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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROBERT RAMIREZ, ROBIN )  
BEASLEY, SANDRA EVANS, ) No. C 04-00281 JSW  
ROBERT HARRIS, LUIS )  
POCASANGRE CARDOZA, JOSE ) CLASS ACTION  
SALCEDO, A. SHAPPELLE )  
THOMPSON, and CORRETTA VICK, )  
behalf of themselves and all other ) FIRST AMENDED CLASS ACTION  
12 persons similarly situated, ) COMPLAINT AND DEMAND FOR  
13 ) JURY TRIAL  
14 Plaintiffs, )  
15 v. )  
16 CINTAS CORPORATION, )  
17 Defendant. ) Complaint filed January 20, 2004

18 Plaintiffs Robert Ramirez, Robin Beasley, Sandra Evans, Robert Harris, Luis  
19 Pocasangre Cardoza, Jose Salcedo, A. Shappelle Thompson, and Coretta Vick, for  
20 themselves and all other persons similarly situated, complain of defendant Cintas  
21 Corporation ("Cintas," "defendant," or "the company") as follows.

22 NATURE OF THE CASE

23  
24 1. This is an employment discrimination case, brought pursuant to the provisions of  
25 the Civil Rights Act of 1866, 42 U.S.C. §1981, as amended by the Civil Rights Act of 1991  
26 ("§1981"), and pursuant to the California Unfair Business Practices Act, California Business  
27 and Professions Code §17200 et seq. ("the UBPA"). Plaintiffs seek injunctive relief;  
28 backpay; accrued interest; compensatory and punitive damages; restitution; and attorneys'  
fees, expenses, and costs.

1           2. Count I of this complaint alleges claims under §1981. Count I is brought by  
2 plaintiffs for themselves and a class, pursuant to Fed. R. Civ. P. 23. As described below,  
3 plaintiffs seek class certification of a nationwide class of minority employees and applicants.

4           3. Count II states plaintiffs' claims under the UBPA. Count II is brought as a  
5 representative action, as allowed under the UBPA. In Count II, plaintiffs seek to represent  
6 women and minorities who have worked for Cintas, or applied for work with Cintas in  
7 California.

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9                                   AFTER THEY RECEIVE RIGHT-TO-SUE LETTERS FROM  
10                                   THE EEOC, PLAINTIFFS WILL SEEK LEAVE TO AMEND  
11                                   THE COMPLAINT TO ADD TITLE VII SEX DISCRIMINATION CLAIMS.

12           4. On or about November 18, 2003, plaintiffs Robert Ramirez, Robin Beasley,  
13 Sandra Evans, Robert Harris, and Luis Pocasangre Cardoza filed charges of discrimination  
14 with the federal Equal Employment Opportunity Commission ("EEOC"). Plaintiff Coretta  
15 Vick filed a charge with the EEOC in January, 2004.

16           5. In most circumstances, plaintiffs must receive a right-to-sue letter from the EEOC  
17 before they may file a lawsuit alleging violations of Title VII. Plaintiffs have a right to  
18 receive a right-to-sue letter from the EEOC 180 days after they filed their EEOC charges.  
19 Accordingly, the named plaintiffs have a right to receive right-to-sue letters from the EEOC  
20 starting in about May, 2004.

21           6. After they have been issued right-to-sue notices by the Equal Employment  
22 Opportunity Commission ("EEOC"), plaintiffs will move to amend this complaint to add a  
23 cause of action under Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e et seq., as  
24 amended by the Civil Rights Act of 1991 ("Title VII"), alleging sex, race, and national  
25 origin discrimination. At that time, plaintiffs also will move to add additional plaintiffs who  
26 have sex discrimination claims under Title VII. And, at that time, plaintiffs will move to  
27 amend the complaint to request class certification of a nation-wide class on behalf of women  
28 and minorities who have worked for Cintas or applied for work at Cintas.

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JURISDICTION

7. The Court has jurisdiction over plaintiffs' federal claims pursuant to 28 U.S.C. §§1331 and 1343(a)(4).

8. The Court has supplemental jurisdiction over plaintiffs' state-law claims pursuant to 28 U.S.C. §1367.

VENUE

9. Venue is proper in this district pursuant to 28 U.S.C. §1391(c).

INTRADISTRICT ASSIGNMENT

10. This case is properly assigned to the San Francisco division of this Court because part of the events giving rise to the claims of plaintiffs and the class occurred in San Francisco County, California.

CLASS ACTION ALLEGATIONS

11. Count I of this complaint is brought by the named plaintiffs as a class action, on behalf of themselves and all others similarly situated, under the provisions of Rule 23(a) and Rule 23(b)(2) and (3) of the Federal Rules of Civil Procedure.

12. The class represented by plaintiffs in this action, and of which plaintiffs are themselves members, consists of all applicants for employment at Cintas and employees of Cintas who are African-American, Hispanic, or members of other racial and ethnic minority groups. African-Americans, Hispanics, and members of other racial and ethnic minority groups are referred to collectively in this complaint as "minorities." The terms "Hispanic" and "Latino" are used interchangeably in this complaint.

13. Plaintiffs do not seek to represent or include in the class employees or applicants for employment in positions: (a) in manufacturing facilities; (b) in corporate headquarters in Cincinnati; (c) outside the rental, sales, and distribution facilities, in the finance, accounting,

1 manufacturing, logistics, research and development, and information systems departments;  
2 (d) as general manager, branch manager, company vice president or at a level above vice  
3 president; or (e) as lawyers or other positions in the company's legal department.

4 14. The exact number of members of the class is not known, but it is estimated that  
5 there are over 1,000 people in the class. The class is so numerous that individual joinder of  
6 all members is impracticable.

7 15. There are common questions of law or fact in the action that relate to and affect  
8 the rights of each member of the class and the relief sought is common to the class. The  
9 common questions of law or fact include the following:

- 10 (a) Has Cintas violated 42 U.S.C. §1981 by regularly discriminating  
11 against minority applicants and employees in the terms and conditions  
12 of employment?  
13 (b) As a result of defendant's discrimination, have plaintiffs and the class  
14 they represent suffered damages, including the loss of substantial  
15 employment opportunities and benefits?  
16 (c) Does defendant's conduct make final injunctive relief appropriate?

