

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MARYLAND
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Baltimore District Office)	
10 S. Howard Street, 3 rd Fl.)	
Baltimore, Maryland 21201)	Civil Action No.
)	
Plaintiff,)	
)	<u>COMPLAINT</u>
v.)	
)	
IMPORTED CARS OF MARYLAND, INC.)	<u>JURY TRIAL DEMAND</u>
d/b/a COLLEGE PARK HONDA,)	
9400 Baltimore Blvd.)	
College Park, Maryland 20740)	
)	
Defendant.)	

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. (“Title VII”) and Title I of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A, to correct unlawful employment practices based on race, national origin, and retaliation and to make whole Nishant Paul. As discussed in more detail below, Defendant subjected Mr. Paul to a hostile work environment based on his race (South Asian) and national origin (Indian) and discharged him in retaliation for complaining about the unlawful harassment.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Section 2000e-5(f)(1), (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A.

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

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is an 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, 42 U.S.C. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Imported Cars of Maryland, Inc. d/b/a College Park Honda (“Defendant Imported Cars of Maryland”) has continuously been and is now a Maryland corporation doing business in the State of Maryland and the City of College Park, and has at least fifteen employees.

5. At all relevant times, Defendant Imported Cars of Maryland 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. Section 2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Nishant Paul filed a charge with the Commission alleging violations of Title VII by Defendant Imported Cars of Maryland. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since February or March 2003, Defendant Imported Cars of Maryland has engaged in unlawful employment practices at its College Park Honda dealership, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Section 2000e-2(a) and 2000e-3(a). The practices include the following:

a. Subjecting Nishant Paul to a racially and ethnically hostile and offensive work environment. Specifically, Owner Richard Patterson and General Sales Manager Steven Cole on a daily basis called Mr. Paul discriminatory and derogatory terms, such as “bobblehead,” “dot head,” “sand nigger,” and “towel head.” Owner Patterson and Manager Cole also frequently made fun of Charging Party’s culture, such as having employees in a staff meeting “bob” their heads up and down when talking about Indian customers, asking Charging Party if the red dot on an Indian’s forehead was a “push start,” and calling South Asian customers “cheap.” In addition, Manager Cole frequently yelled, cursed at, and threatened Mr. Paul. The harassment ultimately culminated in Mr. Paul’s termination; and

b. Terminating Mr. Paul’s employment in retaliation for complaining about discriminatory treatment.

8. The unlawful employment practices complained of in paragraph 7 were intentional.

9. The unlawful employment practices complained of in paragraph 7 were done with malice or with reckless indifference to the federally protected rights of Nishant Paul.

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Imported Cars of Maryland, its officers, successors, assigns and all persons in active concert or participation with it, from

engaging in harassment based on race and national origin and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

B. Order Defendant Imported Cars of Maryland to institute and carry out policies, practices, and programs which eradicate harassment based on race and national origin and retaliation, and prevent harassment based on race and national origin and retaliation from occurring in the future, and which eradicate the effects of past and present harassment based on race and national origin and retaliation;

C. Order Defendant Imported Cars of Maryland to reinstate Nishant Paul to his rightful place position;

D. Order Defendant Imported Cars of Maryland to make whole Nishant Paul by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

E. Order Defendant Imported Cars of Maryland to make whole Nishant Paul by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

F. Order Defendant Imported Cars of Maryland to pay Nishant Paul punitive damages for its callous indifference to his federally protected right to be free from racial discrimination and retaliation in the workplace;

G. Grant such further relief as the Court deems proper; 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 the Complaint.

Respectfully submitted,

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