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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

HONDA OF AMERICA MFG., INC.

Defendant.

CIVIL ACTION NO.

2 : 06 CV 233

**JUDGE MARBLEY**

MAGISTRATE JUDGE KEMP

COMPLAINT

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 retaliation for protected opposition activity and to provide appropriate relief to Monica Ways, who was adversely affected by such practices. Defendant discharged Ways in retaliation for her opposition to discriminatory employment practices and she suffered resulting damages.

### **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 ("CRA of 1991").

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Ohio, Eastern 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 of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000(e)-5(f)(1) and (3).

4. At all relevant times, Defendant Honda of America Mfg., Inc. (the "Employer"), has continuously been an Ohio corporation for profit doing business in the State of Ohio and the City of Marysville, Ohio 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 Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e-(b), (g) and (h).

**STATEMENT OF CLAIMS**

**Conditions Precedent**

6. More than thirty days prior to the institution of this lawsuit, Monica Ways 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.

**Title VII Individual Claim**

7. On or about April 14, 2004, Defendant Employer engaged in unlawful employment practices at its Marysville, Ohio facility in violation of Section 704(a) of Title VII, 42 U.S. C. § 2000e-3(a). Such practices include Defendant's discharge of Monica Ways, in retaliation for her protected opposition activity after she protested racial discrimination in employment and she suffered resulting damages.

8. The effect of the practices complained of in paragraph 7 above, has been to deprive Monica Ways of equal employment opportunities, because of her protected opposition activity.

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

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

**PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors and assigns, and all other persons in active concert or participation with it, from retaliating against Monica Ways and all other employees similarly situated, for their protected opposition activity, including without limitation, by discharging Ways, in retaliation for protesting racial discrimination in employment and from engaging in any other employment practice which discriminates on the basis of retaliation.

B. Order Defendant Employer to institute and carry out policies, practices and programs which provide equal employment opportunities, terms, conditions and privileges of employment for employees who have opposed unlawful employment practices and which eradicate the effects of its past unlawful employment practices.

C. Order Defendant Employer to make whole Monica Ways, by providing appropriate backpay 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 an offer to Ways of rightful place reinstatement or frontpay in lieu of reinstatement.

D. Order Defendant Employer to make whole Monica Ways by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7-10 above, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Monica Ways by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7-10 above, including emotional upset and pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to make whole Monica Ways by providing punitive damages for its malicious or recklessly indifferent conduct described in paragraphs 7-10 above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this Action.

**JURY TRIAL DEMAND**

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

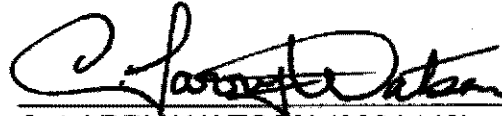
Respectfully submitted,

JAMES L. LEE  
DEPUTY GENERAL COUNSEL

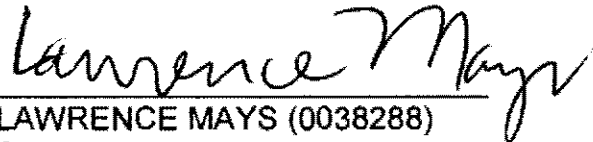
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