17 16. The claims of the named plaintiffs, who are representatives of the class, are  
18 typical of the claims of the class, in that the claims of all members of the class, including the  
19 named plaintiffs, depend upon a showing of the acts and omissions of defendant Cintas  
20 giving rise to the right of plaintiffs to the relief sought herein. As set forth herein, the  
21 named plaintiffs have personally suffered from those practices that they allege have harmed  
22 the class as a whole.

23 17. The maintenance of the action as a class action will result in substantial benefits  
24 to the Court and to the individual class members.

25 18. There is no conflict between any individual named plaintiff and other members of  
26 the class with respect to this action, or with respect to the claims for relief herein set forth.

27 19. The named plaintiffs will fairly and adequately protect the interests of the class.  
28 The attorneys for plaintiffs are experienced in representing plaintiffs in cases of this type.

20. This action is properly maintained as a class action pursuant to Rule 23(b)(2) of  
the Federal Rules of Civil Procedure. Defendant has acted or refused to act on grounds

1 which are generally applicable to the class, and by reason of such conduct has made  
2 appropriate final injunctive relief and corresponding declaratory relief with respect to the  
3 entire class.

4 21. The portions of this case that involve the award of compensatory damages are  
5 properly maintained as a class action pursuant to Rule 23(b)(3) of the Federal Rules of Civil  
6 Procedure. The questions of law and fact common to the members of the class predominate  
7 over any questions affecting only individual members. It is unlikely that individual class  
8 members have any interest in individually controlling separate actions in this case. Class  
9 members' lack of knowledge of the legal system and modest means would deprive many  
10 class members of the practical opportunity to pursue their claims if a class action were not  
11 certified. Fed. R. Civ. P. 23(b)(3)(A). No other litigation concerning this controversy has  
12 been commenced by or against class members. Fed. R. Civ. P. 23(b)(3)(B). Finally, the  
13 benefits of maintaining this action on a class basis far outweigh any administrative burdens.  
14 Conducting this case as a class action would be far less burdensome than prosecuting  
15 numerous separate actions. Fed. R. Civ. P. 23(b)(3)(D).

16 PLAINTIFFS

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18 22. The named plaintiffs are current and former employees of defendant Cintas.

19 23. Plaintiff Robert Ramirez is a Hispanic man. He worked for Cintas at its Las  
20 Vegas, Nevada facility. Because of his race and national origin, Mr. Ramirez suffered a  
21 pay cut in or around 2000, was denied pay raises and promotions between approximately  
22 2002 and 2003, and was terminated in approximately 2003.

23 24. Plaintiff Robin Beasley is an African-American woman. She was employed by  
24 Cintas from approximately September 20, 2002, until approximately July 7, 2003, at its  
25 Kentwood, Michigan facility working in the stockroom. Ms. Beasley was terminated by  
26 Cintas on approximately July 7, 2003 because of her race.

27 25. Plaintiff Sandra Evans is an African-American woman. From March 2002 to  
28 the present, she has worked for Cintas in the stockroom at its Ashton, Pennsylvania facility,

1 applying emblems to uniforms with a heat sealer. In or around April 2002, Cintas hired a  
2 white employee to work in the stockroom and paid her a higher hourly wage than Ms.  
3 Evans. Cintas paid Ms. Evans a lower hourly wage than the white co-worker because of  
4 Ms. Evans' race.

5 26. Plaintiff Robert Harris is an African-American man. He was employed by  
6 Cintas as a loader at its Rochester, New York facility from approximately May to October  
7 2003. Because of his race, Cintas refused to hire Mr. Harris as a driver in approximately  
8 May 2003, refused to promote him to the position of driver after hiring him as a loader, and  
9 terminated him on or about October 9, 2003.

10 27. Plaintiff Luis Pocasangre Cardoza is a Hispanic man. Mr. Pocasangre worked  
11 for Cintas as a loader at its San Leandro, California plant for approximately five days in the  
12 summer of 2003. Because of his race and national origin, Cintas refused to hire Mr.  
13 Pocasangre as a driver in or around July 2003 and refused to promote him to the position of  
14 driver after hiring him as a loader.

15 28. Plaintiff Jose Salcedo is a Hispanic man. He was employed by Cintas at its  
16 Central Islip, New York facility as a production supervisor from November 1999 to October  
17 2002. Because of his race and national origin, Cintas reassigned Mr. Salcedo to a less  
18 desirable shift in or around June 2002 and terminated him on or about October 9, 2002.

19 29. Plaintiff A. Shappelle Thompson is an African-American man. He worked for  
20 Cintas as a driver at its Rochester, New York facility from approximately April 2000 to  
21 approximately January 2002. Because of his race, Cintas took away one of Mr.  
22 Thompson's better accounts in or around June 2001, reassigned him to an undesirable route  
23 in or around November 2001, and terminated him in or around January 2002.

24 30. Plaintiff Coretta Vick is an African-American woman. She worked for Cintas in  
25 an accounts receivable job at it Raleigh, North Carolina facility from approximately July 5,  
26 2002 to approximately February 5, 2003. Because of her race, Cintas paid Ms. Vick less  
27 than a white co-worker with the same position and job duties.  
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DEFENDANT

31. Defendant Cintas is a national corporation with headquarters in Cincinnati, Ohio.

32. Cintas has approximately 30,000 employees and operates approximately 365 facilities located across the country, including rental facilities, 14 manufacturing plants, and seven distribution centers.

33. Cintas' major business involves renting uniforms, mats, and towels. Cintas drivers deliver clean clothing, mats, and towels and pick up dirties each week. Production workers clean, repair, hang, and assemble uniforms and materials to be delivered the next week. The company also sells sanitation supplies, cleanroom services, and first aid and safety products and services.

