

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

WANDA WOMACK, PAM HALL,)
LINDA LOCKHART, AMY BATTLE,)
RENITA BISHOP, PATRICIA A.)
BLACKMON, CONNIE BUTLER,)
PENNY DAVIS, PATTY A. EBERLE,)
MARY FRAZIER, CANDIE GAMBLE,)
VALERIE S. HALLSTROM-MILLER,)
PATRICIA G. HOWARD, PEGGY A.)
JONES, VICKI JOY, SHIRLEY)
LEDFORD, PENNY C. LEONARD,)
PHYLLIS NUTT, PEGGY VAN OSTRAN)
RUBY E. SIMS, AUDREY E. SPICER,)
ALICEN R. TAYLOR, ANN THOMAS,)
and LINDA STOKES, on behalf of)
themselves and all others similarly situated,)

Plaintiffs,)

vs.)

CASE NUMBER:
CV-06-HS-0465-S
JURY DEMAND

DOLGENCORP., INC.; DG RETAIL,)
LLC; DOLGENCORP OF NEW YORK;)
DOLGENCORP OF TEXAS; and)
DOLLAR GENERAL PARTNERS,)
all d/b/a DOLLAR GENERAL,)

Defendants.)

CORRECTED THIRD AMENDED COMPLAINT

I. INTRODUCTION

1. This is an action for declaratory judgment, injunctive relief, equitable relief and monetary relief instituted to secure the protection of and to redress the deprivation of rights secured through the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d) and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991 that provide for relief against pay discrimination in employment on the basis of sex.

II. JURISDICTION

2. The jurisdiction of this Court is invoked pursuant to the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d) and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights secured by 42 U.S.C. §2000e et seq. providing for injunctive and other relief against equal pay violations.
3. Plaintiffs, Amy Battle, Renita Bishop, Patricia A. Blackmon, Connie Butler, Penny Davis, Patty A. Eberle, Mary Frazier, Candie Gamble, Valerie S. Hallstrom-Miller, Patricia G. Howard, Peggy A. Jones, Vicky Joy, Shirley Ledford, Penny C. Leonard, Phyllis Butt, Peggy Van Ostram, Ruby E. Sims, Audrey E. Spicer, Alicen R. Taylor, Ann

Thomas and Linda Stokes are/were Store Managers with defendants and have fulfilled all conditions precedent to the institution of this action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. The plaintiffs have filed timely charges of discrimination with the EEOC and received copies of their Notices of Right to Sue. The plaintiffs' right-to-sue letters were issued on their charge of sex discrimination regarding their claims of discrimination under Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991.

III. PARTIES

4. Plaintiff, Wanda Womack, is a female citizen of the United States, and a resident of Birmingham, Jefferson County, Alabama. At all times relevant to this lawsuit, the plaintiff was employed with the defendants as a Store Manager. Ms. Womack brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA").
5. Plaintiff, Pam Hall, is a female citizen of the United States, and a resident

of Birmingham, Jefferson County, Alabama. At all times relevant to this lawsuit, the plaintiff was employed with the defendants as a Store Manager. Ms. Hall brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA").

6. Plaintiff, Linda Lockhart, is a female citizen of the United States, and a resident of Birmingham, Jefferson County, Alabama. At all times relevant to this lawsuit, the plaintiff was employed with the defendants as a Store Manager. Ms. Lockhart brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA").
7. Plaintiff, Amy Battle, is a female citizen of the United States and a resident of Virginia. At all times relevant to this lawsuit, Battles was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief,

back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Battle is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.

8. Plaintiff, Renita Bishop, is a female citizen of the United States and a resident of Mississippi. At all times relevant to this lawsuit, Bishop was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Bishop is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees

under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

9. Plaintiff, Patricia A. Blackmon, is a female citizen of the United States and a resident of Mississippi. At all times relevant to this lawsuit, Blackmon was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys’ fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Blackmon is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

10. Plaintiff, Connie Butler, is a female citizen of the United States and a resident of Ohio. At all times relevant to this lawsuit, Butler was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Butler is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.
11. Plaintiff, Penny Davis, is a female citizen of the United States and a resident of Missouri. At all times relevant to this lawsuit, Davis was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the

Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Davis is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

12. Plaintiff, Patty A. Eberle, is a female citizen of the United States and a resident of Nebraska. At all times relevant to this lawsuit, Eberle was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys’ fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Eberle is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C.

