

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, ) Civil Action No. \_\_\_\_\_  
v. )  
 )  
TARGET CORPORATION, ) **COMPLAINT**  
 ) (Jury Trial Demand)  
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 basis of race, and to provide appropriate relief to Kalisha White, Ralpheal Edgeston, Keith K. Stanley, and others similarly situated, who were adversely affected by such practices. As stated with greater particularity in Paragraph 7 below, the plaintiff Equal Employment Opportunity Commission alleges that the defendant, Target Corporation, discriminated against White, Edgeston, Stanley, and others similarly situated, based on their race (Black) by refusing to hire them for management positions. As further stated in Paragraph 8 below, the EEOC alleges that Target Corporation has violated Title VII by failing to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed.

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 Sections 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 Eastern District of Wisconsin.

## PARTIES

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

4. At all relevant times, the defendant, Target Corporation (“Target”), has continuously been a Minnesota corporation doing business in the State of Wisconsin and the Counties of Milwaukee, Waukesha, and Dane, and has continuously had at least 15 employees.

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

## STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Kalisha White, Ralpheal Edgeston, and Keith K. Stanley each filed a charge with the EEOC alleging violations of Title VII by Target. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Race Discrimination. Since at least January 1, 2000, to the present, Target has engaged in unlawful employment practices at various Target facilities in Wisconsin in violation of Sections 703(a)(1) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and 2000e-3(a), as follows:

(a) Kalisha White. Kalisha White is an African-American. On or about February 20, 2001, she submitted her resume to Target. By e-mail, Target asked White to call to set up an initial interview. White called, but the Target recruiter never scheduled an interview. On or about May 9, 2001, White resubmitted her resume under the name “Sarah Brucker.” The next day, Target responded to “Brucker” by leaving e-mail and telephone messages asking that she call for an interview. At White’s request, a Caucasian acquaintance called Target and identified herself as “Sarah Brucker.” Target

immediately scheduled an interview for “Brucker.” It never scheduled an interview for White.

(b) Ralpheal Edgeston. Ralpheal Edgeston is an African-American. In February 2001, she attended a job fair at the University of Wisconsin-Milwaukee and applied for management jobs at Target. On March 2, 2001, Edgeston received an e-mail from Target, asking her to call for an interview. Edgeston called the Target recruiter and scheduled a telephone interview for at 5:00 p.m. on March 4, 2001. The recruiter never called her, and refused to return her telephone calls after that date. Target never scheduled an employment interview for Edgeston.

(c) Keith Stanley. Keith Stanley is an African-American. On or about July 12, 2000, Target interviewed him at its District 110 office in Wauwatosa, Wisconsin, for a management position and told him on or about July 17, 2000, that he had not been selected. Stanley, who was interviewed by a white man and two white women from Target, had a higher score on the employment test and interview than at least one Caucasian who was offered a management position by Target.

(d) Others Similarly Situated. Since at least January 1, 2000, Target has recruited and interviewed individuals, including African-Americans, for Executive Team Leader positions in its District 110, which includes 11 stores in the Milwaukee, Waukesha, and Madison, Wisconsin, metropolitan areas, but has failed and refused to hire qualified African- American applicants for those positions, because of the race of those applicants, and has hired less-qualified Caucasian applicants instead.

8. Recordkeeping Violations. Since at least January 1, 2000, Target has failed, in violation of Section 709(c) of Title VII, 42 U.S.C. § 2000e-8(c), to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed.

9. The effect of the practice(s) complained of in Paragraphs 7 and 8 above has been to deprive White, Edgeston, Stanley, and other African-Americans who applied for management

positions at Target during the relevant time period, of equal employment opportunities and otherwise adversely affect their status as applicants for employment because of their race.

10. The unlawful employment practices complained of in Paragraphs 7 and 8 above were, and are, intentional.

11. The unlawful employment practices complained of in Paragraphs 7 and 8 above were done by Target with malice or with reckless indifference to the federally protected rights of White, Edgeston, Stanley, and other African-Americans who applied for management positions at Target during the relevant time period.

#### PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Target and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in discrimination based on race in recruitment and hiring.

B. Order Target to institute and carry out policies, practices, and programs which provide equal employment opportunities for African-Americans, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Target to make whole White, Edgeston, Stanley, and other African-Americans who applied for management positions at Target during the relevant time period, by providing appropriate back pay with pre-judgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including (but not limited to) rightful place hiring.

D. Order Target to make whole White, Edgeston, Stanley, and other African-Americans who applied for management positions at Target during the relevant time period, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above, including job search expenses and medical expenses not covered by their employer-sponsored employee benefit plans, in amounts to be determined at trial.

E. Order Target to make whole White, Edgeston, Stanley, and other African-Americans who applied for management positions at Target during the relevant time period, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraph 7 above, including injury to professional reputation, emotional pain, suffering, loss of enjoyment of life, and humiliation caused by Target's discriminatory treatment of them, in amounts to be determined at trial.

F. Order Target to pay White, Edgeston, Stanley, and other African-Americans who applied for management positions at Target during the relevant time period, punitive damages for its malicious and reckless conduct described in Paragraph 7 above, in amounts to be determined at trial.

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

H. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

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

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Associate General Counsel

EQUAL EMPLOYMENT OPPORTUNITY  
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