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ORIGINAL
 UNITED STATES COURTS
 DISTRICT OF IDAHO

NOV - 8 2002

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ATTORNEYS FOR PLAINTIFF

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF IDAHO

EQUAL EMPLOYMENT OPPORTUNITY
 COMMISSION,

Plaintiff,

v.

IDAHO PETERBILT, INC.

Defendant.

CIVIL ACTION NO. 02-0425-BLW

AMENDED COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE 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 constructive discharge and to provide appropriate relief to Robert Baty and Bret Purcell. The Equal Employment Opportunity Commission alleges that defendant Idaho Peterbilt, Inc. subjected Mr.

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Baty and Mr. Purcell to sex discrimination, also resulting in Mr. Purcell's constructive discharge. Plaintiff seeks injunctive and monetary relief, including pecuniary and nonpecuniary compensatory damages and punitive damages, on behalf of Mr. Baty and Mr. Purcell.

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 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 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 District of Idaho.

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) of Title VII, 42 U.S.C. §2000e-5(f)(1).

4. At all relevant times, defendant, Idaho Peterbilt, Inc. ("Peterbilt") has been a corporation continuously doing business in the State of Idaho and has continuously had at least 15 employees.

5. At all relevant times, defendant Peterbilt has 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).

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STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Robert Baty and Bret Purcell filed charges with the Commission alleging violations of Title VII by defendant Peterbilt. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Beginning on or before January 1999, defendant Peterbilt engaged in unlawful employment practices at its Boise, Idaho facility in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000c-2(a) and -3(a). Defendant Peterbilt affected the terms and conditions of employment of Mr. Baty and Mr. Purcell by subjecting them to ongoing harassment based on sex, and which also resulted in Mr. Purcell's constructive discharge.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Mr. Baty and Mr. Purcell of equal employment opportunities and otherwise adversely affect each person's status as an employee because of sex and which also resulted in Mr. Purcell's constructive discharge.

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 Mr. Baty and Mr. Purcell.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any

employment practices which discriminate on the bases of sex and constructive discharge.

B. Order defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Mr. Baty and Mr. Purcell by providing appropriate back pay 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 Mr. Baty and Mr. Purcell by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be determined at trial.

E. Order defendant to make whole Mr. Baty and Mr. Purcell by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

F. Order defendant to pay Mr. Baty and Mr. Purcell punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

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JURY TRIAL DEMAND

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

DATED this 16th day of November, 2002.

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