34. On its website, Cintas describes itself as "the leader in the corporate identity uniform industry" and "the largest uniform supplier in North America, with more than 500,000 clients." Cintas says that "[m]ore than five million people wear Cintas clothing each day" and that it has "a national presence reaching 93 percent of the U.S. and Canadian population."

35. For fiscal year 2003, Cintas reported \$2.7 billion in sales and \$249 million in profits.

CINTAS' DISCRIMINATORY AND EXCLUSIONARY CORPORATE CULTURE

36. Cintas utilizes a nationwide business plan and attributes its success to the development and implementation of national strategies and programs including expansion and acquisition plans, market research, sales systems, marketing programs, product development strategies, methods of operation, and service systems. According to its website, Cintas credits its "unique corporate culture" as the "driving force" behind its success.

1 37. Like its nationwide business plan, Cintas' corporate culture is established and  
2 implemented by its upper-level managers both in its headquarters in Cincinnati and at each  
3 of its 365 facilities across the country.

4 38. Cintas' management at all levels establishes and reinforces a corporate culture in  
5 which white, male applicants and white, male employees are preferable for many jobs --  
6 including particularly higher-paying jobs and jobs that have greater opportunity for  
7 advancement, such as supervisor and manager jobs -- and that minority and female  
8 applicants and employees are less desirable for those jobs.

9 39. This culture is reflected in the homogeneous racial and gender make-up of  
10 Cintas' upper level management. With few exceptions, the highest-level managers of the  
11 company are and always have been white men. Cintas' 2002 Annual Report listed no  
12 women on its Board of Directors, only one women corporate officer, Treasurer Karen  
13 Carnahan, and no women as an operating or staff officer.

14 40. The Board of Directors, corporate officers, and operating and staff officers listed  
15 in Cintas' 2002 Annual Report were:

16 Board of directors:

17 Paul R. Carter -- President of Wal-Mart Realty Company  
18 Gerald V. Dirvin -- Retired Executive Vice President and Director of Procter  
19 Gamble Co.  
20 Richard T. Farmer -- Chairman of the Board of the Corporation  
21 Scott D. Farmer -- President & Chief Operating Officer of the Corporation  
22 James J. Gardner -- Retired Vice President of the Corporation  
23 Robert J. Herbold -- Retired Executive Vice President and Chief Operating  
24 Officer of Microsoft Corp.  
25 Roger L. Howe -- Retired Chairman of the Board of U.S. Precision Lens, Inc.  
26 Donald P. Klekamp -- Associated with Keating, Muething & Klekamp  
27 Robert J. Kohlhepp -- Chief Executive Officer of the Corporation

28 Corporate officers:

29 Robert R. Buck -- Senior Vice President & President -- Uniform Rental  
30 Division  
31 Karen L. Carnahan -- Vice President & Treasurer  
32 Scott D. Farmer -- President & Chief Operating Officer  
33 Thomas E. Frooman -- Vice President & Secretary, General Counsel  
34 William C. Gale -- Vice President & Chief Financial Officer  
35 Robert J. Kohlhepp -- Chief Executive Officer





1 manager, instructed Honnold to hire "people who look like me and you." Kocsis made  
2 offensive comments about the Hispanic employees. He said, for instance, "I don't know  
3 what kind of crap they are eating in there; they are stinking up the cafeteria" and "We look  
4 like little Havana."

5 43. Roughly 75% of the applicants at the Painesville, Ohio plant in 2002 were  
6 Hispanic; 20% were white. But as a result of these discriminatory directives from Cintas'  
7 management, about 50% of the employees hired were white and about 45% were Hispanic.  
8 That is, the hiring rate for white applicants was about 2.5 times higher than the application  
9 rate, while the hiring rate for Hispanic applicants was only about six-tenths of the  
10 application rate.

11 44. Similar statements have been made about the employment of women. For  
12 example, Stacey Stern has a lawsuit pending in the federal district court in Chicago. In her  
13 complaint, she says she worked as manager of National Account Services and was  
14 responsible for hiring and firing national account executives and national sales and service  
15 coordinators. In that job, she alleges, she was instructed not to interview or hire women for  
16 sales positions.

17 45. Managers at Cintas have said that women are not suited for jobs in the rental  
18 division. When a female employee, Shari Dilg, complained to Bill Cronin, general manager  
19 at the South Florida facility, that there were very few women in management at Cintas, he  
20 told her that women don't go into laundry because it's a dirty business. In 2003, Mr.  
21 Cronin was working for Cintas as president of national account sales division (NASD) (also  
22 known as the direct sales division).

23 46. When Mary Wiley, a low-level production employee at a Cintas plant in  
24 Michigan, told Scott Thomas, the production supervisor, that she wanted to be a driver, he  
25 told her that the job is too hard for a woman. When Amy Severson, a former employee  
26 who worked in Springfield, Missouri, asked for the service manager job, she was told by  
27 her general manager, Cliff Smith, that she could not have it because it is physically  
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1 demanding. When women at the Las Vegas plant asked if they could work in the "wash  
2 alley," the production manager, Scott Saobskogebo, just laughed them off.

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4 STRUCTURE AND OPERATION OF THE RENTAL FACILITIES  
5 AND DEMOGRAPHIC MAKE-UP OF THE WORKFORCE

6 47. Cintas' exclusionary and discriminatory corporate culture extends to the  
7 company's rental facilities, where the vast majority of Cintas employees work, and is  
8 reflected in the demographic makeup of the workforce.

9 48. Women and minorities are concentrated disproportionately in the company's  
10 lowest-level, lowest-paying jobs. They make up a large portion of the company's  
11 production workers, performing dull, repetitive work in the plants at the company's rental  
12 facilities. However, very few women and minorities serve as supervisors and managers.

13 49. The employees at the rental facilities can be roughly divided into five groups: (a)  
14 production workers; (b) drivers, helpers, and other employees in the service department; (c)  
15 sales jobs; (d) office and human resource employees; and (e) supervisors and managers.