§2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

13. Plaintiff, Mary Frazier, is a female citizen of the United States and a resident of Ohio. At all times relevant to this lawsuit, Frazier was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys’ fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Frazier is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

14. Plaintiff, Candie Gamble, is a female citizen of the United States and a

resident of Kansas. At all times relevant to this lawsuit, Gamble was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Gamble is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.

15. Plaintiff, Valerie S. Hallstrom-Miller, is a female citizen of the United States and a resident of Pennsylvania. At all times relevant to this lawsuit, Hallstrom-Miller was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C.

§206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Hallstrom-Miller is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

16. Plaintiff, Patricia G. Howard, is a female citizen of the United States and a resident of Pennsylvania. At all times relevant to this lawsuit, Howard was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys’ fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Howard is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal

Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.

17. Plaintiff, Peggy A. Jones, is a female citizen of the United States and a resident of Iowa. At all times relevant to this lawsuit, Jones was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Jones is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.
18. Plaintiff, Vicki Joy, is a female citizen of the United States and a resident of Indiana. At all times relevant to this lawsuit, Joy was employed as a

Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Joy is also bringing this action on behalf of herself and all similarly situated females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.

19. Plaintiff, Shirley Ledford, is a female citizen of the United States and a resident of North Carolina. At all times relevant to this lawsuit, Ledford was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA").

Plaintiff Ledford is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

20. Plaintiff, Penny C. Leonard, is a female citizen of the United States and a resident of Kentucky. At all times relevant to this lawsuit, Leonard was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys’ fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Leonard is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress

the defendants' widespread and pervasive gender discriminatory employment practices.

21. Plaintiff, Phyllis Nutt, is a female citizen of the United States and a resident of Ohio. At all times relevant to this lawsuit, Nutt was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Nutt is also bringing this action on behalf of herself and all similarly situated females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.
22. Plaintiff, Peggy Van Ostran, is a female citizen of the United States and a resident of North Carolina. At all times relevant to this lawsuit, Van Ostran was employed as a Store Manager. The plaintiff brings this

action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Van Ostran is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.

23. Plaintiff, Ruby E. Sims, is a female citizen of the United States and a resident of Missouri. At all times relevant to this lawsuit, Sims was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Sims is also bringing this action on behalf of herself and all similarly

situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory employment practices.

24. Plaintiff, Audrey E. Spicer, is a female citizen of the United States and a resident of Texas. At all times relevant to this lawsuit, Spicer was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys’ fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter “FLSA”). Plaintiff Spicer is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter “Title VII”) and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants’ widespread and pervasive gender discriminatory

employment practices.

25. Plaintiff, Alicen R. Taylor, is a female citizen of the United States and a resident of Georgia. At all times relevant to this lawsuit, Taylor was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Taylor is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.
26. Plaintiff, Ann Thomas, is a female citizen of the United States and a resident of South Carolina. At all times relevant to this lawsuit, Thomas was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive

relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Thomas is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.

27. Plaintiff, Linda Stokes, is a female citizen of the United States and a resident of Alabama. At all times relevant to this lawsuit, Stokes was employed as a Store Manager. The plaintiff brings this action on behalf of herself and all women who are similarly situated for injunctive relief, back-pay, liquidated damages, and attorneys' fees and costs under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), pursuant to §216(b) of the Fair Labor Standards Act (hereinafter "FLSA"). Plaintiff Thomas is also bringing this action on behalf of herself and all similarly situate females for injunctive relief, equitable relief, damages and fees

under Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C. §2000(e), et seq. (hereinafter "Title VII") and Rule 23 of the Federal Rules of Civil Procedure against the above-named defendants to redress the defendants' widespread and pervasive gender discriminatory employment practices.

