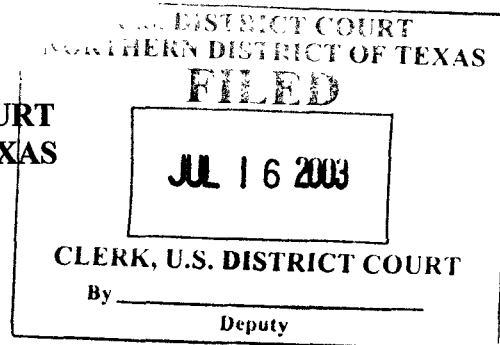


ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

BLEDSON DODGE, LLC., and  
AUTONATION, INC.,

Defendants.

CIVIL ACTION NO.

3:02-CV-1373-G

(JURY DEMANDED)

**SECOND AMENDED COMPLAINT**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to make whole Charging Parties Anthony Barnett and Barron Jackson. The Commission alleges that the Defendants, Bledsoe Dodge, LLC, and AutoNation, Inc., subjected Mr. Barnett and Mr. Jackson to a hostile work environment and failed to promote Mr. Barnett and Mr. Jackson because of their race, African-American. The Commission alleges that Defendants further violated Title VII by unlawfully terminating the employment of Mr. Barnett and Mr. Jackson because of their race, African-American, and by retaliating against Mr. Barnett and Mr. Jackson because of their opposition to employment practices believed to be unlawful and participation in proceedings under Title VII.

### **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. Sections 2000e-5(f)(1) and (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 Northern District of Texas.

### **PARTIES**

3. Plaintiff, 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(a) of Title VII, 42 U.S.C. Section 2000e-5(a).

4. At all relevant times, Defendant Bledsoe Dodge, LLC, has continuously been and is now doing business in the State of Texas, and has continuously had at least fifteen employees.

5. Defendant AutoNation, Inc. is the corporate parent of Defendant Bledsoe Dodge LLC. AutoNation, Inc. is jointly and severally liable along with Defendant Bledsoe Dodge, LLC, under the theories of "joint employer," "integrated enterprise" and/or "alter ego."

6. 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. Sections 2000e-(b), (g) and (h).

### **STATEMENT OF CLAIMS**

7. More than thirty days prior to the institution of this lawsuit, Mr. Barnett and Mr.

Jackson filed a charge with the Commission alleging violations of Title VII by the Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. During the employment of Mr. Barnett and Mr. Jackson, Defendants subjected both of them to a barrage of unwelcome racial remarks and graffiti. Defendants failed to discipline employees who engaged in such behavior. Further, in or about July 1999, Defendants denied Mr. Barnett and Mr. Jackson a promotion to the position of Assistant Parts Manager, and on June 23, 2003, Defendants terminated the employment of Mr. Barnett and Mr. Jackson because of their race, African-American, all in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2. Moreover, in or about June 2003, Defendants retaliated against Mr. Barnett and Mr. Jackson for having opposed a discriminatory act, made a charge, testified, assisted and participated in an investigation and civil proceeding, in violation of Section 704(a) of Title VII.

9. The effect of the practices complained of above has been to deprive Mr. Barnett and Mr. Jackson of equal employment opportunities and otherwise adversely affect their status as employees.

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

11. The unlawful employment practices complained of in paragraph 8, above, were done with malice or reckless indifference to the federally protected rights of Mr. Barnett and Mr. Jackson.

#### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, Bledsoe Dodge, LLC, and AutoNation, Inc., its officers, successors, assigns, and all persons in active concert or participation

with it, and from engaging in any employment practice which discriminates in violation of Title VII.

B. Order the Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for Mr. Barnett and Mr. Jackson and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendants to make whole Mr. Barnett and Mr. Jackson by providing appropriate back pay with prejudgment interest in amounts to be proved at trial, front pay, and other affirmative relief necessary to eradicate the effects of unlawful employment practices, including but not limited to rightful place reinstatement of Mr. Barnett and Mr. Jackson.

D. Order the Defendants to make whole Mr. Barnett and Mr. Jackson by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8, above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

E. Order the Defendants to make whole Mr. Barnett and Mr. Jackson, by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraph 8, above, in amounts to be determined at trial.

F. Order the Defendants to pay punitive damages for its malicious or reckless conduct described in paragraph 8, above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

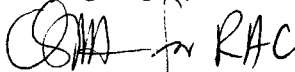
H. Award the Commission its costs in this action.

#### **JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by the complaint.

Respectfully submitted,

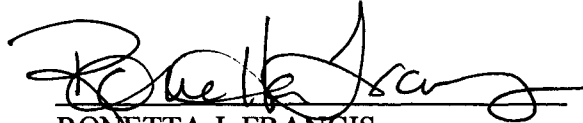
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