16 Production Department

17 50. The tasks of washing, repairing, sorting, hanging, folding, and assembling  
18 uniforms, mats, and towels is done by production workers in the "plant" and stockroom.  
19 (The plant is part of a rental facility, but is not the entire rental facility.) These are the  
20 lowest-paid jobs in the rental facilities.

21 51. Women make up the vast majority of the employees in the rental facility plants.  
22 And in many plants these women are almost all members of minority groups, many of  
23 whom are immigrants from Mexico and other countries.

24 52. While women are assigned to most of the production jobs in the plant, two  
25 production jobs within the plant are held almost entirely by men: jobs in the "wash alley"  
26 and jobs operating machines that roll mats. Those jobs pay more than the entry-level jobs  
27 typically held by women. At one time these jobs involved heavy and repetitive lifting. The  
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1 wash alley jobs are now mechanized and no longer require repetitive lifting. Nonetheless,  
2 these jobs are still held almost solely by men.

3 53. Loaders and unloaders work in production jobs outside the plant itself. These  
4 employees unload trucks as they come in with dirty uniforms, towels, and mats at the end of  
5 the day and load trucks with clean items so they are ready to go out the next day. There are  
6 almost no women in these jobs. At some facilities, such as San Diego, Central Islip, and  
7 New York, all or almost all of these jobs are held by Hispanic employees.

8 54. Production jobs at the Cintas rental facilities are divided into "classes" from IV  
9 to I. Class IV jobs are the lowest-paid; Class I are the highest.

10 55. The Class IV jobs involve routine, repetitive jobs performed at high rates of  
11 speed, such as folding towels and hanging uniforms. Those jobs are held almost solely by  
12 women.

13 56. Jobs that require repetitive lifting, such as the loader and unloader jobs are Class  
14 III jobs. Those jobs are held almost solely by men.

15 57. The starting pay for Class IV jobs is less than for Class III jobs. As a result,  
16 women hired into entry-level jobs at Cintas typically earn less than men hired into entry-  
17 level jobs.

18 58. Notwithstanding the fact that some production jobs involve heavy lifting, women  
19 are found in those jobs at Cintas in much lower numbers than one would expect, given  
20 national statistics that describe the representation of women and men in similar jobs across  
21 the country.

22 59. Moreover, the distribution of women and men into different production jobs at  
23 Cintas cannot be explained by the lifting requirements that go with the jobs. The assignment  
24 of almost no men to Class IV jobs cannot be explained by lifting requirements. And as  
25 noted above, the "wash alley" jobs do not require heavy lifting, but they are held almost  
26 solely by men. The almost uniform practice of assigning new employees who are women to  
27 Class IV jobs in the plant, and assigning newly-hired men to Class III jobs is due to  
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1 intentional discrimination by Cintas' male managers, who act based on stereotypes of  
2 women and men, and the jobs that are appropriate for them.

3 Service Department

4 60. Drivers work in the Service Department. Drivers deliver uniforms, mats, and  
5 towels to clients and pick up dirties. They go out on their routes on the first shift and  
6 typically deliver and pick up on weekdays, Monday through Friday. The number of drivers  
7 working at any particular facility ranges from five to fifty.

8 61. Driver jobs are the best-paid non-supervisory jobs in the rental facilities.

9 62. Cintas treats the drivers as key contacts for relations with Cintas' customers. An  
10 important part of the driver's job involves trying to sell to existing clients additional  
11 products and services such as polo shirts, golf shirts, coats, air fragrance for bathrooms, and  
12 paper products. Reflecting these roles, the drivers are called Service Sales Representatives  
13 ("SSRs").

14 63. Minority employees are under-represented in driver jobs. In production jobs, at  
15 many plants, virtually all of the production workers are members of minority groups. But at  
16 the same facilities minorities make up only a small fraction of the drivers. For instance,  
17 plaintiff Robert Ramirez worked as a production supervisor at Cintas' facility in Las Vegas  
18 until about the end of July, 2003. He recalls that about 80-90% of the production workers  
19 at the plant were Hispanic. But of about 34 drivers, he recalls only one Hispanic driver,  
20 one African-American driver, and one Asian driver. All the rest were white. Plaintiff Jose  
21 Salcedo worked as a production supervisor in Central Islip, New York. He recalls that  
22 almost all the production employees there were Hispanic, but the majority of the drivers  
23 were white.

24 64. Women hold very few of the driver jobs. On information and belief, Cintas  
25 employs roughly 5,000 drivers, of whom only 5% are women. Employees at a number of  
26 Cintas plants across the country estimate that at least half of the employees at the rental  
27 facilities where they work are women, but there are no female drivers, or only one.

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1           65. In the past, Cintas' drivers have been paid based on the volume of their route,  
2 with commissions and bonuses based on additional sales. As a consequence, the assignment  
3 of routes is very important to the drivers. Some routes produce significantly more income  
4 for the driver than others. In addition, some routes involve driving long distances from the  
5 Cintas facility to the beginning of the route and from the end of the route back to the Cintas  
6 facility. Drivers who cover those routes have to work longer hours before they can start  
7 generating income and spend more time at the end of the day driving back to the facility.

8           66. There are two basic types of routes. "Industrial" routes (also sometimes referred  
9 to as "garment" routes) involve distribution of uniforms as well as mats and towels.  
10 "Facilities services" routes (also known as "FS" routes, and sometimes referred to as "bulk"  
11 routes) involve delivery of mats and shop towels, but not uniforms. FS routes usually  
12 generate less income than industrial routes.

13           67. Drivers at a number of facilities report an apparent pattern of distribution of  
14 routes by race, in the following ways:

- 15           (a) Latino and African-American drivers are more likely than white drivers  
16 to be assigned to FS routes. That is, minority drivers are more likely to  
be assigned to routes that produce less income for the drivers.
- 17           (b) Where there are routes that go through low-income neighborhoods,  
18 those routes typically are assigned disproportionately to Latino and  
African-American drivers.
- 19           (c) Minority drivers are more likely to be assigned to routes that require  
20 more travel, so they have to work longer hours to cover their route.

