

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST SAINT LOUIS DIVISION**

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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**)
)
 Plaintiff,)
)
 v.)
)
 JOE HOTZE FORD, INC.)
)
 Defendants.)
)

CIVIL ACTION NO.

**COMPLAINT
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, to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to a class of employees who were adversely affected by such practices. Plaintiff, the United States Equal Employment Opportunity Commission (“EEOC” or “Commission”), alleges that Defendants Joe Hotze Ford, Inc. (“Joe Hotze Ford”) discriminated against Kristen Deyo (“Deyo”), Judy Giles (“Giles”) and a class of female employees by subjecting them to harassment because of their sex. This Commission also alleges that Defendant Joe Hotze Ford constructively discharged Deyo and a class of female employees. This Commission also alleges Defendant Joe Hotze Ford discriminated against Giles by retaliating against her by terminating her after she opposed conduct in the workplace that violated Title VII.

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 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 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Southern District of Illinois, East St. Louis Division.

PARTIES

3. The 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Joe Hotze Ford has continuously been and is now doing business in the State of Illinois and the City of Salem, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Joe Hotze Ford 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 thirty days prior to the institution of this lawsuit, Deyo and Giles filed charges with the Commission alleging violations of Title VII by Defendant Joe Hotze Ford. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least 2004, Defendant has engaged in unlawful employment practices at its dealership in Salem, Illinois, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Such unlawful employment practices include, but are not limited to: subjecting Deyo, Giles and a class of female employees to harassment because of their sex; retaliating against Giles by terminating her employment after she opposed conduct protected by Title VII; and constructively discharging Deyo and a class of female employees.

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Deyo, Giles and a class of female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

9. The unlawful employment practices complained of in paragraph seven (7) were and are intentional.

10. The unlawful employment practices complained of in paragraph seven (7) above were and are done with malice or with reckless indifference to the federally protected rights of Deyo, Giles and a class of female employees.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Joe Hotze Ford, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex or race;

B. Order Defendant Joe Hotze Ford to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant Joe Hotze Ford to make whole Deyo and a class of female employees 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;

D. Order Defendant Joe Hotze Ford to make whole Deyo and a class of female employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial;

E. Order Defendant Joe Hotze Ford to make whole Deyo and a class of female employees by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial;

F. Order Defendant Joe Hotze Ford to pay Deyo and a class of female employees punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

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

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

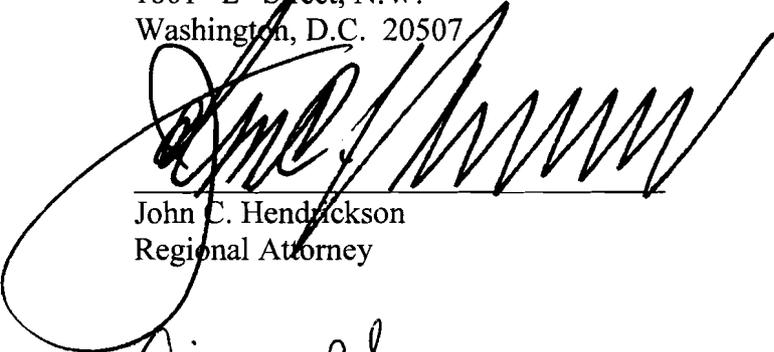
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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