

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. _____
)	
HANK’S FURNITURE, INC.,)	<u>COMPLAINT</u>
)	
Defendant.)	JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, against Defendant Hank’s Furniture, Inc. (“HFI”) to correct unlawful employment practices on the basis of religion and to provide appropriate relief to Kaitlyn M. O’Neal (“O’Neal”) who was adversely affected by such practices. As alleged with greater particularity below, the United States Equal Employment Opportunity Commission (“EEOC” or “the Commission”) alleges HFI violated Title VII by refusing to accommodate O’Neal’s request for a religious exemption to the company’s COVID-19 vaccine mandate and, as a result, discharged her for her failure to be vaccinated.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1337, 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) and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a).
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Florida, Pensacola Division.
3. Plaintiff, the Equal Employment Opportunity Commission, 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).
4. At all relevant times, HFI has continuously been organized as an Arkansas corporation, has continuously been doing business in the State of Florida, in Escambia County, and has had at least 15 employees.
5. At all relevant times, HFI 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).

ADMINISTRATIVE PROCEDURES

6. More than thirty days prior to the institution of this lawsuit, O'Neal filed a charge with the Commission alleging violations of Title VII by HFI.
7. On July 31, 2023, the Commission issued a Letter of Determination to HFI finding reasonable cause to believe that Title VII was violated and inviting HFI to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.
8. On August 11, 2023, the Commission issued a Notice of Failure of Conciliation to HFI advising it that the Commission was unable to secure from HFI a conciliation agreement acceptable to the Commission.
9. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

10. Since at least July 21, 2021, HFI has engaged in unlawful employment practices in Escambia County, Florida in violation of 42 U.S.C. § 2000e-2(a)(1).
11. HFI hired O'Neal to sell furniture on or about June 25, 2020, and promoted her to Assistant Manager on or about January 28, 2021, in recognition of her high level of performance.

12. At no time prior to July 21, 2021, did HFI discipline O'Neal or informally counsel her for any performance issues.
13. On or about July 21, 2021, HFI informed O'Neal it planned to implement policies designed to encourage employees to be vaccinated against COVID-19.
14. In conjunction with the implementation of these policies, HFI announced it wanted all managers to immediately obtain the COVID-19 vaccine and asked O'Neal about her vaccination status.
15. O'Neal told HFI she had no plans to be vaccinated against COVID-19.
16. On or about August 6, 2021, O'Neal told HFI she had sincerely held religious beliefs that would not allow her to take the COVID-19 vaccine and stated she wanted a religious exemption to the vaccination requirement.
17. On or about August 9, 2021, HFI sent internet articles to O'Neal in an effort to convince her that her sincerely held religious beliefs were not scientifically accurate.
18. On or about August 19, 2021, HFI contacted O'Neal to ask whether she intended to comply with HFI's COVID-19 vaccination policy.
19. O'Neal opposed HFI's attempts to pressure her into taking the COVID-19 vaccine on August 19, 2021, explaining again that she could not violate her sincerely held religious beliefs.

20. Because HFI continued to ignore O'Neal's verbal requests for accommodation, she told HFI she planned to submit a written request for religious accommodation and asked whether HFI had a particular form she should use.
21. HFI did not respond to O'Neal's request.
22. When O'Neal complained about the unjustness of HFI's refusal to explain its procedure to request religious accommodation, her new manager and direct supervisor informed her that HFI did not care why she would not take the COVID-19 vaccine, that HFI would never grant an accommodation, and that if she did not take the vaccine, she would not remain in management.
23. On or about August 20, 2021, HFI announced all employees not vaccinated for COVID-19 by October 31, 2021 would be terminated.
24. On or about August 26, 2021, O'Neal submitted a written request for religious accommodation to HFI citing Title VII and listing her sincerely held Christian beliefs which precluded her from being vaccinated against COVID-19.
25. HFI ignored O'Neal's written request for religious accommodation.
26. Believing HFI was discriminating against her on the basis of her religion by ignoring her request for religious accommodation, O'Neal continued to respectfully confront HFI, asking it to respond to her accommodation request,

including sending an email on or about September 6, 2021, asking for the status of her written request for accommodation.