21           68. Some drivers are assigned helpers who ride the route with them and help with  
22 heavy lifting. The helpers are almost always men and are often Latinos or African-  
23 Americans or members of other minority groups. Helpers are rarely promoted to become  
24 drivers.

25           69. Drivers assume more responsibility if they move into a position as a Certified  
26 Route Trainer (CRT) or as a Service Training Coordinator (STC).

27           70. Like the drivers, CRTs and STCs are virtually all men.  
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1           71. The service department also includes employees known as customer service  
2 representatives, who act as liaisons between the drivers and the Cintas customers. A typical  
3 facility might have a customer service representative and a customer service manager, or  
4 just a customer service representative. Most customer service representatives are women.  
5 These jobs are typically filled with new hires, rather than by promoting employees within  
6 the company. Sometimes customer service jobs are filled by movement of an employee  
7 from an office job.

#### 8 Sales Department

9           72. The rental facilities typically have a sales department, which works on trying to  
10 attract and sell business to new customers. This department usually includes a sales  
11 manager, sales representatives, and sales associates. Sales representatives are typically paid  
12 a base salary with commission. Sales associates provide support functions (e.g., sending  
13 mailers, scheduling appointments).

#### 14 Office and Human Resource Jobs

15           73. The office at each rental facility is usually staffed by an office manager and  
16 employees working as a receptionist, accounts receivable clerk, accounts payable clerk, etc.  
17 A facility usually has one human resources employee. Besides possible movement into a  
18 customer service job, the office and human resource jobs offer almost no opportunity for  
19 promotion to any other part of the company. Office and human resource jobs typically are  
20 held by women.

1 Supervisors and Managers

2 74. Management and supervisory jobs at the rental facilities include the following:

- 3 (a) General Manager ("GM") -- overall manager of the facility;
- 4 (b) Branch Manager -- manager of a facility that does not have a production  
5 department (i.e., laundry is not cleaned at the facility);
- 6 (c) Production Manager (also known as the Plant Manager) --  
7 responsible for all production, including production employees  
8 in the plant and loaders and unloaders, who work outside the  
9 plant;
- 10 (d) Service Sales Manager -- manager of a group of drivers. A single  
11 facility may have several groups of drivers, each supervised by a  
12 service sales manager;
- 13 (e) Production Supervisor -- a supervisor in production, usually responsible  
14 for a particular shift. Plants may have more than one shift and more  
15 than one production supervisor;
- 16 (f) Stock Room Manager; and
- 17 (g) Sales Manager -- manager of sales representatives and sales associates.

18 75. The vast majority of the supervisors and managers in the operations areas (i.e.,  
19 production and service departments) are men, and Latinos and African-Americans make up  
20 only a small fraction of the men in those jobs.

21 76. The general manager and branch manager positions are almost always held by  
22 men, with very few minorities among them. On information and belief, there are about 270  
23 or more general managers and branch managers, of whom only about five (2%) are women.

24 77. Almost all of the plant managers at Cintas are men.

25 78. Most of the production supervisors and stock room managers are men, even  
26 though most of the employees they supervise are women.

27 79. On information and belief, of the 519 service sales managers, approximately 480  
28 (92%) are men.



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80. Thus, for example:

- (a) former Cintas employee Amy Severson recalls that when she worked at the Springfield, Missouri facility from roughly mid-March 2001 to April 1, 2003, the following positions were all held by white men: the general manager; the plant manager; the stock room supervisor; the two service managers; and the customer service manager. She recalls no woman or minority employee that has held any of these jobs;
- (b) Linda Whitfield, a Cintas employee who worked at a New Jersey facility from approximately 1992 until October 2002, recalls that every general manager, plant manager, production supervisor, stock room supervisor, service manager, and sales manager at that facility was a white man and all the drivers were men;
- (c) plaintiff Robert Ramirez, who worked in the Las Vegas facility for approximately ten years, and worked as a production supervisor from roughly September 2000 to roughly the end of July 2003, recalls that all the other managers and supervisors were white;
- (d) at the San Diego facility in 2002, all of the key operations managers, i.e., general manager, service managers, plant manager, and production supervisor, were white men;
- (e) at the Landover, Maryland facility, the general manager, plant manager, and all five service managers are white men.

81. In 2002, in the midwest, a typical management trainee would start with an annual salary of about \$27,000; the stock room manager typically was paid a salary over \$40,000.00; the service manager typically was paid a salary in the range of \$50,000 to \$60,000; and a plant manager might receive a salary of about \$55,000, with total pay in the mid-\$60,000 to \$70,000 range when bonus was included. A general manager could earn substantially more. It was not typical, but it was not unusual for a general manager to make \$250,000 or more per year, including salary and bonus. The starting wage for production workers ranged from \$6.50 to \$10.00 per hour.

1                   FAILURE TO ANNOUNCE JOB VACANCIES, LACK OF STANDARDIZED  
2                   SELECTION PROCEDURES, AND SUBJECTIVE DECISION-MAKING

3                   82. Cintas has no uniform practice for announcing or posting job vacancies, and no  
4 objective standards or criteria for making employment decisions such as hiring, assignments,  
5 transfers, promotion, pay, discipline, termination, and other terms and conditions of  
6 employment. Rather, Cintas uses subjective methods to make such decisions. These  
7 subjective employment practices provide a means for discrimination against women and  
8 minorities.

9                   83. As a result of these practices and through their application, minorities and  
10 women are disproportionately hired and assigned into low-skilled, low-paying jobs in  
11 production. Those jobs provide little opportunity for advancement into higher-paying  
12 supervisory and management jobs in the company.

13                   84. When personnel decisions are made at Cintas – decisions on hiring, job  
14 assignments, and promotions, e.g. -- they are likely to be made by white men. If women  
15 and minorities participate at all, they are likely to be vastly outnumbered in the  
16 decisionmaking process.

17                   85. Cintas managers are free to make employment decisions based on their subjective  
18 preferences rather than objective criteria and individual qualifications.

