

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

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, JANET REDDINGTON,  
LISA BICE,

Plaintiffs,

Docket No: 02-72357  
Hon. Judge Bernard A. Friedman

v

RPM AUTO SALES, INC.,

Defendants.

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Adele Rapport (P44833)  
Robert K. Dawkins (P38289)  
Tammy C. Klein (P60256)  
Attorneys for EEOC  
Detroit District Office  
477 Michigan Ave., Rm. 865  
Detroit, Michigan 48226  
(313) 226-5673

LEONARD KRUSE, P.C.  
BY: NORBERT B. LEONARD (P40056)  
KELLY A. KRUSE (P45538)  
Attorneys for Plaintiffs, Bice and Reddington  
4190 Telegraph Road  
Suite 3500  
Bloomfield Hills, Michigan 48302  
(248) 594-7500

WINEGARDEN, HALEY, LINDHOLM & ROBERTSON  
BY: DENNIS M. HALEY (P14538)  
MICHAEL B. HALEY (P58860)  
Attorneys for Defendant  
G-9460 South Saginaw Street  
Suite A  
Grand Blanc, MI 48439  
(810) 579-3600

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*amended-3*  
**COMPLAINT**  
**AND**  
**JURY DEMAND**  
**ON BEHALF OF PLAINTIFFS, JANET REDDINGTON AND LISA BICE, ONLY**

**NOW COME** Plaintiffs, Janet Reddington and Lisa Bice, only, by and through  
their attorneys, Leonard Kruse, P.C., and as and for their Complaint against the

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Defendant, RPM Auto Sales, Inc., state as follows:

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, Title I of the Civil Rights Act of 1991 and the Michigan Elliot Larsen Civil Rights Act to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to employees Janet Reddington and Lisa Bice, who were adversely affected by such practices. The Plaintiffs allege that Defendant, RPM Auto Sales, Inc., (“Defendant” or “RPM”) subjected Reddington and Bice 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. As a consequence, Reddington and Bice were both constructively discharged.

**JURISDICTION AND VENUE**

1.) Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, and 1343. 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, and 1343.

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 District.

3.) Plaintiffs, Janet Reddington and Lisa Bice, are residents of the State of Michigan.

4.) At all relevant times, Defendant, RPM Auto Sales has continuously been a corporation doing business in Flint, 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. §§ 2000e(b),(g) and (h).

### **COUNT I**

6.) Plaintiffs restate and reallege paragraphs one through five as if fully set forth herein and in further support of their cause of action state as follows:

7.) More than thirty days prior to the institution of this lawsuit, Janet Reddington and Lisa Bice filed charges with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8.) Since at least October 2000, Defendant Employer has engaged in unlawful employment practices at both its Saginaw and Flint, Michigan facilities, in violation of Section 703(a), 42 U.S.C. § 2000e-2(a). The Defendant's unlawful employment practices include the following:

- a. The male employees, including managers and owners, at Defendant Employer's Flint and Saginaw facilities engaged in behavior that created a hostile work environment for both Bice and Reddington.
- b. During Reddington's employment she was subjected to unwelcome sexual talk, innuendos, jokes and touching by male employees. Examples of such conduct include:
  - (i). A Sales Manager put his arms around Reddington and asked her if she wanted to have sex with him;
  - (ii). A co-worker sent sexually suggestive e-mails. The same co-worker put his arms around her and attempted to kiss her neck. He also told her that if she could not take the harassment then she did not need to work there;
  - (iii). A manager leaned in close to Reddington and asked her when was the last time she had sex;
  - (iv). Reddington dropped some change on the floor and asked a co-worker to pick it up. He bent over, picked up the change and ran his hand up Reddington's leg all the way to the bottom of her skirt;
  - (v). A co-worker approached Reddington with a catalog. On the cover of the catalog was an old woman with a large magnifying glass that lit up to help with her needlework. He told Reddington that he was thinking this would be a great tool for masturbating. It would magnify his penis. He further commented that the magnifying glass would make him feel "real big and feel good about himself."
- c. During Bice's employment she was subjected to unwelcome sexual talk, innuendos, jokes and touching by male employees. Examples of such conduct include:

- (i). A co-worker asked Bice to have sex with him;
  - (ii) A manager told Bice that it takes a special kind of person to work for RPM - one that tolerates sexual harassment;
  - (iii). A co-worker said to Bice, "Come on tits, we know you want to. Don't you know we all have sex with each other up here?";
  - (iv). After Bice was transferred to the Saginaw location, she had to stop by the Flint office on a daily basis. When she would stop, both owners would hug her. One owner told Bice that he could no longer hug her because it was exciting him sexually. He also told Bice that "maybe someday you will let me show you what I can do with my tongue."
  - (v). The Collections Manager at the Saginaw location followed Bice to the bathroom. When Bice turned around to see why he was following her, he grabbed and squeezed her breasts. When she came back out of the bathroom, Bice told him not to do that anymore and he responded, "Your breasts are so big and inviting that I could not resist."
  - (vi). A co-worker faxed Bice a hand-drawn picture of a penis and vagina with a reference to the weekend camping trip she would be taking with her boyfriend. He faxed it from the Flint location to Bice at the Saginaw location.
  - (vii). A co-worker told Bice he was taking \$40.00 to pay the girl waiting in the car for the sexual services she had performed.
  - (viii). One of the co-owners who had promised Bice days before that he would take care of the sexual harassment, hugged her and then squatted down, grabbed her buttocks and pulled her to him while thrusting his hips forward.
- d. Reddington and Bice both complained to management about the 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 corrective action to end the harassment. In fact, the supervisors were often engaging in, condoning and encouraging the harassment.
- e. Defendant's failure to take reasonable care to prevent and correct the harassment resulted in Reddington and Bice both being constructively discharged.

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

10.) The unlawful employment practices complained of in paragraph 7 above were and are intentional.

11.) As the result of the unlawful employment practices, Reddington and Bice have suffered a loss of earnings and benefits, a loss of earning capacity, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life.

12.) The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Reddington and Bice.

## COUNT II

13.) Plaintiffs restate and reallege paragraphs one through twelve as if fully set forth herein and in further support of their cause of action state as follows:

14.) At all times relevant hereto, Defendant Employer has engaged in unlawful employment practices at both its Saginaw and Flint, Michigan facilities, in violation of the Michigan Elliot Larsen Civil Rights Act. The Defendant's unlawful employment practices include the following:

- a. The male employees, including managers and owners, at Defendant Employer's Flint and Saginaw facilities engaged in behavior that created a hostile work environment for both Bice and Reddington.

- b. During Reddington's employment she was subjected to unwelcome sexual talk, innuendos, jokes and touching by male employees. Examples of such conduct include:
- (i) A Sales Manager put his arms around Reddington and asked her if she wanted to have sex with him;
  - (ii) A co-worker sent sexually suggestive e-mails. The same co-worker put his arms around her and attempted to kiss her neck. He also told her that if she could not take the harassment then she did not need to work there;
  - (iii) A manager leaned in close to Reddington and asked her when was the last time she had sex;
  - (iv) Reddington dropped some change on the floor and asked a co-worker to pick it up. He bent over, picked up the change and ran his hand up Reddington's leg all the way to the bottom of her skirt;
  - (v) A co-worker approached Reddington with a catalog. On the cover of the catalog was an old woman with a large magnifying glass that lit up to help with her needlework. He told Reddington that he was thinking this would be a great tool for masturbating. It would magnify his penis. He further commented that the magnifying glass would make him feel "real big and feel good about himself."
- c. During Bice's employment she was subjected to unwelcome sexual talk, innuendos, jokes and touching by male employees. Examples of such conduct include:
- (i) A co-worker asked Bice to have sex with him;
  - (ii) A manager told Bice that it takes a special kind of person to work for RPM - one that tolerates sexual harassment;
  - (iii) A co-worker said to Bice, "Come on tits, we know you want to. Don't you know we all have sex with each other up here?";
  - (iv) After Bice was transferred to the Saginaw location, she had to stop by the Flint office on a daily basis. When she would stop, both owners would hug her. One owner told Bice that he could no longer hug her because it was exciting him sexually. He also told Bice that "maybe someday you will let me show you what I can do with my tongue.";

- (v). The Collections Manager at the Saginaw location followed Bice to the bathroom. When Bice turned around to see why he was following her, he grabbed and squeezed her breasts. When she came back out of the bathroom, Bice told him not to do that anymore and he responded, "Your breasts are so big and inviting that I could not resist.";
  - (vi). A co-worker faxed Bice a hand-drawn picture of a penis and vagina with a reference to the weekend camping trip she would be taking with her boyfriend. He faxed it from the Flint location to Bice at the Saginaw location;
  - (vii). A co-worker told Bice he was taking \$40.00 to pay the girl waiting in the car for the sexual services she had performed;
  - (viii). One of the co-owners who had promised Bice days before that he would take care of the sexual harassment, hugged her and then squatted down, grabbed her buttocks and pulled her to him while thrusting his hips forward.
- d. Reddington and Bice both complained to management about the 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 corrective action to end the harassment. In fact, the supervisors were often engaging in, condoning and encouraging the harassment.
- e. Defendant's failure to take reasonable care to prevent and correct the harassment resulted in Reddington and Bice both being constructively discharged.