28. The defendant, Dolgencorp., Inc. d/b/a Dollar General, is subject to suit under the "Equal Pay Act of 1963," as amended, 29 U.S.C. §206 et seq. and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. Dolgencorp, Inc. does business in the State of Alabama, and all states in which there are Dollar General stores, except Arizona, Colorado, Kentucky, Illinois, Kansas, Minnesota, New York, Texas, Utah and Vermont.
29. The defendant, DG Retail, LLC, is subject to suit under the "Equal Pay Act of 1963," as amended, 29 U.S.C. §206 et seq. and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. DG Retail, LLC does business under the name Dollar General in Arizona, Colorado, Illinois, Kansas, Minnesota, Utah and Vermont.
30. The defendant, Dolgencorp of New York, Inc., is subject to suit under the "Equal Pay Act of 1963," as amended, 29 U.S.C. §206 et seq. and

Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. Dolgencorp of New York, Inc. does business under the name Dollar General in New York.

31. The defendant, Dolgencorp of Texas, Inc., is subject to suit under the "Equal Pay Act of 1963," as amended, 29 U.S.C. §206 et seq. and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. Dolgencorp of Texas, Inc. business under the name Dollar General in Texas.

32. The defendant, Dollar General Partners, is subject to suit under the "Equal Pay Act of 1963," as amended, 29 U.S.C. §206 et seq. and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. Dolgencorp, Inc. does business under the name Dollar General in Kentucky.

IV. CAUSES OF ACTION

A. COUNT I: EQUAL PAY

33. Plaintiffs are pursuing this claim under the Equal Pay Act of 1963, as amended, 29 U.S.C. §206(d), and pursuant to §216(b) of the Fair Labor Standards Act. Plaintiffs are bringing this action on behalf of themselves and women who are similarly situated.

34. Defendants have and do discriminate between employees on the basis of sex by paying wages to female Store Managers at a rate less than the rate it pays wages to male Store Managers.
35. On information and belief, the defendants pay the plaintiffs and similarly situated female Store Managers less than male Store Managers for performing jobs of equal skill, responsibility and effort under similar working conditions.
36. The duties and responsibilities of a Store Manager at Dollar General are the same and require equal skill, effort and responsibilities under similar working conditions regardless of the geographic location of the store (rural or urban), the physical size of the store, or the amount of sales generated by a store, or any other factor other than sex.
37. Defendants engage in centralized control over compensation for store managers.
38. The defendants willfully violated the Equal Pay Act by paying the plaintiffs and other similarly situated females unequal wages to those of similarly situated males performing a job of equal skill, responsibility and effort under similar working conditions. Defendants have not acted with good faith.

B. COUNT II: TITLE VII - DISPARATE IMPACT

39. The plaintiffs, Amy Battle, Renita Bishop, Patricia A. Blackmon, Connie Butler, Penny Davis, Patty A. Eberle, Mary Frazier, Candie Gamble, Valerie S. Hallstrom-Miller, Patricia G. Howard, Peggy A. Jones, Vicki Joy, Shirley Ledford, Penny C. Leonard, Phyllis Nutt, Peggy Van Ostran, Ruby E. Sims, Audrey E. Spicer, Alicen R. Taylor, Ann Thomas and Linda Stokes, bring this action for disparate impact sex discrimination under Title VII of the Civil Rights Act, as amended.
40. These plaintiffs bring claims against defendants on their own behalf and on behalf of a putative class of women who are similarly situated.
41. Defendants have and do discriminate between employees on the basis of sex by paying wages to female Store Managers at a rate less than the rate at which it pays wages to male Store Managers.
42. On information and belief, the defendants pay the plaintiffs and similarly situated female Store Managers less than male Store Managers for performing jobs of equal skill, responsibility and effort under similar working conditions.
43. Defendants' compensation guidelines have disparate impact on female Store Managers individually and as a class.