19                   86. In production jobs, for instance, when higher-paying Class II and Class I jobs  
20 open up, plant managers can fill those positions by hiring new employees from outside the  
21 company or by promoting almost anyone they choose. They are not required to select based  
22 on, or even consider, seniority. Nor are they required to make decisions based on objective  
23 performance criteria. As a consequence, women and minority employees in low-level  
24 production jobs have no assurance that they can work their way into higher-level jobs. It  
25 does not matter how long, how hard, or how well they work. Someone else can always be  
26 chosen. This system -- or lack of a system -- leaves ample room for biased decisionmaking.

27                   87. Minorities and women usually cannot apply for promotions, because Cintas  
28 usually does not tell its employees when positions are open and does not take applications

1 from its employees. This is likely to have harmful consequences. First, managers who  
2 operate based on assumptions (women don't want loading jobs, e.g.) are not informed that  
3 those assumptions are incorrect. They are not required to take into account actual  
4 information about employees' desires to be promoted. Second, managers are not forced to  
5 look to a pool of candidates who have expressed interest in promotion. They can focus on a  
6 single employee without considering others.

7 88. Among the employment practices that tend to confine women and minorities to  
8 low-level, low-paying jobs are the following:

- 9 (a) failing to notify employees of job openings; failing to formally post  
10 open jobs and allow employees to bid or apply for them before they are  
11 filled; and failing to take seniority into account in making promotion  
12 decisions and filling open jobs;
- 13 (b) filling supervisory positions by hiring a new employee from outside the  
14 company rather than by internal promotion;
- 15 (c) failing to consider employees from other departments and areas of the  
16 company for transfer and promotion into open jobs (e.g., women and  
17 minorities in production jobs are rarely recruited or promoted to  
18 become drivers);
- 19 (d) failing to recruit and promote current employees into the company's  
20 management-training program;
- 21 (e) requiring an applicant for a driver job to take a route ride with a driver  
22 and then allowing the driver who takes the applicant on the route ride to  
23 veto or heavily influence the hiring decision; and
- 24 (f) relying heavily on a system of recruiting employees by paying bonuses  
25 to employees for referrals.

26 89. A written test may also be used in selecting drivers and that test may have a  
27 disparate impact on minority applicants without being job-related and consistent with  
28 business necessity.

1        EXCLUSION OF WOMEN AND MINORITIES FROM MANAGEMENT POSITIONS

2            90. Rising in the Cintas organization generally requires starting in one of the lower-  
3 level management jobs such as production supervisor or stock room manager. Despite the  
4 fact that there are many qualified women and minorities working in lower-level positions at  
5 Cintas, these jobs usually are not filled by promoting employees from within the company.  
6 Rather, they usually are filled by individuals selected for a management-training program.

7            91. Individuals are hired into the management-training program, are assigned to  
8 management jobs, and then move up through the ranks of management jobs. Approximately  
9 80% of all Cintas' managers come through the management-training program. Almost all of  
10 the management trainees are male, and they are usually white.

11           92. Cintas' recruitment and hiring methods for the management-training program  
12 results in minorities and women being hired for the training program at disproportionately  
13 low rates. There typically is no system for notifying employees of openings or a process by  
14 which they can apply or bid for management positions. To the contrary, Cintas' supervisors  
15 and managers discourage and deter minority and female employees from asking for or  
16 applying for jobs that are held predominantly by whites and men.

17           93. The management trainees typically have no prior experience with the company  
18 and its operations or even the industry. For instance, men become service managers and  
19 supervise drivers without prior experience working as drivers (except during brief training).  
20 But women who have worked in the company as sales representatives and sales managers  
21 are almost never cross-trained or promoted to jobs working as production supervisors or  
22 managers or as drivers or service managers. Cintas' failure to move women laterally and  
23 train them for other positions keeps them locked in dead-end jobs.

24           94. Hiring from outside the company to fill lower-level management jobs results in  
25 almost no women, and very few Latinos, African-Americans, and other minorities in  
26 management jobs in operations (production and service departments).  
27  
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1 candidate. In a company where almost all drivers are white men, this veto power is likely  
2 to act as a barrier to hiring minorities and women as drivers.

3 100. Among drivers, there is no fair, clear, objective system for assignment of  
4 drivers to routes. In many companies with driving jobs, routes are posted and drivers can  
5 bid on them by seniority. Cintas does not have such a system, or any system that ensures  
6 that routes are assigned based on objective criteria. Again, this provides an opportunity for  
7 biased decisionmaking. Minority drivers disproportionately get less-preferable, lower-  
8 paying routes as a consequence.

9 101. Cintas' supervisors, managers, and top management believe, follow, and foster  
10 the stereotypical view that it is important and valuable to the company to have drivers who  
11 "look like the customer" and that Cintas' customers -- particularly its biggest and most  
12 important customers -- prefer to be served by white drivers. Acting on this view restricts  
13 the opportunities for minorities to be hired, assigned, and promoted to driver jobs.

14 102. Cintas' supervisors, managers, and top management believe, follow, and foster  
15 the stereotypical view that minority drivers should be assigned mainly to routes in  
16 predominantly Latino, African-American, and minority areas, with predominantly minority  
17 customers. Acting on this view (a) restricts the opportunities for minorities to be hired,  
18 assigned, and promoted to driver jobs; and (b) results in minority drivers being assigned  
19 disproportionately to facilities services (FS) routes and other routes that provide lower  
20 earnings and less opportunity for advancement and promotion.

21  
22 FIRST CAUSE OF ACTION  
Violation of 42 U.S.C. §1981

23  
24 103. Plaintiffs repeat and reallege and incorporate by this reference the allegations  
25 set forth in ¶¶1-102, inclusive, as though fully set forth herein.

26 104. Defendant's discrimination against plaintiffs Robin Beasley, Sandra Evans,  
27 Robert Harris, Luis Pocasangre Cardoza, Robert Ramirez, Jose Salcedo, A. Shappelle  
28 Thompson, and Coretta Vick, and the class they represent, is in violation of the rights of

1 plaintiffs and the class afforded them by the 1866 Civil Rights Act, 42 U.S.C. §1981, as  
2 amended by the Civil Rights Act of 1991.

