

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 06cv01903-EWN-MEH

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,
and NANCY CASTANON and GEORGENE WAYNE, interveners

Plaintiffs,

v.

MORELAND AUTO GROUP, LLP, d/b/a KIDS
AUTOMOTIVE, INC., KIDS FINANCIAL INC., and
BRANDON FINANCIAL, INC.

Defendant.

COMPLAINT AND JURY TRIAL DEMAND OF INTERVENERS

NATURE OF THE ACTION

This is an action on behalf of Nancy Castanon and Georgene Wayne regarding the unlawful employment practice of maintaining a hostile work environment based on gender in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et. seq.* (“Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and (2) the unlawful employment practice of retaliating against employees for complaining about discrimination, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3. This action seeks to provide appropriate relief to Georgene Wayne and Nancy Castanon, and similarly situated individuals adversely affected by such practices. Plaintiffs, the interveners, seek to intervene and join as plaintiffs in the above captioned action filed by the

Exhibit A

U.S. Equal Employment Opportunity Commission (“EEOC”).

Castanon and Wayne assert that Defendants, Moreland Auto Group, LLP d/b/a Kids Automotive, Inc., Kids Financial, Inc., and Brandon Financial, Inc. (“Kids Automotive”) have discriminated against them because of their gender, female, by subjecting them to sexual harassment and a hostile work environment, by failing to take prompt remedial action intended to eliminate the sexual harassment, and by retaliating against them for complaining about the hostile work environment, all in violation of Title VII.

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 Sections 703(a), 704, 706(f)(1), 706(f)(3), of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-2(a), 2000e-3, 2000e-5(f)(1), 2000e-5(f)(3), 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 District of Colorado.

PARTIES

3. Plaintiff EEOC 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 Sections 706(f)(1) and 706(f)(3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3). Plaintiffs Wayne and Castanon were employees of defendants during the relevant times and are the Charging Parties before the EEOC in the referenced charges. Castanon and Wayne are the individuals named in the EEOC suit that were subjected to the unlawful discrimination and retaliation and are claiming a right to pursue their individual claims against the defendants and

seek appropriate damages for those claims.

4. At all relevant times, Defendants have continuously been and are now doing business in the State of Colorado and have continuously had at least fifteen (15) employees.

5. At all relevant times, Defendants have continuously been an 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).

6. Wayne and Castanon are the female employees who filed the charges of discrimination with the EEOC and are named by the EEOC in their complaint.

STATEMENT OF CLAIMS

7. Plaintiffs, Wayne and Castanon, hereby join in and adopt the complaint as set out by the EEOC in the above captioned matter, as if recited in its entirety herein.

8. Plaintiffs, Wayne and Castanon, hereby assert that they were subjected to the unlawful discrimination, harassment and retaliation as detailed in the complaint of the EEOC.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs, Wayne and Castanon, respectfully requests that this Court grant the prayer for relief of the EEOC and adopt and join in such prayer for relief as if recited in its entirety herein. This prayer for relief includes:

A. Permanent injunctive relief against Defendants to cease from engaging in any employment policy or practice which creates a sexually hostile work environment or otherwise discriminates on the basis of gender, and from retaliating against employees who complain about discrimination;

B. Ordering Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for women, and which eradicate the

effects of its past unlawful employment practices, including retaliation;

C. Ordering Defendants to make whole Wayne and Castanon by providing appropriate back pay with pre-judgment interest, and post judgment interest until paid in full, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

D. Ordering Defendants to make whole Wayne and Castanon by reinstating them in their previously held positions or the equivalent thereof or, in the alternative, by providing appropriate front pay in amounts to be determined at trial;

E. Ordering Defendants to make whole Wayne and Castanon by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above;

F. Ordering Defendants to make whole Wayne and Castanon by providing compensation for past and future non-pecuniary losses, including emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and humiliation;

G. Ordering Defendants to pay Wayne and Castanon punitive damages for its malicious and/or reckless conduct described above, in amounts to be determined at trial;

H. Ordering Defendants and its successors to provide training to its officers, managers and employees regarding discriminatory harassment and retaliation in the workplace;

I. Grant such further relief, in law and in equity, as the Court deems necessary and proper; and

J. Award Wayne and Castanon their legal fees, costs, expert witness fees, and all costs of collection in this action.

JURY TRIAL DEMAND

Plaintiffs Wayne and Castanon request a jury trial on all questions of fact raised by this Complaint.

DATED this 13th day of November, 2006.

Respectfully submitted,

_____/s/ELISA MORAN_____
ELISA MORAN
8451 E. OREGON PLACE
DENVER, Co 80231
ELISAATTY@AOL.COM
303-745-6560

JIM ABRAMS
401 WESTWOOD
DENVER, Co. 80206
ABRAMSJIM@GMAIL.COM
303-321-6087

Plaintiff's address:

Nancy Castanon
10947 Bloomfield St, #221
Studio City, CA 91602

Georgene Wayne
4302 Kennedy Ave
Nashville, TN 37216