44. Defendants' guidelines include subjectivity and stereotyping. Plaintiffs are aware, at this time, of no other criteria which causes the disparity other than sex. Plaintiffs are not aware, at this time, of specific criteria which defendants utilize that are capable of separation and analyses.
45. Defendants' policies and procedures are not valid, job related, or justified by business necessity. There are alternative policies and procedures available to defendants that have less disparate impact on females and equal or greater validity and job relatedness.
46. The putative class which plaintiffs seek to represent consists of female Store managers, who have been subject to systemic sexual discrimination in compensation. Such discrimination adversely affects the plaintiffs and putative class members' wages and the wages received as payment for workers compensation, disability payments and other benefits that are determined based on salary, bonus or overall compensation.
47. Plaintiffs are pursuing their disparate impact sex discrimination class claims under Fed.R.Civ.P. 23 and satisfy all requirements under this statute.
48. The prosecution of the claims of the named plaintiffs require adjudication of the questions common to the putative class: whether the defendants

have engaged in sexual discrimination in its compensation practices in a manner made unlawful by the statutes under which this action is brought.

49. The plaintiffs and the class they seek to represent have been directly affected by the discriminatory policies, practices and procedures. The claims of the named plaintiffs and the relief necessary to remedy the claims of the named plaintiffs is the same as the claims of the putative class and the relief necessary to remedy the claims of the putative class. The claims and the relief sought by the named plaintiffs is typical of that of the putative class.
50. The duties and responsibilities of a Store Manager at Dollar General are the same and require equal skill, effort and responsibilities under similar working conditions regardless of the geographic location of the store (rural or urban), the physical size of the store, or the amount of sales generated by a store, or any other factor other than sex.
51. Defendants engage in centralized control over compensation for store managers.
52. Plaintiffs seek only equitable relief, including declaratory relief, injunctive relief and back-pay for such unlawful disparate impact, making class certification appropriate under Federal Rule Civil Procedure 23(b)(2).

53. The plaintiffs and the class they seek to represent have no plain, adequate or complete remedy at law to redress the wrongs alleged herein, and this suit for injunctive and declaratory remedies and back-pay is their only means of securing adequate relief. The plaintiffs and the class they seek to represent are now suffering, and will continue to suffer, irreparable injury from the defendants' unlawful policies and practices as set forth herein unless enjoined and remedied by this Court.

C. COUNT III: TITLE VII - DISPARATE TREATMENT

54. The plaintiffs, Amy Battle, Renita Bishop, Patricia A. Blackmon, Connie Butler, Penny Davis, Patty A. Eberle, Mary Frazier, Candie Gamble, Valerie S. Hallstrom-Miller, Patricia G. Howard, Peggy A. Jones, Vicki Joy, Shirley Ledford, Penny C. Leonard, Phyllis Nutt, Peggy Van Ostran, Ruby E. Sims, Audrey E. Spicer, Alicen R. Taylor, Ann Thomas and Linda Stokes, bring this action for disparate treatment sex discrimination under Title VII of the Civil Rights Act, as amended.
55. These plaintiffs bring claims against defendants on their own behalf and on behalf of a putative class of women who are similarly situated.
56. Defendants have engaged in a pattern and practice of discriminating against females on the basis of this sex with respect to compensation.

Defendants have and continue to pay wages to female Store Managers at a rate less than the rate at which it pays wages to male Store Managers.

57. On information and belief, the defendants pay the plaintiffs and similarly situated female Store Managers less than male Store Managers for performing jobs of equal skill, responsibility and effort under similar working conditions.
58. The putative class which plaintiffs seek to represent consists of female Store managers, who have been subject to a pattern and practice of systemic sexual discrimination in compensation. Such discrimination adversely affects the plaintiffs and putative class members' wages and the wages received as payment for workers compensation, disability payments and other benefits that are determined based on salary, bonus or overall compensation.
59. Plaintiffs are pursuing their disparate treatment sex discrimination class claims under Fed.R.Civ.P. 23 and satisfy all requirements under this statute.
60. The prosecution of the claims of the named plaintiffs require adjudication of the questions common to the putative class: whether the defendants have engaged in sexual discrimination in its compensation practices in a

manner made unlawful by the statutes under which this action is brought.