3 105. By the conduct described above, defendant Cintas intentionally deprived  
4 plaintiffs of the same right as is enjoyed by white citizens to the performance, and  
5 enjoyment of all benefits and privileges, of their contractual relationship with Cintas, in  
6 violation of 42 U.S.C. §1981.

7 106. As a result of this discrimination, plaintiffs and the class they represent have  
8 suffered periods of unemployment, have been damaged financially, and have been denied  
9 substantial employment opportunities and benefits. 107. As a further consequence of  
10 defendant's actions, plaintiffs Robin Beasley, Sandra Evans, Robert Harris, Luis Pocasangre  
11 Cardoza, Robert Ramirez, Jose Salcedo, A. Shappelle Thompson, and Coretta Vick, and the  
12 members of the class have suffered anguish, humiliation, distress, inconvenience, and loss  
13 of enjoyment of life.

14 108. In taking the actions described above, defendant Cintas acted with malice or  
15 with reckless indifference to the rights of plaintiffs Robin Beasley, Sandra Evans, Robert  
16 Harris, Luis Pocasangre Cardoza, Robert Ramirez, Jose Salcedo, A. Shappelle Thompson,  
17 and Coretta Vick and the class they represent.

18 109. Plaintiffs individually and the class they represent have no plain, adequate, or  
19 complete remedy at law to redress the wrongs alleged herein, and this suit for permanent  
20 injunctive relief is the only means for securing adequate relief. Plaintiffs and the plaintiff  
21 class are now suffering and will continue to suffer irreparable injury from the defendant's  
22 policies, practices, and customs, as described in this complaint.

23 WHEREFORE, plaintiffs respectfully pray that this Court:

- 24 (a) issue a declaratory judgment finding that defendant Cintas has  
25 discriminated against minority applicants and employees in the terms  
26 and conditions of their employment, including recruitment, hiring, job  
27 assignments, transfers, promotions, pay, the requirements imposed for  
28 movement into better-paying jobs, discipline, terminations, and  
transfers in lieu of termination;



- 1 (b) grant a permanent injunction enjoining defendant Cintas, its officers,  
2 agents, employees, successors, assigns, and all persons in active concert  
3 or participation with them from engaging in discrimination in  
4 recruitment, hiring, job assignments, transfers, promotions, pay, the  
5 requirements imposed for movement into better-paying jobs, discipline,  
6 terminations, transfers in lieu of termination, and other terms and  
7 conditions of employment because of race or national origin;
- 8 (c) order defendant Cintas to institute, adopt, and carry out policies and  
9 practices which provide equal employment opportunities for minority  
10 applicants and employees;
- 11 (d) order defendant Cintas to make whole those persons adversely affected  
12 by the unlawful employment practices described herein, including Robin  
13 Beasley, Sandra Evans, Robert Harris, Luis Pocasangre Cardoza,  
14 Robert Ramirez, Jose Salcedo, A. Shappelle Thompson, and Coretta  
15 Vick, by providing appropriate backpay for lost wages and benefits in  
16 an amount to be proven at trial; by hiring or reinstating plaintiffs and  
17 class members who have been adversely affected by defendant's  
18 discriminatory practices and providing them the seniority, rate of pay,  
19 and benefits they would have received but for defendant's  
20 discrimination, and by providing other affirmative relief necessary to  
21 eradicate the effects of defendant's unlawful employment practices;
- 22 (e) order defendant Cintas to pay to plaintiffs and members of the class  
23 compensatory damages in an amount to be determined at trial;
- 24 (f) order defendant Cintas to pay to plaintiffs and members of the class  
25 punitive damages in an amount to be determined at trial;
- 26 (g) order defendant to pay to the named plaintiffs and the class they  
27 represent their reasonable attorneys' fees, expenses, and costs of this  
28 action;
- (h) order defendant Cintas to pay prejudgment and post-judgment interest at  
the maximum rate of interest provided by law;
- (i) retain jurisdiction of this case until such time as the Court is assured  
that the defendant has remedied the policies and practices complained of  
herein and is determined to be in full compliance with the law; and
- (j) grant such other and further relief as this Court deems just.

SECOND CAUSE OF ACTION  
Violation of the Business and  
Professions Code/Unfair Business Practice

110. Plaintiffs repeat and reallege and incorporate by this reference the allegations  
set forth in ¶¶1-102, inclusive, as though fully set forth herein.



1 111. At all times relevant hereto, the provisions of California Business and  
2 Professions Code §§17200 et seq. were in full force and effect.

3 112. The Unfair Business Practices Act ("UBPA"), California Business and  
4 Professions Code §17200 et seq., prohibits "unfair competition." Under the UBPA, "unfair  
5 competition" is defined as "any unlawful, unfair or fraudulent business act or practice...."

6 113. The California Supreme Court held in Farmers Ins. Exchange v. Superior Court  
7 (1992) 2 Cal.4th 377, at 383:

8 The legislature intended this "sweeping language" to include "anything that can  
9 properly be called a business practice and that at the same time is forbidden by  
10 law." Bank of the West v. Superior Court, 2 Cal.4th 1254, 1266 (1992)  
(quoting Barquis v. Merchants Collection Ass'n, 7 Cal.3d 94, 111-112 (1972)).

11 114. Under the UBPA any member of the public may sue for relief for unfair  
12 business practices. See Business and Professions ("B&P") Code §17204. A showing of  
13 individual harm or personal damage is not required.

14 A plaintiff suing under [B&P] section 17200 does not have to prove he or she  
15 was directly harmed by the defendant's business practices. An action may be  
brought by any "person, corporation or association or by any person acting for  
the interests of itself, its members or the general public."

