

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA S. CAMERON-LYTLE	:	CASE NO. 03-CV-662
3296 Huntsman Trace	:	
Amelia, OH 45102	:	
	:	
Plaintiff,	:	Judge: Herman J. Weber
	:	
vs.	:	Magistrate: Timothy S. Hogan
	:	
JEFF WYLER EASTGATE, INC.	:	
Formerly Known As	:	
JEFF WYLER CHEVROLET, INC.	:	<u>COMPLAINT AND</u>
	:	<u>JURY DEMAND</u>
	:	
Statutory Agent:	:	
	:	
Donald W. White	:	
237 Main Street	:	
Batavia, OH 45103	:	
	:	
Defendant.	:	

Now comes Plaintiff Patricia Cameron-Lytle and for her Complaint against the Defendant hereby states as follows:

I. PARTIES

1. Plaintiff Patricia Cameron-Lytle is an individual citizen of the County of Clermont, State of Ohio.

2. Defendant Jeff Wyler Eastgate, Inc., formerly known as Jeff Wyler Chevrolet, Inc., is incorporated under the laws of the State of Ohio and conducts business in Batavia, Clermont County, Ohio, within the Western Division for the Southern District of Ohio.

EXHIBIT 1

3. At all times material, Defendant has continuously been and is an employer engaged in an industry affecting commerce within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-(b), (g) and (h) and Ohio Rev. Code §4112.01 (A)(2).

II. JURISDICTION AND VENUE

4. Jurisdiction over Count One of this action is conferred on this Court by 42 U.S.C. §2000e-5(f)(3) because this claim arises under the laws of the United States. Jurisdiction over Count Two of this action is founded on supplemental jurisdiction pursuant to 28 U.S.C. §1367 because these claims arise from the same facts and circumstances as Count One.

5. Venue is properly laid in the Southern District of Ohio, Western Division, because Defendant is doing business in this district; Plaintiff resides in this district; and the claims arose in this district.

III. ADMINISTRATIVE ACTION

6. On or about August 28, 2001, Plaintiff Cameron-Lytle executed a Charge and on or about January 2, 2002, executed an Amended Charge with the Equal Employment Opportunity Commission (EEOC) in 221A20047, alleging that Defendant discriminated against her and similarly situated female applicants on the basis sex.

7. On February 20, 2003, the EEOC issued a probable cause finding to Plaintiff, Cameron-Lytle. Efforts at conciliating the case failed and on September 25, 2003, a Complaint was filed by the EEOC on behalf of Cameron-Lytle and similarly situated employees in the instant case.

IV. FACTUAL ALLEGATIONS

8. Plaintiff Cameron-Lytle applied for the position of salesperson with Defendant's Eastgate location on numerous occasions commencing in Summer 2000 through Summer 2001.

9. Plaintiff Cameron-Lytle possessed the necessary experience and qualifications for the position of salesperson.

10. Vacancies existed at Defendant in the position of salesperson during the period Plaintiff Cameron-Lytle made applications for employment.

11. Despite the fact that Plaintiff Cameron-Lytle and other female applicants were qualified for the position of salesperson, Defendant refused to hire Plaintiff and other similarly situated female applicants because of sex.

12. The effect of the practices complained of in Paragraph 11 above have been to deprive Plaintiff Cameron-Lytle and similarly situated females of equal employment opportunities and otherwise adversely affected their status as an employee because of their sex.

13. The unlawful employment practices complained of in Paragraph 11 above were intentional.

14. The unlawful employment practices complained of in Paragraph 11 above were done with malice and/or reckless indifference to the federally-protected rights of Plaintiff Cameron-Lytle and similarly situated females.

COUNT ONE

SEX DISCRIMINATION -TITLE VII

15. The allegations of the prior paragraphs are incorporated as if fully set forth below.

16. Defendant's discriminatory conduct toward Plaintiff Cameron-Lytle and similarly situated female applicants, in failing to hire them because of sex, violates Title VII of the Civil Rights Act, 42 U.S.C. §2000(e), as amended.

17. As a result of Defendant's discriminatory conduct, Plaintiff Cameron-Lytle and other similarly situated females have been damaged.

COUNT TWO

SEX DISCRIMINATION-OHIO REV. CODE §4112.02(A) AND 4112.99

18. The allegations of the prior paragraphs are incorporated as if fully set forth below.

19. Defendant's discriminatory conduct toward Plaintiff Cameron-Lytle and similarly situated female applicants, in failing to hire them because of sex, violates Ohio Rev. Code §4112.02(A) as made actionable by Ohio Rev. Code § 4112.99 .

20. As a result of Defendant's discriminatory conduct, Plaintiff Cameron-Lytle and similarly situated employees have been damaged.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that this Court enter a judgment as follows:

A. Declaring that the acts and practices complained of herein are in violation of Title VII and O.R.C. 4112.02 (A);

B. Enjoining and restraining further violations of Title VII and O.R.C. 4112.02 (A);

C. Ordering Defendant to take such affirmative actions as are necessary to ensure that the effects of these unlawful employment practices are eliminated;

D. Ordering Defendant to make whole Plaintiff Cameron-Lytle and other similarly situated employees by providing appropriate back-pay with prejudgment interest in amounts to be determined at trial and other affirmative relief necessary to eradicate its effects of unlawful employment practices, including, but not limited to, the rightful place hiring of Plaintiff Cameron-Lytle and similarly situated females;

E. Ordering Defendant to make whole Plaintiff Cameron-Lytle and other similarly situated employees by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 11 above, including past and future out-of-pocket losses in amounts to be determined at trial;

F. Ordering Defendant to make whole Plaintiff Cameron-Lytle and other similarly situated employees by providing compensation for past and future non pecuniary losses resulting from the unlawful employment practices described in Paragraph 11 above, including losses such as emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation in amounts to be determined at trial;

G. Awarding Plaintiff Cameron-Lytle her costs and disbursements incurred in connection with this action, including reasonable attorneys' fees, expert witness fees and other costs;

H. Awarding pre-judgment and post judgment interest as provided by law; and

I. Granting such further relief as may be just and equitable.

Respectfully submitted,

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Jury Trial Demand

Plaintiff requests a jury trial on all issues of fact raised by the Complaint.

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