

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

PATRICIA S. CAMERON-LYTLE
3296 Huntsman Trace
Amelia, OH 45102

SHA'QUILA MATHEWS
3810 Oboe Drive, Apt. S
Louisville, KY 40216

and

BONNIE FINNS
4292 Mt. Carmel-Tobasco Road
Cincinnati, OH 45244

and

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**
Cleveland District
1600 W Second St-Ste. 850
Cleveland, OH 44113

Plaintiffs,

vs.

JEFF WYLER EASTGATE, INC.
Formerly Known As
JEFF WYLER CHEVROLET, INC.

**JEFF WYLER AUTOMOTIVE
FAMILY, INC.**
Eastgate Automall
Cincinnati, OH 45245

JEFF WYLER COLERAIN, INC.
8950 Colerain Avenue
Cincinnati, OH

JEFF WYLER FAIRFILED, INC.

CASE NO. 03-CV-662

Judge: Susan Dlott

**AMENDED COMPLAINT AND
JURY DEMAND**

5815 Dixie Highway
Fairfield, OH 45014

JEFF WYLER HILLCREST, INC.

1501 Hillcrest Avenue
Springfield, OH 45504

JEFF WYLER SPRINGFIELD, INC.

State Highway 41
Springfield, OH 45501

JEFF WYLER TROTWOOD, INC.

829 Eastgate Drive
Cincinnati, OH 45245

JEFF WYLER ALEXANDRIA, INC.

7926 Alexandria Pike
Alexandria, KY 41001

JEFF WYLER FLORENCE, INC.

1020 Burlington Pike
Florence, KY 41042

JEFF WYLER FT. THOMAS, INC.

100 Alexandria Pike
Fort Thomas, KY 41075

AND

JEFF WYLER CLARKSVILE, INC.

808 Highway 131
Clarksville, IN 47129

Defendants.

ALSO SERVE:

Statutory Agent for Jeff Wyler Colerain, Inc.

**Jeff Wyler Hillcrest, Inc. and Jeff Wyler
Springfield, Inc.:**

Corporate Statutory Services, Inc.

255 East Fifth Street - Suite 2400

Cincinnati, OH 45202

AND

Statutory Agent for Jeff Wyler Automotive Family:

Jeffrey L. Wyler
829 Eastgate South Drive
Cincinnati, OH 45245

AND

Statutory Agent for Jeff Wyler Fairfield, Inc.:

Donald W. White
237 Main Street
Batavia, OH 45103

AND

Statutory Agent for Jeff Wyler Trotwood, Inc.:

Mark J. Jahnke
255 East Fifth Street - Suite 2400
Cincinnati, OH 45202

AND

Statutory Agent for Jeff Wyler Ft. Thomas, Inc., Jeff Wyler Alexandria, Inc. and Jeff Wyler Florence, Inc.

Corporate Statutory Services, Inc.
2963 Homestead Drive
Edgewood, KY 41017

AND

Statutory Agent for Jeff Wyler Clarksville,

Inc.: :
 :
Michael G. Naville :
506 State Street :
New Albany, IN 47150 :

Now come Plaintiffs Patricia Cameron-Lytle, Sha’quila Mathews and Bonnie Finns and for their Amended Complaint against the Defendants hereby state as follows:

I. PARTIES

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

2. Plaintiff Sha’quila Mathews is an individual citizen of the County of Jefferson, State of Kentucky but during the time material herein was an individual citizen of the County of Hamilton, State of Ohio.

3. Plaintiff Bonnie Finns is an individual citizen of the County of Clermont, State of Ohio.

4. Plaintiff Equal Employment Opportunity Commission is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII.

5. 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.

6. Defendant Jeff Wyler Automotive Family, 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.

7. Defendant Jeff Wyler Colerain, Inc. is incorporated in the State of Ohio and conducts business in Cincinnati, Ohio, within the Western Division for the Southern District of Ohio.

8. Defendant Jeff Wyler Fairfield, Inc. is incorporated in the State of Ohio and conducts business in Fairfield, Ohio, within the Western Division for the Southern District of Ohio.

9. Defendant Jeff Wyler Hillcrest, Inc. is incorporated in the State of Ohio and conducts business in the City of Springfield, Ohio.

10. Defendant Jeff Wyler Springfield, Inc. is incorporated in the State of Ohio and conducts business in the City of Springfield, Ohio.

12. Defendant Jeff Wyler Trotwood, Inc. is incorporated in the State of Ohio and conducts business in the City of Trotwood, Ohio.

