

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MIRNA E. SERRANO, STEFANIE L. MCVAY,	)	
and LINDA D. ALLEN, individually and on behalf	)	
of others similarly situated,	)	
	)	
Plaintiffs, and	)	Case No. 04-CV-40132
	)	
EQUAL EMPLOYMENT OPPORTUNITY	)	Judge Paul V. Gadola
COMMISSION,	)	
Plaintiff Intervenor,	)	Magistrate Judge Donald A. Scheer
v.	)	
	)	
CINTAS CORPORATION,	)	
	)	
<u>Defendant.</u>	)	

COMPLAINT IN INTERVENTION  
AND JURY TRIAL DEMAND

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 Plaintiffs Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and other women who have been adversely affected by those practices. As alleged with more particularity below, Defendant Cintas Corporation (Defendant) refused to recruit and hire women as Route Sales Drivers/Services Sales Representatives throughout the State of Michigan and nationwide because of their sex, 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 705(g)(6) and 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-4 and -5(f)(1)

and (3) (Title VII).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan, and nationwide as alleged in Plaintiffs' Second Amended Complaint.

### PARTIES

3. Plaintiffs Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and others as described in Plaintiffs' Second Amended Complaint.

4. Plaintiff-Intervenor 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 Sections 705(g)(6) and 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-4(g)(6) and -5(f)(1) and (3).

5. At all relevant times, Defendant Cintas Corporation has been a corporation that continuously has been doing business in the State of Michigan and throughout the nation and continuously has had at least 15 employees.

6. At all relevant times, Defendant continuously has 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).

### STATEMENT OF CLAIMS

7. All conditions precedent to this intervention have been fulfilled. Attached as Exhibit A is a certification that this case is of general public importance.

8. Since at least June 1999, Defendant has engaged in unlawful employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Defendant has denied

employment to Plaintiffs Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women as alleged in Plaintiffs' Second Amended Complaint by refusing to recruit and hire them as Drivers/Services Sales Representatives because of their sex.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Plaintiffs Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women as alleged in Plaintiffs' Second Amended Complaint of equal employment opportunities and otherwise adversely affect them because of their sex.

10. The unlawful employment practices complained of in paragraph 8 above are and were intentional.

11. The unlawful employment practices complained of in paragraph 8 are and were done with malice or reckless indifference to the federally protected rights of Plaintiffs Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women similarly situated as alleged in Plaintiffs' Second Amended Complaint.

#### PRAYER FOR RELIEF

Wherefore, EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in the unlawful conduct alleged above and any other employment practice that discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for women and eradicate the effects of its past and present unlawful employment practices. Such relief should include adoption of recruitment practices designed to allow women equal access to future employment opportunities as Drivers/Services Sales Representatives.

C. Order Defendant to make whole Plaintiffs Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women as alleged in Plaintiffs' Second Amended Complaint who were denied employment as Drivers/Services Sales Representatives by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

D. Order Defendant to make whole Plaintiff Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women as alleged in Plaintiffs' Second Amended Complaint who were denied employment as Drivers/Services Sales Representatives by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 8, in amounts to be determined at trial.

E. Order Defendant to make whole Plaintiff Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women as alleged in Plaintiffs' Second Amended Complaint who were denied employment as Drivers/Services Sales Representatives by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraph 8, including compensation for emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Plaintiff Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women as alleged in Plaintiffs' Second Amended Complaint who were denied employment as Drivers/Services Sales Representatives punitive damages for Defendant's malicious and reckless conduct as described above, in amounts to be determined at trial.

G. Order Defendant to make whole Plaintiff Mirna E. Serrano, Stefanie L. McVay, Linda D. Allen and a class of women as alleged in Plaintiffs' Second Amended Complaint who were denied employment as Drivers/Services Sales Representatives by providing the affirmative relief

necessary to eradicate the effects of its unlawful practices, including but not limited to rightful-place hiring or, alternatively, front pay.

H. Order Defendant to provide training to its officers and employees regarding Title VII, including the prohibition against sex discrimination.

I. Grant such further relief as the Court deems necessary and proper in the public interest.

J. 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.

Respectfully submitted,

JAMES L. LEE  
Deputy General Counsel

s/Adele Rapport  
ADELE RAPPORT (P44833)  
Regional Attorney

s/Robert K. Dawkins  
ROBERT K. DAWKINS (P38289)  
Supervisory Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
477 Michigan Avenue, Suite 865  
Detroit, Michigan 48226  
(313) 226-6701  
[adele.rapport@eeoc.gov](mailto:adele.rapport@eeoc.gov)  
[robert.dawkins@eeoc.gov](mailto:robert.dawkins@eeoc.gov)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN**

Exhibit

Description

A

Certification of Public Importance

**CERTIFICATE OF SERVICE**

I, Robert K. Dawkins, certify that on December 23 2005, I electronically filed Plaintiff Intervenor's COMPLAINT IN INTERVENTION AND JURY TRIAL DEMAND with the Clerk of the Court using the ECF system which will send notification of such filing to the following: 1) **Gena E. Wiltsek**, Lieff, Cabraser, 780 Third Avenue, 48th Floor, New York, NY 10017-2024; 2) **James K. Fett & Lawrence A. Fields**, Fett & Fields, 805 E. Main Street, Pinckney, MI 48169-3266; 3) **William G. Tishkoff & A. Poppy Goudsmit**, Tishkoff & Assoc., 407 N. Main, Suite 200, Ann Arbor, MI 48104-1158; 4) **Richard Talbot Seymour**, 1150 Connecticut Ave., NW, Suite 900, Washington, DC 20036-4129; 5) **Gregory M. Utter**, Keating, Muething, One East Fourth Street, Suite 1400, Cincinnati, OH 45202; 6) **Rachel J. Geman**, Lieff, Cabraser, 780 Third Avenue, 48th Floor, New York, NY 10017-2024; 7) **Theodore R. Opperwall**, Kienbaum, Opperwall, 280 S. Old Woodward Avenue, Suite 400, Birmingham, MI 48009-6255; 8) **Omar Weaver**, 477 Michigan Avenue, Room 865, Detroit, Michigan 48226.

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

s/Robert K. Dawkins  
Robert K. Dawkins (P38289)  
Attorney for EEOC

DETROIT DISTRICT OFFICE  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226  
(313) 226-3406  
robert.dawkins@eeoc.gov