

black. After Mr. Pridgeon complained about the racial discrimination, Defendants reduced his hours, denied him training, and discharged him in retaliation for his complaints.

JURISDICTION AND VENUE

_____1. Jurisdiction of this Court is invoked pursuant to Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Section 2000e-5(f)(1), (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Northern Division.

3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is an 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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Henley Enterprises, Inc. (“Defendant Henley Enterprises”) has continuously been and is now a Massachusetts corporation doing business in the State of Maryland and the City of Cockeysville, and has at least fifteen employees.

5. At all relevant times, Defendant Henley Enterprises has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h).

6. At all relevant times, Defendant Mid-Atlantic Lubes, LLC (“Defendant Mid-Atlantic Lubes”) has continuously been and is now a Maryland corporation doing business in the State of Maryland and the City of Cockeysville, and has at least fifteen employees.

7. At all relevant times, Defendant Mid-Atlantic Lubes has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Ivan Pridgeon filed a charge with the Commission alleging violations of Title VII by Valvoline Instant Oil Change, a franchise operated by Defendant Henley Enterprises. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. More than thirty days prior to the institution of this lawsuit, Ivan Pridgeon filed a charge with the Commission alleging violations of Title VII by Valvoline Instant Oil Change, a franchise operated by Defendant Mid-Atlantic Lubes. All conditions precedent to the institution of this lawsuit have been fulfilled.

10. Since at least June 11, 2003, Defendant Henley Enterprises has engaged in unlawful employment practices at its Cockeysville Valvoline Instant Oil Change franchise, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Section 2000e-2(1) and 2000e-3(a). The practices include the following:

a. Subjecting Ivan Pridgeon to a hostile and offensive work environment and to disparate terms and conditions of employment by condoning the racially harassing and discriminatory behavior of Manager Vernon Hill. Discriminatory incidents committed by Hill include, but are not limited to, instructing Mr. Pridgeon not to perform maintenance presentations for white customers; ordering Mr. Pridgeon to report downstairs and remain out of sight when white customers arrived; threatening Mr. Pridgeon with termination should he speak with white

customers; referring to Mr. Pridgeon and another black employee as “niggers”; and instructing white employees not to tell Mr. Pridgeon about a training class;

b. Reducing Mr. Pridgeon’s hours, denying him training, and discharging him in retaliation for complaining of racial discrimination.

11. Since at least late June 11, 2003, Defendant Mid-Atlantic Lubes has engaged in unlawful employment practices at its Cockeysville Valvoline Instant Oil Change franchise, in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. Section 2000e-2(1) and 2000e-3(a). The practices include the following:

a. Subjecting Ivan Pridgeon to a hostile and offensive work environment and to disparate terms and conditions of employment by condoning the racially harassing and discriminatory behavior of Manager Vernon Hill. Discriminatory incidents committed by Hill include, but are not limited to, instructing Mr. Pridgeon not to perform maintenance presentations for white customers; ordering Mr. Pridgeon to report downstairs and remain out of sight when white customers arrived; threatening Mr. Pridgeon with termination should he speak with white customers; referring to Mr. Pridgeon and another black employee as “niggers”; and instructing white employees not to tell Mr. Pridgeon about a training class;

b. Reducing Mr. Pridgeon’s hours, denying him training, and discharging him in retaliation for complaining of racial discrimination.

12. The unlawful employment practices complained of in paragraphs 10 and 11 were intentional.

13. The unlawful employment practices complained of in paragraphs 10 and 11 were done with malice or with reckless indifference to the federally protected rights of Ivan Pridgeon.

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Henley Enterprises, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in racial harassment, from engaging in disparate terms and conditions of employment based on race, and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

B. Grant a permanent injunction enjoining Defendant Mid-Atlantic Lubes, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in racial harassment, from engaging in disparate terms and conditions of employment based on race, and from engaging in retaliation against employees who oppose practices made unlawful by Title VII;

C. Order Defendant Henley Enterprises to institute and carry out policies, practices, and programs which eradicate racial harassment, discrimination and retaliation, and prevent racial harassment, discrimination and retaliation from occurring in the future, and which eradicate the effects of past and present racial harassment, discrimination and retaliation;

D. Order Defendant Mid-Atlantic Lubes to institute and carry out policies, practices, and programs which eradicate racial harassment, discrimination and retaliation, and prevent racial harassment, discrimination and retaliation from occurring in the future, and which eradicate the effects of past and present racial harassment, discrimination and retaliation;

E. Order Defendant Henley Enterprises to reinstate Ivan Pridgeon to his rightful place position;

F. Order Defendant Mid-Atlantic Lubes to reinstate Ivan Pridgeon to his rightful

place position;

G. Order Defendant Henley Enterprises to make whole Ivan Pridgeon by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

H. Order Defendant Mid-Atlantic Lubes to make whole Ivan Pridgeon by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

I. Order Defendant Henley Enterprises to make whole Ivan Pridgeon by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

J. Order Defendant Mid-Atlantic Lubes to make whole Ivan Pridgeon by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

K. Order Defendant Henley Enterprises to pay punitive damages to Ivan Pridgeon for its callous indifference to his federally protected right to be free from race discrimination and retaliation in the workplace;

L. Order Defendant Mid-Atlantic Lubes to pay punitive damages to Ivan Pridgeon for its callous indifference to his federally protected right to be free from race discrimination and retaliation in the workplace;

- M. Grant such further relief as the Court deems proper; and
- N. Award the Commission its costs in this action.

JURY TRIAL DEMAND

_____The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

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