61. The plaintiffs and the class they seek to represent have been directly affected by the discriminatory policies, practices and procedures. The claims of the named plaintiffs and the relief necessary to remedy the claims of the named plaintiffs is the same as the claims of the putative class and the relief necessary to remedy the claims of the putative class. The claims and the relief sought by the named plaintiffs is typical of that of the putative class.
62. The duties and responsibilities of a Store Manager at Dollar General are the same and require equal skill, effort and responsibilities under similar working conditions regardless of the geographic location of the store (rural or urban), the physical size of the store, or the amount of sales generated by a store, or any other factor other than sex.
63. Defendants engage in centralized control over compensation for store managers.
64. The defendants willfully violated Title VII by paying the plaintiffs and other similarly situated females unequal wages to those of similarly situated males performing a job of equal skill, responsibility and effort under similar working conditions. Defendants' conduct was willful and

in reckless disregard to federal law and statutes.

65. Plaintiffs seek only equitable relief in this count of the Complaint, including declaratory relief, injunctive relief and back-pay for such unlawful disparate treatment, making class certification appropriate under Federal Rule of Civil Procedure 23(b)(2).

D. COUNT IV: TITLE VII - PUNITIVE DAMAGES

66. Plaintiffs restate and incorporate paragraphs 1-65 above with the same force and effect as above.
67. Defendants have acted maliciously, willfully, and with reckless disregard for the rights of the plaintiffs and the class they seek to represent, making punitive damages an appropriate remedy under 42 U.S.C. §1981a.
68. The defendants willfully violated Title VII by paying the plaintiffs and other similarly situated females unequal wages to those of similarly situated males performing a job of equal skill, responsibility and effort under similar working conditions. Defendants' conduct was willful and in reckless disregard to federal law and statutes.
69. Defendants engage in centralized control over compensation for store managers.
70. Such punitive damages are sought for the defendants' conduct towards

women, not for any individualized injury or harm. As such, the entitlement to such damages are properly part of the same proof at Stage I of a bifurcated trial for class-wide injunctive relief sought as part of plaintiffs' Second Cause of Action, and do not require individualized proof from each member of the class of women towards whom such discrimination was directed.

V. CLASS CERTIFICATION ALLEGATIONS

71. Class certification is sought separately for each of plaintiffs' causes of action (counts two, three and four) set forth above. Class certification is sought pursuant to Federal Rule of Civil Procedure 23(b)(2) for the equitable relief on plaintiffs' disparate impact claim. Class certification is also appropriate under Rule 23(b)(2) for the equitable relief sought on plaintiffs' pattern or practice claim under Title VII. For plaintiffs' cause of action for punitive damages under §1981a, plaintiffs seek class certification under either Rule 23(b)(2) as part of the relief available at Stage I of a bifurcated trial of their pattern or practice claim for injunctive relief, or as a hybrid certification under both Rules 23(b)(2) and 23(b)(3).
72. The named plaintiffs are members of the class they seek to represent for each of the three Title VII causes of action stated hereinabove. The

prosecution of the claims of the named individual plaintiffs require adjudication of the question common to the putative class: whether defendants have engaged in disparate impact and/or disparate treatment sex discrimination in its compensation practices in a manner made unlawful by Title VII?

73. The relief necessary to remedy the claims of the plaintiffs are the same relief that is necessary for the class, and therefore satisfies the typicality requirement of Rule 23(a)(3). The named plaintiffs seek the following relief for their individual claims and those of the class: a declaratory judgment that the defendants have engaged in systemic gender discrimination in its compensation of female Store Managers; a permanent injunction against such continuing discrimination; a restructuring of the defendants' compensation procedures; back-pay; other non-monetary remedies necessary to make the plaintiffs and the class they seek to represent whole from the defendants' past discrimination; and attorneys' fees and expenses.
74. The class that the named plaintiffs seek to represent is too numerous to make joinder practicable. The proposed class consists of female Store Managers who are paid at a rate less than a comparable male Store

Manager.

