

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )

Plaintiff, )

v. )

HITEN HOSPITALITY L.L.C. d/b/a )

FAMILY MOTOR INN and JAY KISHAN )

HOSPITALITY, INC., )

Defendants. )

and )

TINA SETTLES, CAROLYN ROGERS, )

AND NATASHA DELONG, )

Plaintiff-Intervenors, )

v. )

HITEN HOSPITALITY L.L.C. d/b/a )

FAMILY MOTOR INN and MIKE PATEL, )

Defendants. )

**SECOND AMENDED COMPLAINT**

CIVIL ACTION CASE NO:

4:03CV01158 MLM

JURY TRIAL DEMAND

**PLAINTIFF'S SECOND AMENDED COMPLAINT**

**NATURE OF 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 retaliation, and to provide appropriate relief to Tina Settles, Carolyn Rogers, and Natasha Delong who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission")

alleges that Tina Settles, Carolyn Rogers, and Natasha Delong were sexually harassed by their supervisor. The Commission further alleges that Defendants retaliated against Tina Settles and Natasha Delong because they complained about the sexual harassment. The Commission further alleges that Carolyn Rogers and Tina Settles were constructively discharged when Defendants made the conditions of their employment intolerable.

#### 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 Eastern District of Missouri.

#### 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, Hiten Hospitality L.L.C. d/b/a Family Motor Inn and Defendant Jay Kishan Hospitality, Inc., have continuously been Missouri corporations doing business as an integrated enterprise in the State of Missouri and in the City of Sullivan, and have continuously had an aggregate of at least 15 employees.

5. 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

6. More than thirty days prior to the institution of this lawsuit, Tina Settles, Natasha Delong, and Carolyn Rogers each filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least May 1, 2001, Defendants have engaged in the following unlawful employment practices at their Sullivan, Missouri facilities in violation of Sections 703 and 704 of Title VII, 42 U.S.C. § 2000e-2 and § 2000e-3:

(a) Defendants sexually harassed Tina Settles, Carolyn Rogers and Natasha Delong. In particular, Mike Patel, Family Motor Inn's manager, made sexual comments to them and subjected them to fondling and other unwelcome physical contact during their employment with Defendants.

(b) Defendants verbally harassed Tina Settles at home and on the job in retaliation for her complaining about the sexual harassment, with the result that she was constructively discharged.

(c) Defendants constructively discharged Carolyn Rogers when the sexual harassment became so egregious she could no longer continue working for Defendants.

(d) Defendants reduced Natasha Delong's working hours and responsibilities in retaliation for her complaining about the sexual harassment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Tina Settles, Carolyn Rogers, and Natasha Delong of equal employment opportunities and otherwise adversely affect their status as employees, because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Tina Settles, Carolyn Rogers, and Natasha Delong.

#### PRAYER FOR RELIEF

Wherefore, the Commission 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 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 and present unlawful employment practices.

C. Order Defendants to make whole Tina Settles, Carolyn Rogers, and Natasha Delong by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

D. Order Defendants to make whole Tina Settles, Carolyn Rogers, and Natasha Delong by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

E. Order Defendants to pay Tina Settles, Carolyn Rogers, and Natasha Delong punitive damages for their malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

G. 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,

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