination filed by Small (Charge No. 280-2004-06869) on December 8, 2004, in which Small alleged that the City had discriminated against her in employment on the basis of her sex.

8. In accordance with § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge of sex discrimination filed by Small and found reasonable cause to believe that violations of Title VII had occurred. The EEOC attempted unsuccessfully to achieve a voluntary resolution of the charges through conciliation, and subsequently referred the charges to the United States Department of Justice.

9. All conditions precedent of this suit have been performed or have occurred.

WHEREFORE, the Plaintiff prays that the Court grant the following relief:

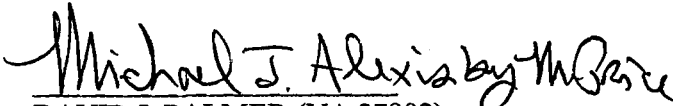
- (a) Enjoin the City of Hayti Heights, Missouri, from failing or refusing to:
 - (i) Provide sufficient remedial relief to Small to make her whole for the loss she has suffered as a result of the discrimination against her as alleged in this Complaint; and
 - (ii) Take appropriate nondiscriminatory measures to overcome the effects of this discrimination;

- (b) Award compensatory damages to Small as would fully compensate her for pain and suffering caused by the defendant City's discriminatory conduct, pursuant to and within the statutory limitations of § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and
- (c) Award such additional relief as justice may require, together with Plaintiff's costs and disbursements in this action.

JURY DEMAND

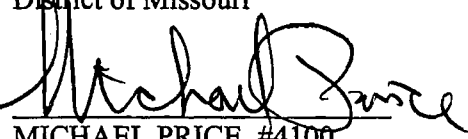
The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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