

**FILED**

**DEC 3 0 2003**

**LARRY W. PROPES, CLERK  
U. S. DISTRICT COURT**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

EQUAL EMPLOYMENT OPPORTUNITY	)	CIVIL ACTION NO.
COMMISSION,	)	2: 03-3055-23BG
	)	
Plaintiff,	)	
	)	<b><u>AMENDED</u></b>
v.	)	<b><u>COMPLAINT</u></b>
	)	(JURY TRIAL DEMANDED)
HOOVER DODGE, INC.	)	
HOOVER CHRYSLER, INC.;	)	
HOOVER JEEP CHRYSLER, INC.; and	)	
HOOVER CHRYSLER JEEP, INC.	)	
	)	
Defendants.	)	
_____	)	

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 Jessica Keefer, Laura Franks, Katherine Later, Renee Cotton, Melinda Jones, and other similarly situated female employees who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "EEOC") alleges that since at least November 2000, through September 2002 the above-referenced female employees were subjected to a continuing sexually hostile working environment at Defendants' Summerville, South Carolina, automobile dealership on Old Trolley Road, and all were adversely affected by such practices.

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

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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 District of South Carolina, Charleston Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity 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 Hoover Dodge, Inc. (HD), has continuously been a South Carolina corporation doing business in the State of South Carolina and the City of Summerville, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Hoover Chrysler, Inc. (HC), has continuously been a South Carolina corporation doing business in the State of South Carolina and the City of Summerville, and has continuously had at least 15 employees.

6. At all relevant times, Defendant Hoover Jeep Chrysler, Inc. ("HJC"), has continuously been a South Carolina corporation doing business in the State of South Carolina and the City of Summerville, and has continuously had at least 15 employees.

7. At all relevant times, Defendant Hoover Chrysler Jeep, Inc. ("HCJ"), has continuously been a South Carolina corporation doing business in the State of South Carolina and the City of Summerville, and has continuously had at least 15 employees.

8. At all relevant times, Defendants HD, HC, HJC, and HCJ (referred to collectively herein as Defendants) were an integrated enterprise of automobile dealerships doing business as "Hoover the Mover" on Old Trolley Road in Summerville, South Carolina, and elsewhere in the

Charleston metropolitan area.

9. At all relevant times, Defendants have continuously been employers 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

10. More than thirty days prior to the institution of this lawsuit, Jessica Keefer filed a charge with the EEOC alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. Since at least November 2000 through September 2002, Defendants have engaged in unlawful employment practices at their Summerville, South Carolina, automobile dealership on Old Trolley Road in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2, including, but not limited to, subjecting female employees, some of whom as young as sixteen years old, to a continuing severe or pervasive sexually hostile working environment, which was based on their sex, female, and which included, but was not limited to, daily verbal and physical sexual harassment by several adult or senior adult car salesmen.

12. The effect of the practices complained of in paragraph 11 above has deprived Jessica Keefer, Laura Franks, Katherine Later, Renee Cotton, Melinda Jones, and other similarly situated female employees who worked at the Summerville, South Carolina, automobile dealership on Old Trolley Road of equal employment opportunities and otherwise adversely affected their status as employees because of their sex, female.

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 or with reckless indifference to the federally protected rights of Jessica Keefer, Laura Franks, Katherine Later, Renee Cotton, Melinda Jones, and the other similarly situated female employees who worked at the Summerville, South Carolina, automobile dealership on Old Trolley Road.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and 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 unlawful employment practices.
- C. Order Defendants to make whole Jessica Keefer, Laura Franks, Renee Cotton, and other similarly situated female employees who worked at the Summerville, South Carolina, automobile dealership on Old Trolley Road by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices.
- D. Order Defendants to make whole Jessica Keefer, Laura Franks, Renee Cotton, Melinda Jones, and other similarly situated female employees who worked at Defendants' Old Trolley Road automobile dealership, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 11 above, including, but not limited to, lost wages and medical expenses, in amounts to be determined at trial.

E. Order Defendants to make whole Jessica Keefer, Laura Franks, Katherine Later, Renee Cotton, Melinda Jones, and other similarly situated female employees who worked at the Summerville, South Carolina, automobile dealership on Old Trolley Road, by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 11 above, including, but not limited to, loss of enjoyment of life, personal injuries, loss of earning capacity, suffering, humiliation, fear, anxiety, emotional pain, loss of dignity, loss of civil rights, and anger, in amounts to be determined at trial.

F. Order Defendants to pay Jessica Keefer, Laura Franks, Katherine Later, Renee Cotton, Melinda Jones, and other similarly situated female employees who worked at the Summerville, South Carolina, automobile dealership on Old Trolley Road, punitive damages for Defendants' malicious and reckless conduct described in paragraph 11 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 EEOC its costs of this action.

JURY TRIAL DEMAND

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

Dated this 26th day of December, 2003.

ERIC S. DREIBAND  
General Counsel

JAMES L. LEE  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

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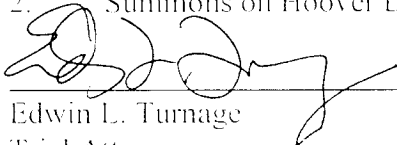
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	)	
Defendants.	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the following documents were served upon the Defendants by and through their counsel of record; H. Clayton Walker, Jr., Esq.; Swagart, Walker, Martin & Reibold, P.A.; 1722 Main St., Suite 220; Columbia, South Carolina 29201; via U.S. mail, first class, postage prepaid, this 26<sup>th</sup> day of December, 2003:

1. Amended Complaint
2. Summons on Hoover Dodge, Inc.

  
\_\_\_\_\_  
Edwin L. Turnage  
Trial Attorney