



EEOC NEWS

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A&P TO PAY \$85,000 FOR RACE BIAS AGAINST WHITE MALE, JURY RULES IN EEOC LAWSUIT

Federal Agency Says Black VP of Operations Threatened to 'Get Rid of All the White Boys'

BALTIMORE – The U.S. Equal Employment Opportunity Commission (EEOC) today announced that a jury here has returned a verdict against the Great Atlantic & Pacific Tea Company (A&P) finding that a black senior executive fired a white male manager because of his race and threatened to “get rid of all the white boys” in an effort to “diversify” the work force.

The jury reached its verdict in the EEOC lawsuit after hearing testimony which proved that John Sullivan, a white maintenance engineer who filed a charge of discrimination, was fired strictly because of his race. As part of the verdict, A&P will pay \$24,200 in out-of-pocket expenses and at least one year’s wages to Sullivan, estimated at \$61,000. The EEOC’s suit was filed in the U.S. District Court for the District of Maryland in May 2005 (PWG 05-1211).

Sullivan worked in A&P’s Landover, Md.-based Eight O’Clock Coffee production plant as a maintenance manager until a new boss arrived and his job problems began. Sullivan was demoted, replaced by his subordinate, and eventually fired because of his race by Harrison Bentley, an African American vice president of operations, who was brought into the company to “diversify” the organization. Evidence in the case revealed that Bentley announced he was going to “get rid of all the white boys” as part of his diversity efforts.

“Title VII of the landmark Civil Rights Act prohibits discrimination against people of all races, black and white alike,” said EEOC Regional Attorney Jacqueline McNair, whose Philadelphia District includes Maryland. “The jury’s verdict in this case helps put an end to an unlawful cycle of race-based decision making that has no place in the 21st century workplace.”

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Monvile, N.J.-based A&P, a publicly traded large national grocery and drug store chain, previously sold its Eight O’Clock Coffee division where Sullivan worked. According to its web site, www.aptea.com, “Founded in 1859, A&P is one of the nation’s first supermarket chains. The Company operates 337 stores in 8 states and the District of Columbia under the following trade names: A&P, Waldbaum's, The Food Emporium, Super Foodmart, Super Fresh, Sav-A-Center and Food Basics.”

EEOC Trial Attorney Regina Andrew, who litigated the case, noted, “For nearly five years A&P has denied that it violated the law when it fired Mr. Sullivan due to his race. The jury’s verdict shows that it disagreed with A&P’s denial that it had done anything wrong. Employers should be mindful that it is in their best interest to resolve cases with the EEOC early on, rather than through protracted litigation.”

According to its web site, www.eightoclock.com, “Eight O’Clock Coffee now is offered in roughly 65% of all grocery stores, and the majority of its sales occur in retailers beyond A&P. Eight O’Clock Coffee remains America's best selling whole bean coffee, and is the 3rd-largest national brand in terms of volume. In November of 2003, The Eight O’Clock Coffee Company was incorporated, marking the end of the brand's 150-year relationship with A&P.”

The EEOC enforces federal laws prohibiting employment discrimination. Further information about the EEOC is available on its web site at www.eeoc.gov.

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