75. The class representatives' interest is coextensive with those of the class in that they seek to remedy the defendants' discriminatory employment practices so that females will no longer be paid less than males for similar work. The class representatives are able and willing to represent the class fairly and vigorously, as they pursue their goals common to the class through this action. The plaintiffs' counsel is also qualified, experienced, and able to conduct the litigation and to meet the time and fiscal demands required to litigate an employment discrimination class action of this size and complexity. The combined interest, experience and resources of the plaintiffs and their counsel to litigate competently the individual and class claims of gender-based employment discrimination at issue satisfy the adequacy of representation requirement under Fed. R. Civ. P. 23(a)(4).
76. Certification of a class of similarly situated females is the most efficient and economical means of resolving the questions of law and fact that are common to the individual claims of the named plaintiffs. The individual claims of the named plaintiffs require resolution of the common question of whether the defendants have engaged in a systemic pattern of gender discrimination against females in compensation. The named plaintiffs

seek remedies to undo the adverse effects of such discrimination in their own lives and careers and to prevent continued gender discrimination in the future. The named plaintiffs have standing to seek such relief in part because of the adverse effect that gender discrimination against females has on their own interest in working and living in conditions free from the pernicious effects of gender bias. In order to gain such relief for themselves, as well as for the putative class members, the named plaintiffs must first establish the existence of disparate impact and/or systemic gender discrimination as the premise of the relief they seek. Without class certification, the same evidence and issues would be subject to repeated re-litigation in a multitude of individual lawsuits with an attendant risk of inconsistent adjudications and conflicting obligations. Certification of the class of females affected by the common questions of law and fact is the most efficient and judicious means of presenting the evidence and arguments necessary to resolve such questions for the plaintiffs, the class and the defendants. The named plaintiffs' individual and class claims are premised upon the traditional bifurcated method of proof and trial for disparate impact and systemic disparate treatment claims of the type at issue in this complaint. Such a bifurcated method

of proof and trial is the most efficient method of resolving such common issues.

77. The defendants have acted on grounds generally applicable to the class by adopting and following systemic practices and procedures that are discriminatory on the basis of gender. The defendants' gender discrimination is its standard operating procedure rather than a sporadic occurrence. The defendants have refused to act on grounds generally applicable to the class by refusing to adopt or follow selection procedures which do not have disparate impact or otherwise systemically discriminate against females. The defendants' systemic discrimination and refusal to act on grounds that are not sexually discriminatory have made appropriate final injunctive relief and declaratory relief with respect to the class as a whole.
78. Injunctive and declaratory remedies are the predominant relief sought. They are both dependent upon proof of the defendants' individual and class-wide liability at the end of Stage I of a bifurcated trial. Such determination at Stage I is also the essential predicate for the named plaintiffs and class members' entitlement to monetary and non-monetary remedies at Stage II of such a trial. Declaratory and injunctive relief

flows directly and automatically from proof of the common questions of law and fact regarding the existence of systemic gender discrimination against females. Such relief is the factual and legal predicate for the named plaintiffs and the class members' entitlement to monetary and non-monetary remedies for individual losses caused by such systemic discrimination.

79. Alternatively, certification is sought pursuant to Fed. R. Civ. P. 23(b)(3). The common issues of fact and law affecting the claims of the named plaintiffs and the proposed class members, including, but not limited to, the common issues identified in the above paragraphs, predominate, over any issues affecting only individual claims. A class action is superior to other available means for the fair and efficient adjudication of the claims of the named plaintiffs and members of the proposed class. The cost of proving the defendants' pattern and practice of discrimination makes it impracticable for the named plaintiffs and members of the proposed class to control the prosecution of their claims individually.
80. Alternatively, certification is sought under a combination of Fed. R. Civ. P. 23(b)(2) and 23(b)(3). The plaintiffs restate and incorporate by reference the above paragraphs.

V. PRAYER FOR RELIEF

1. The plaintiffs, on behalf of themselves and the class they seek to represent, seek injunctive relief and declaratory relief, equitable relief, back-pay (plus interest), liquidated under the EPA, punitive damages under Title VII, and attorney's fees and costs and expenses.
2. Plaintiffs further seek any and all other relief allowed or deemed just and proper by the Court.

Respectfully submitted,

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THE PLAINTIFFS DEMAND A TRIAL BY STRUCK JURY.

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CERTIFICATE OF SERVICE

I do hereby certify that I have filed today, August 15, 2008, by CM/ECF the above and foregoing with copies being served electronically on:

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