15.) The effect of the unlawful conduct set forth above, has been to deprive Reddington and Bice of equal employment opportunities and otherwise adversely to affect their status as employees because of their sex, female.

16.) As the result of the unlawful employment practices, Reddington and Bice have suffered a loss of earnings and benefits, a loss of earning capacity, emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life.



### COUNT III

17.) Plaintiffs restate and reallege paragraphs one through sixteen as if fully set forth herein and in further support of their cause of action state as follows:

18.) Plaintiffs are females and are otherwise members of a protected class pursuant to the ELCRA.

19.) Throughout Plaintiffs' employment with the Defendant and, particularly, over the last several years, Plaintiffs have been the victim of sexual harassment, as set forth above.

20.) The acts and omissions of the Defendant, its agents, representatives and employees, adversely affected the terms and conditions of Plaintiffs' employment with Defendant.

21.) At all times relevant hereto, Defendant knew or should have known of the acts and omissions, described above, to which Plaintiffs were repeatedly subjected.

22.) The failure of Defendant to rectify these situations and its decision to allow them to continue has created a hostile and/or offensive work environment which affected the terms and conditions of Plaintiffs' employment and which caused their constructive discharge.

23.) The acts and omissions of Defendant and its representatives, agents and employees were in violation of the Michigan Elliot Larsen Civil Rights Act.

24.) As a direct and proximate cause of Defendant's harassment of Plaintiffs, Plaintiffs has suffered and continues to suffer damages including, but not limited to emotional distress, anxiety, mental distress, embarrassment, loss of earnings and earning capacity and loss of benefits.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiffs respectfully request that this Court:

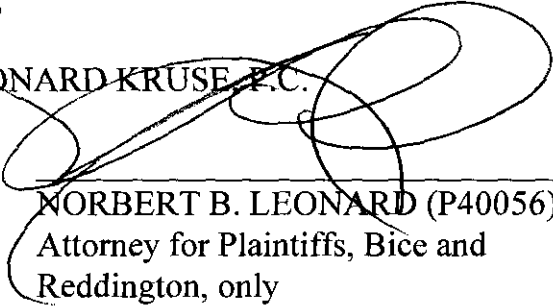
- A. Grant a permanent injunction enjoining Defendant, Employer, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex;
- B. Order Defendant, Employer, 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 the Defendant, Employer, to make whole Plaintiffs, Bice and Reddington, by providing appropriate back pay with prejudgement 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, Employer, to make whole Plaintiffs, Bice and Reddington, by providing compensation for past and future pecuniary losses resulting from the Defendant's unlawful employment practices;
- E. Order Defendant, Employer, to make whole Plaintiffs, Bice and Reddington, by providing compensation for past and future non-pecuniary losses resulting from the Defendant's unlawful employment practices;
- F. Order Defendant, Employer, to pay Plaintiffs, Bice and Reddington, punitive damages for its malicious and reckless conduct;
- G. Order Defendant, Employer, to implement a sexual harassment policy, including but not limited to providing an effective reporting mechanism, and to provide training to its owners and employees regarding Title VII, including sexual harassment;
- H. Award to Plaintiffs, Bice and Reddington, all damages contemplated by the Michigan Elliot Larsen Civil Rights Act;
- I. Award to Plaintiffs, Bice and Reddington, their reasonable and necessary attorney fees and costs incurred in bringing this action.

J. Award to Plaintiffs such other and further relief as the Court deems just and equitable;

LEONARD KRUSE P.C.

By:

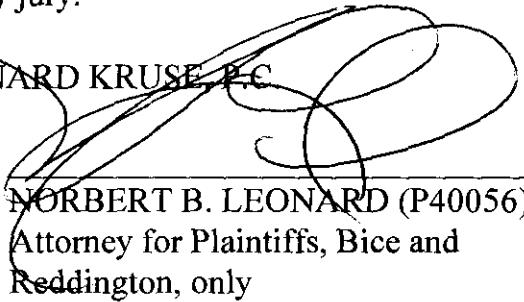
  
NORBERT B. LEONARD (P40056)  
Attorney for Plaintiffs, Bice and  
Reddington, only

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

LEONARD KRUSE P.C.

By:

  
NORBERT B. LEONARD (P40056)  
Attorney for Plaintiffs, Bice and  
Reddington, only

Dated: July 29, 2002