16 Saunders v. Superior Court (1994) 27 Cal.App.4th 832, 839.

17 It is not necessary that the predicate law provide for private civil enforcement.  
18 (Samura v. Kaiser Foundation Health Plan, Inc. (1993) 17 Cal.App.4th 1284,  
1299, 22 Cal.Rptr.2d 20). As our Supreme Court put it, section 17200  
19 "borrows" violations of other laws and treats them as unlawful practices  
independently actionable under section 17200, et seq. (Farmers Ins. Exchange  
20 v. Superior Court (1992) 2 Cal.4th 377, 383, 6 Cal.Rptr.2d 487, 826 P.2d  
730).

21 Saunders v. Superior Court, 27 Cal.App.4th at 838-39. Even a person who has suffered no  
22 individual damages may bring suit.

23 [C]ourts have repeatedly permitted persons not personally aggrieved to bring  
24 suit for injunctive relief under...[section 17200] on behalf of the general  
public, in order to enforce other statutes under which such parties would  
25 otherwise lack standing.

26 Consumers Union of the United States, Inc. v. Fisher Development, Inc. (1989) 208  
27 Cal.App.3d 1433, 1440.

1 115. Plaintiff Luis Pocasangre Cardoza is a resident of California and was employed  
2 by defendant Cintas in California.

3 116. The named plaintiffs bring this case as a representative action on behalf of  
4 themselves, on behalf of women and minorities who have worked for Cintas in California or  
5 who applied for work at Cintas in California, and on behalf of the general public pursuant to  
6 §17204 of the California Business and Professions Code.

7 117. Plaintiffs seek relief under the UBPA only for people who have been employed  
8 by Cintas in California or who applied for work in California.

9 118. Plaintiffs do not seek to represent or include in the class employees or  
10 applicants for employment in positions: (a) in manufacturing facilities; (b) in corporate  
11 headquarters in Cincinnati; (c) outside the rental, sales, and distribution facilities, in the  
12 finance, accounting, manufacturing, logistics, research and development, and information  
13 systems departments; (d) as general manager, branch manager, company vice president or at  
14 a level above vice president; (e) as lawyers or other positions in the company's legal  
15 department.

16 119. The limitations period under the UBPA is four years. B&P §17208.  
17 Accordingly, plaintiffs seek relief for the period going back four years before this complaint  
18 was filed and continuing during the period after the complaint was filed.

19 120. Plaintiffs' cause of action under the UBPA, in Count II of this complaint, is  
20 predicated on violation of a number of laws, as described below. Plaintiffs do not seek  
21 relief pursuant to the provisions of these laws themselves. Rather, plaintiffs seek relief  
22 pursuant to the UBPA, because defendant's violation of those laws is an unfair business  
23 practice, as that term is defined in the UBPA.

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Violation of Title VII of the 1964 Civil Rights Act

121. Plaintiffs' cause of action under the UBPA is predicated, first, on violation of Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e et seq., as amended by the Civil Rights Act of 1991.

122. Defendant Cintas is an "employer" as that term is used in Title VII of the 1964 Civil Rights Act, 42 U.S.C. §2000e et seq.

Violation of 42 U.S.C. §1981

123. Plaintiffs' cause of action under the UBPA also is predicated on violation of the Civil Rights Act of 1866, 42 U.S.C. §1981, as amended by the Civil Rights Act of 1991.

Violation of the Fair Employment and Housing Act

124. Plaintiffs' cause of action under the UBPA also is predicated on violation of the California Fair Employment and Housing Act, California Government Code §12940 et seq.

125. Defendant Cintas is an "employer" as that term is used in the California Fair Employment and Housing Act, California Government Code §12940 et seq.

Violation of the California Constitution

126. Plaintiffs' cause of action under the UBPA also is predicated on violation of the California Constitution, Article I, §8.

127. The unlawful and unfair acts described herein present a continuing threat to the general public which cannot be adequately remedied at law. Plaintiffs are informed and believe that such conduct will continue unless enjoined by this Court pursuant to §17203 of the Business and Professions Code.

WHEREFORE, plaintiffs pray for restitution and injunctive relief as set forth below.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray for judgment against defendant Cintas as follows:

- (a) issue a declaratory judgment finding that defendant Cintas has discriminated against minority and female applicants and employees in California in the terms and conditions of their employment, including recruitment, hiring, job assignments, transfers, promotions, pay, the requirements imposed for movement into better-paying jobs, discipline, terminations, and transfers in lieu of termination;
- (b) grant a permanent injunction enjoining defendant Cintas, its officers, agents, employees, successors, assigns, and all persons in active concert or participation with them from engaging in discrimination in California in recruitment, hiring, job assignments, transfers, promotions, pay, the requirements imposed for movement into better-paying jobs, discipline, terminations, transfers in lieu of termination, and other terms and conditions of employment because of sex, race, or national origin;
- (c) order defendant Cintas to institute, adopt, and carry out policies and practices which provide equal employment opportunities for minority and female applicants and employees in California;
- (d) order defendant Cintas to pay restitution to make whole those persons adversely affected by the unlawful employment practices described herein, including Robin Beasley, Sandra Evans, Robert Harris, Luis Pocasangre Cardoza, Robert Ramirez, Jose Salcedo, A. Shappelle Thompson, and Coretta Vick, by providing appropriate backpay for lost wages and benefits, in an amount to be proven at trial; by hiring or reinstating plaintiffs and people they represent who have been adversely affected by defendant's discriminatory practices and providing them the seniority, rate of pay, and benefits they would have received but for defendant's discrimination; and by providing other affirmative relief necessary to eradicate the effects of defendant's unlawful employment practices;
- (e) order defendant to pay to the named plaintiffs and their attorneys their reasonable attorneys' fees and costs and expenses of this action, pursuant to applicable law, including without limitation California Code of Civil Procedure §1021.5;
- (f) order defendant Cintas to pay prejudgment and post-judgment interest at the maximum rate of interest provided by law;
- (g) retain jurisdiction of this case until such time as the Court is assured that the defendant has remedied the policies and practices complained of herein and is determined to be in full compliance with the law; and
- (h) grant such other and further relief as this Court deems just.

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DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial.

Respectfully submitted,

/s/ Paul Strauss  
Paul Strauss  
One of the Attorneys for Plaintiffs

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