

ORIGINAL

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JUN 2 2004

LUTHER D. THOMAS, Clerk
By: *F. Punch* Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

ARAC, INC., FORMERLY d/b/a
ATLANTA RENT-A-CAR, INC.,

Defendants.

Civil Action No.

1:03-CV-2631 - RLV

JURY TRIAL
DEMANDED

AMENDED COMPLAINT

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of religion, and to provide appropriate relief to the charging parties, Ms. Linda Ayers ("Ayers") and Michelle Jean-Marie ("Jean-Marie"), who were adversely affected by such practices. The Defendant failed to consider Ayers and Jean-Marie for employment and otherwise denied Ayers and Jean-Marie employment at the Defendant's facilities because of their religion, Muslim. The Defendant's conduct

during the interview process chilled any further efforts by either Ayers or Jean-Marie to seek employment with the Defendant, as the latter effort would have been a useless act given Defendant's expressed hostility towards the Muslim religion and the religious dress requirements of the Muslim religion.

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) (Title VII), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Georgia, Atlanta Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the

administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 28 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, the Defendant ARAC, Inc., formerly d/b/a Atlanta Rent-A-Car, Inc., (“Defendant”), has continuously been a corporation doing business in the State of Georgia and the city of Atlanta (and other cities contiguous to Atlanta), and has continuously had at least 15 employees.

5. At all relevant times, the Defendant has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than 30 days prior to the institution of this lawsuit, Ayers filed her charge with the Commission alleging a violation of Title VII by the Defendant. More than 30 days prior to the institution of this lawsuit, Jean-Marie filed her charge with the Commission alleging a violation of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least March 2001, the Defendant engaged in unlawful employment practices at its Atlanta, Georgia, facilities, in violation of Sections 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) by failing to consider Ayers and Jean-Marie for employment and to otherwise deny them employment because of their religion, Muslim.

8. The effects of the practices complained of in paragraph 7 above have been to deprive Ayers and Jean Marie of equal employment opportunities and otherwise adversely affect their status as employees because of their religion, Muslim.

9. The unlawful employment practices complained of in paragraph 7 above were intentional and were carried out with malice and/or reckless indifference to the federally protected rights of Ayers and Jean-Marie.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in religious discrimination and any other employment practice which

discriminates on the basis of religion.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for the victims of religious discrimination and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Ayers and Jean-Marie, respectively, who were adversely affected by the Defendant's discriminatory conduct, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to front pay and/or rightful-place reinstatement of Ayers and Jean-Marie.

D. Order the Defendant to make whole Ayers and Jean Marie, respectively, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including job search expenses, in amounts to be determined at trial.

E. Order the Defendant to make whole Ayers and Jean Marie, respectively,

by providing compensation for non-pecuniary losses resulting from the unlawful employment practices described above, including emotional pain and suffering, anxiety, stress, depression, and humiliation, in amounts to be determined at trial.

F. Order the Defendant to pay to Ayers and Jean-Marie, respectively, punitive damages for the Defendant's malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

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.

(signatures on the following page)

Respectfully submitted,

Eric Dreiband
General Counsel



A handwritten signature in black ink, appearing to read 'S. Robert Royal', is written over a horizontal line.

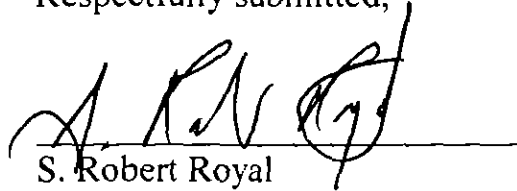
S. Robert Royal
Regional Attorney
Georgia Bar No. 617505

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CERTIFICATE OF COMPLIANCE WITH LR 5.1B, NDGa

Plaintiff hereby certifies that, pursuant to LR 5.1B, NDGa, this pleading was prepared with 14 point Times New Roman font.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Robert Royal', is written over a horizontal line.

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ARAC, INC., FORMERLY d/b/a	:	
ATLANTA RENT-A-CAR, INC.,	:	
	:	
Defendant.	:	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **AMENDED COMPLAINT**
has, on this the 2nd day of June, 2004, been sent by facsimile and first class mail
to the following counsel of record:

Matthew Moffett, Esq.
Chris Ziegler, Esq.
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