

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

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION, *et al.*,)
)
Plaintiff,)
)
v.)
)
JEFF WYLER EASTGATE, INC.,)
formerly known as)
JEFF WYLER CHEVROLET, INC.,)
)
JEFF WYLER AUTOMOTIVE)
FAMILY, INC.,)
)
JEFF WYLER COLERAIN, INC.,)
)
JEFF WYLER FAIRFIELD, INC.,)
)
JEFF WYLER HILLCREST, INC.,)
)
JEFF WYLER SPRINGFIELD, INC.,)
)
JEFF WYLER TROTWOOD, INC.,)
)
JEFF WYLER ALEXANDRIA, INC.,)
)
JEFF WYLER FLORENCE, INC.,)
)
JEFF WYLER FT. THOMAS, INC.,)
)
and)
)
JEFF WYLER CLARKSVILLE, INC.)
)
Defendants.)
_____)

CIVIL ACTION NO.
1:03CV662

JUDGE: SUSAN DLOTT

PLAINTIFF EEOC'S
SECOND AMENDED
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 sex , and to provide appropriate relief to Patricia S. Cameron-Lytle who was adversely affected by such practices. The Commission alleges that Defendants failed to hire females, including Patricia S. Cameron-Lytle, as salespersons because of their sex.

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.

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, Western 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, 42 U.S.C. § 2000e-5(f) (1) and (3).

4. At all relevant times, Defendant, Jeff Wyler Eastgate Inc., formerly known as Jeff Wyler Chevrolet, Inc., has continuously been an Ohio Corporation doing business in the State of Ohio and the City of Batavia, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, Jeffrey Wyler Automotive Family, Inc., has continuously been an Ohio Corporation doing business in the State of Ohio and the City of Batavia, and has continuously had at least 15 employees.

6. At all relevant times, Defendant, Jeff Wyler Colerain, Inc., has continuously been an Ohio Corporation doing business in the State of Ohio and the City of Cincinnati, and has continuously had at least 15 employees.

7. At all relevant times, Defendant, Jeff Wyler Fairfield, Inc., has continuously been an Ohio Corporation doing business in the State of Ohio and the City of Fairfield, and has continuously had at least 15 employees.

8. At all relevant times, Defendant, Jeff Wyler Hillcrest, Inc., has continuously been an Ohio Corporation doing business in the State of Ohio and the City of Cincinnati, and has continuously had at least 15 employees.

9. At all relevant times, Defendant, Jeff Wyler Springfield, Inc., has continuously been an Ohio Corporation doing business in the State of Ohio and the City of Cincinnati, and has continuously had at least 15 employees.

10. At all relevant times, Defendant, Jeff Wyler Trotwood, Inc., has continuously been an Ohio Corporation doing business in the State of Ohio and the City of Trotwood, and has continuously had at least 15 employees.

11. At all relevant times, Defendant, Jeff Wyler Alexandria, Inc., has continuously been a Kentucky Corporation doing business in the State of Kentucky and the City of Alexandria, and has continuously had at least 15 employees.

12. At all relevant times, Defendant, Jeff Wyler Florence, Inc., has continuously been a

Kentucky Corporation doing business in the State of Kentucky and the City of Florence, and has continuously had at least 15 employees.

13. At all relevant times, Defendant, Jeff Wyler Fort Thomas, Inc., has continuously been a Kentucky Corporation doing business in the State of Kentucky and the City of Fort Thomas, and has continuously had at least 15 employees.

14. At all relevant times, Defendant, Jeff Wyler Clarksville, Inc., has continuously been an Indiana Corporation doing business in the State of Indiana and the City of Clarksville, and has continuously had at least 15 employees.

15. At all relevant times, Defendants described in pars 4 through 14 above have operated as an integrated enterprise and have continuously been a single 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).

STATEMENT OF CLAIMS

16. More than thirty days prior to the institution of this lawsuit, Patricia S. Cameron-Lytle filed a charge with the Commission alleging violations of Title VII by Defendant Jeff Wyler Chevrolet, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.

17. Since at least August 28, 1999, Defendants, as an integrated enterprise, have engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2 by failing to hire females, including Patricia S. Cameron-Lytle, as salespersons because of their sex.

18. The effect of the practices complained of in paragraph 17 above has been to deprive Patricia S. Cameron-Lytle and similarly situated females of equal employment opportunities and otherwise adversely affect their status as an employee because of their sex.

19. The unlawful employment practices complained of in paragraph 17 above were intentional.

20. The unlawful employment practices complained of in paragraph 17 above were done with malice or with reckless indifference to the federally protected rights of Patricia S. Cameron-Lytle and similarly situated females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining each Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from refusing to hire females, including Patricia S. Cameron-Lytle, and engaging in any other employment practice which discriminates on the basis of sex.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendants to make whole Patricia S. Cameron-Lytle and similarly situated females, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to the rightful place hiring of Patricia S. Cameron-Lytle and similarly situated females.

D. Order Defendants to make whole Patricia S. Cameron-Lytle and similarly situated females, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 17 above, including past and future out-of-pocket

losses in amounts to be determined at trial.

E. Order Defendants to make whole Patricia S. Cameron-Lytle and similarly situated females by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 17 above, including nonpecuniary losses such as emotional pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to determined at trial.

F. Order Defendants to pay Patricia S. Cameron-Lytle and similarly situated females, punitive damages for their malicious and reckless conduct described in paragraph 17 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.

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