

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

* Plaintiff,

JUDGE : Woods, George E.
DECK : S. Division Civil Deck
FILE DATE : 02/05/2004 @ 13:00:50
CASE NO : 2:04CV70420

v.

MEADE LEXUS,

Defendant.

MAGISTRATE JUDGE R. STEVEN WHALEN

COMPLAINT AND JURY
TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to employees, Melissa Angotti, Isabella Ziemer, and other similarly situated individuals, who were adversely affected by such practices. The EEOC alleges that Defendant, Meade Lexus, ("Defendant" or "Lexus") subjected Angotti, Ziemer, Olson, Rosinski, Jaddou-Mio and other similarly situated employees ("Claimants") to a sexually hostile work environment and that the Defendant, despite knowledge of the harassment, failed to take prompt and effective action to correct and prevent the harassment.

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 Sections 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, 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345.

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 Eastern District of Michigan, Southern Division.

3. Plaintiff, the Equal Employment Opportunity Commission, ("EEOC" or 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, 42 U.S.C. §§ 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Lexus, has continuously been a corporation doing business in Southfield, Michigan, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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. §§ 2000c(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty (30) days prior to the institution of this lawsuit, Melissa Angotti, Isabella Ziemer, Katie Olson, Lauren Rosinski and Lana Jaddou-Mio, filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least October of 2002, Defendant Employer has engaged in unlawful employment practices at its Southfield, Michigan facility, in violation of Section 703(a), 42 U.S.C. § 2000e-2(a). The Defendant's unlawful employment practices include, but are not limited to the following:

- a. A male co-worker and then supervisor at Defendant Employer's Southfield, Michigan facility engaged in behavior that created a hostile work environment for all of the Claimants.
- b. Throughout the Claimant's employment, they were subjected to unwelcome sexual talk, innuendos, touching, staring, and intimidation by male co-worker and then supervisor Armand Hasanaj. Examples of such conduct include:
 - i. Hasanaj made sexual comments to the Claimants concerning their personal sex lives, i.e. asking them if they were virgins and telling them that they needed an experienced man to show them how to make love and telling them that they had sexy hot bodies.
 - ii. Hasanaj put his fingers under the bra strap of Angotti and rubbed her shoulder where the strap had been setting despite her protests that he stop;
 - iii. Hasanaj would make sexual gestures with his tongue;
- c. Complaints about Hasanaj were made about Hasanaj's unwelcome remarks and behavior. In spite of its knowledge of the harassment and the sexually hostile work environment, the Defendant failed to take reasonable care to prevent the harassment, and to take effective corrective action reasonably designed to end the harassment.

8. The effect of the unlawful conduct complained of in paragraph 7, above, has been to deprive the Claimants of equal employment opportunities and otherwise adversely affect their status as employees because of their sex, female.

9. The unlawful employment practices complained of in paragraph 7, above, were and

are intentional.

10. As the result of the unlawful employment practices complained of in paragraph 7, above, the Claimants have suffered emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

11. The unlawful employment practices complained of in paragraph 7, above, were done with malice or with reckless indifference to the federally protected rights of the Claimants.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. GRANT a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex;

B. ORDER Defendant Employer 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 Employer to provide training on Title VII of the Civil Rights Act of 1964, as amended, and its prohibitions against sexual harassment to all of its employees at its Meade Lexis of Southfield facility as well as its human resources department;

D. ORDER Defendant Employer to make whole all Claimants 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;

E. ORDER Defendant Employer to make whole all Claimants by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7, above, in amounts to be proven at trial;

F. ORDER Defendant Employer to make whole all Claimants by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7, above, in amounts to be proven at trial;

G. ORDER Defendant Employer to pay all Claimants punitive damages for its malicious or reckless conduct described in paragraph 7, above, in amounts to be proven at trial;

H. GRANT such further relief as the Court deems necessary and proper in the public interest; and

I. AWARD the Commission its costs for 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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General Counsel

JAMES N. LEE
Deputy General Counsel


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DATED: February 05, 2004

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PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

Yes

No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes

No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