13. Defendant Jeff Wyler Alexandria, Inc. is incorporated in the Commonwealth of Kentucky and conducts business in the City of Alexandria, Kentucky .

14. Defendant Jeff Wyler Florence, Inc. is incorporated in the Commonwealth of Kentucky and conducts business in the City of Florence, Kentucky.

15. Defendant Jeff Wyler Ft. Thomas, Inc. is incorporated in the Commonwealth of Kentucky and conducts business in the City of Ft. Thomas, Kentucky.

16. Defendant Jeff Wyler Clarksville, Inc. is incorporated in the State of Indiana and conducts business in the City of Clarksville, Indiana..

17. At all relevant times, Defendants described in paragraphs 5 through 16 above have operated as an integrated enterprise and have continuously been a single 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

18. 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.

19. Venue is properly laid in the Southern District of Ohio, Western Division, because Defendants are doing business in this district; Plaintiffs Cameron-Lytle and Finns reside in this district and Plaintiff Mathews resided in this district when the claims arose; and the claims arose in this district.

III. ADMINISTRATIVE ACTION

20. 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.

21. 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

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

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

24. Vacancies existed at Defendants' locations in the position of salesperson during the period Plaintiff Cameron-Lytle made applications for employment.

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

26. The effect of the practices complained of in Paragraph 25 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.

27. The unlawful employment practices complained of in Paragraph 25 above were intentional.

28. The unlawful employment practices complained of in Paragraph 25 above were done with malice and/or reckless indifference to the federally-protected rights of Plaintiff Cameron-Lytle and similarly situated females.

29. Plaintiff Sha'quila Mathews applied for the position of salesperson with Defendants' Eastgate location in 2001.

30. Plaintiff Mathews possessed the necessary experience and qualifications for the position of salesperson.

31. Vacancies existed at Defendants' locations in the position of salesperson during the period Plaintiff Mathews made applications for employment.

32. Despite the fact that Plaintiff Mathews and other female applicants were qualified for the position of salesperson, Defendants refused to hire Plaintiff Mathews and other similarly situated female applicants because of sex.

33. The effect of the practices complained of in Paragraph 32 above have been to deprive Plaintiff Mathews and similarly situated females of equal employment opportunities and otherwise adversely affected their status as an employee because of their sex.

34. The unlawful employment practices complained of in Paragraph 32 above were intentional.

35. The unlawful employment practices complained of in Paragraph 32 above were done with malice and/or reckless indifference to the federally-protected rights of Plaintiff Mathews and similarly situated females.

36. Plaintiff Bonnie Finns applied for the position of salesperson at Defendants' Eastgate location on at least two occasions during the Fall of 2003.

37. Plaintiff Finns possessed the necessary experience and qualifications for the position of salesperson.

38. Vacancies existed at Defendants' locations in the position of salesperson during the period Plaintiff Finns made applications for employment.

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

40. The effect of the practices complained of in Paragraph 39 above have been to deprive Plaintiff Finns and similarly situated females of equal employment opportunities and otherwise adversely affected their status as an employee because of their sex.

41. The unlawful employment practices complained of in Paragraph 39 above were intentional.

42. The unlawful employment practices complained of in Paragraph 39 above were done with malice and/or reckless indifference to the federally-protected rights of Plaintiff Finns and similarly situated females.

COUNT ONE

SEX DISCRIMINATION -TITLE VII

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

44. Defendants' discriminatory conduct toward Plaintiffs Cameron-Lytle, Mathews and Finns 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.

45. As a result of Defendants' discriminatory conduct, Plaintiffs Cameron-Lytle, Mathews and Finns and other similarly situated females have been damaged.

COUNT TWO

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

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

47. Defendants' discriminatory conduct toward Plaintiffs Cameron-Lytle, Mathews and Finns 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 .

48. As a result of Defendants' discriminatory conduct, Plaintiffs Cameron-Lytle, Mathews and Finns and similarly situated females 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 Defendants to take such affirmative actions as are necessary to ensure that the effects of these unlawful employment practices are eliminated;

D. Ordering Defendants to make whole Plaintiffs Cameron-Lytle, Mathews, Finns and other similarly situated females 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 Plaintiffs Cameron-Lytle, Mathews, Finns and similarly situated females;

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

F. Ordering Defendants to make whole Plaintiffs Cameron-Lytle, Mathews and Finns and other similarly situated females by providing compensation for past and future non pecuniary losses resulting from the unlawful employment practices described 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 Plaintiffs Cameron-Lytle, Mathews and Finns their respective 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,

S/Deborah R. Grayson

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S/Bruce H. Meizlish

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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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