27. On or about September 14, 2021, HFI informed O'Neal she had not properly requested a religious accommodation to HFI's COVID-19 vaccine policy, that it was "severely lacking," and denying her request.

28. O'Neal asked for help to submit an acceptable religious exemption request, but, at all times, HFI refused to discuss accommodating O'Neal's sincerely held religious beliefs.

29. At all times, HFI could have accommodated O'Neal's sincerely held religious beliefs without undue hardship.

30. On or about October 31, 2021, HFI terminated O'Neal's employment due to her failure to be vaccinated against COVID-19.

31. The effect of the practices complained of in Paragraph Nos. 10 through 30 has been to deprive O'Neal of equal employment opportunities and otherwise adversely affect her status as an employee because of her religion.

32. The unlawful employment practices complained of in Paragraph Nos. 10 through 30 were intentional and done with malice or reckless indifference to the federally protected rights of O'Neal.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Hank's Furniture, Inc., its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with it, from failing to reasonably accommodate sincerely held religious beliefs, from ignoring requests for religious accommodation, from retaliating against employees who pursue religious accommodation or oppose religious discrimination and from demoting or discharging employees because of their religion.
- B. Order Defendant Hank's Furniture, Inc. to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals with sincerely held religious beliefs that conflict with company policy, absent undue hardship.
- C. Order Defendant Hank's Furniture, Inc. to make O'Neal whole by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial and other affirmative legal and equitable relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, reinstatement or front pay in lieu thereof.
- D. Order Defendant Hank's Furniture, Inc. to make O'Neal whole by providing compensation for any past and future pecuniary losses, including medical

expenses and job search expenses, if any, resulting from the unlawful employment practices described in Counts 1 and 2 above, in amounts to be determined at trial.

- E. Order Defendant Hank's Furniture, Inc. to make O'Neal whole by providing compensation for any past and future nonpecuniary losses, resulting from the unlawful employment practices described in Counts 1 and 2 above, including, but not limited to, emotional pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.
- F. Order Defendant Hank's Furniture, Inc. to pay punitive damages for its malicious and reckless conduct, as described in in Counts 1 and 2 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 in this action.

JURY TRIAL DEMAND

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

GWENDOLYN YOUNG REAMS
Acting General Counsel

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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Regional Attorney

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS</p> <p style="text-align: center;">Equal Employment Opportunity Commission</p> <p>(b) County of Residence of First Listed Plaintiff _____ (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number)</p> <p style="text-align: center;">Marsha Rucker EEOC 1130 22nd Street South Ste. 2000 Birmingham, AL 35205 (205) 651-7045</p>	<p>DEFENDANTS</p> <p style="text-align: center;">Hank's Furniture, Inc.</p> <p>County of Residence of First Listed Defendant <u>Escambia</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input checked="" type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <p>(For Diversity Cases Only)</p> <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:33%;">Citizen of Another State</td> <td style="width:33%;">Citizen or Subject of a Foreign Country</td> </tr> <tr> <td>PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1</td> <td>PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2</td> <td>PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3</td> </tr> <tr> <td>Incorporated or Principal Place of Business in This State</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>Foreign Nation</td> </tr> <tr> <td>PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4</td> <td>PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5</td> <td>PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	Citizen of Another State	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 1 DEF <input type="checkbox"/> 1	PTF <input type="checkbox"/> 2 DEF <input type="checkbox"/> 2	PTF <input type="checkbox"/> 3 DEF <input type="checkbox"/> 3	Incorporated or Principal Place of Business in This State	Incorporated and Principal Place of Business in Another State	Foreign Nation	PTF <input type="checkbox"/> 4 DEF <input type="checkbox"/> 4	PTF <input type="checkbox"/> 5 DEF <input type="checkbox"/> 5	PTF <input type="checkbox"/> 6 DEF <input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<p>LABOR</p> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>INTELLECTUAL PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 USC § 2000e, et seq., and 42 USC § 1981a

Brief description of cause:
 Religious discrimination - failure to accommodate

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: Sept 19 2023 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG JUDGE _____