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14 ATTORNEYS FOR PLAINTIFF

15 UNITED STATES DISTRICT COURT
16 FOR THE DISTRICT OF MONTANA

17 EQUAL EMPLOYMENT OPPORTUNITY)
18 COMMISSION,)

19 Plaintiff,)

20 vs.)

21 LES SCHWAB TIRE CENTERS OF MONTANA,)
22 INC., LES SCHWAB TIRE WAREHOUSE, INC.,)

23 Defendants.)
24 _____)
25

CASE NO. CV-06-149-M-DWM

COMPLAINT

JURY TRIAL DEMAND

1 “defendants”) have been corporations continuously doing business in the State of Montana and
2 have continuously had at least 15 employees.

3 5. At all relevant times, defendant Les Schwab has continuously been an employer
4 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
5 Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

6 STATEMENT OF CLAIMS

7 6. More than thirty days prior to the institution of this lawsuit, Mr. Nevins filed a
8 charge with the Commission alleging violations of Title VII by Les Schwab. All conditions
9 precedent to the institution of this lawsuit have been fulfilled.

10 7. From at least April 2002 until December 2004, defendant engaged in unlawful
11 employment practices at its Kalispell, Montana store in violation of §§ 703(a) and 704(a) of Title
12 VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendant engaged in these unlawful practices through
13 the following actions: (1) by subjecting Mr. Nevins to racial harassment; (2) by discriminating
14 against Mr. Nevins based on his race; (3) by retaliating against Mr. Nevins for his complaints to
15 company officials about racial harassment; and (4) by discriminating and retaliating against Mr.
16 Nevins by terminating him in December 2004.

17 8. The effect of the practices complained of in paragraph 7 above has been to
18 deprive Mr. Nevins of equal employment opportunities and otherwise adversely affect his status
19 as an employee.

20 9. The unlawful employment practices complained of in paragraph 7 above were
21 intentional.

1 G. Award the Commission its costs of this action.

2 JURY TRIAL DEMAND

3 The Commission requests a jury trial on all questions of fact raised by its complaint.

4 DATED this 25th day of September, 2006.

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8 Acting Supervisory Trial Attorney

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11 BY: /s/ William R. Tamayo

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