

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION and BROOKE SONNTAG,)	
)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 2:06-cv-02412- JWL-DJW
))	
)	
THORMAN & WRIGHT CORP., THORMAN ENTERPRISES, INC., ELDON THORMAN & ASSOCIATES, INC., and THE ELDON THORMAN FAMILY NO. 1 THROUGH NO. 5 LIMITED PARTNERSHIPS,)	
)	
)	
Defendants.)	

COMPLAINT IN INTERVENTION

Plaintiff/Intervenor, Brooke Sonntag (“Plaintiff Sonntag”) , brings this Complaint in Intervention pursuant to Rule 24(a) of the Federal Rules of Civil Procedure and states and alleges the following for her cause of action against Defendants Thorman & Wright Corp., Thorman Enterprises, Inc., Eldon Thorman & Associates, Inc., and the Eldon Thorman Family No. 1 through 5 Limited Partnerships (“Defendants”):

Jurisdiction and Venue

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1337, 1343(a)(4), and 42 U.S.C. § 2000e-5(f).
2. Venue is proper because the employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Kansas.

Parties

3. Plaintiff Equal Employment Opportunity Commission is the federal agency authorized by federal law to enforce Title VII.

4. Plaintiff Sonntag is a white female residing in Tonganoxie, Kansas.

5. At all relevant times, Defendants have continuously been doing business in the State of Kansas and the City of Topeka, functioning as a single employer and continuously employing at least 15 employees.

6. At all relevant times, Defendants have continuously been an employer in Kansas within the meaning of 42 U.S.C. § 2000e(b), (g) and (h).

Exhaustion of Administrative Remedies

7. Plaintiff Sonntag timely filed with the Equal Employment Opportunity Commission (“EEOC”) a charge alleging violations of Title VII against defendants (attached as Exhibit A).

8. After a reasonable investigation, the EEOC issued a Determination finding reasonable cause to believe that Defendants violated Title VII.

9. After an unsuccessful attempt at conciliation, the EEOC initiated this action.

10. All private, administrative and judicial prerequisites to the institution of this action have been fulfilled.

COUNT I

(Violation under Title VII of the Civil Rights Act)

11. Paragraphs 1 through 10 above are incorporated as if stated fully herein.

12. Plaintiff is a white female.

13. Plaintiff became employed by Defendants in about June 2002 as the General Manager at the Best Western Meadow Acres in Topeka, Kansas.

14. Plaintiff reported directly to owners Eldon Thorman and Ronald Wright.

15. As part of her job, Plaintiff Sonntag and her husband lived on the premises in a rent-free apartment.

16. Plaintiff Sonntag was qualified for and performed her job duties satisfactorily throughout her employment.

17. Plaintiff Sonntag's job duties included hiring and firing employees.

18. Shortly after Plaintiff Sonntag was hired, she observed and removed a sign from her office (where interviews occurred) which stated, "Blacks need not apply."

19. Throughout Plaintiff Sonntag's employment with Defendants, Mr. Thorman made derogatory and insulting comments about African-Americans, Hispanics and Indians in her presence, including but not limited to telling Plaintiff Sonntag to "fire the colored people"; "the problem with this property is that you hired all these coloreds"; and "Why did you hire all these Mexicans? They work for awhile and then they take off to Mexico and don't come back."

20. Mr. Thorman expressed to Plaintiff Sonntag that he did not want minority employees working in the "front of the house position," and he became very angry with Plaintiff Sonntag when she hired an African-American male to work at the front desk.

21. Mr. Thorman told Plaintiff Sonntag that the marquee outside the Best Western Meadow Acres stated "Owner Eldon Thorman," because he wanted people to know that the hotel was not run by someone from India.

22. Plaintiff Sonntag opposed Mr. Thorman's discriminatory views and practices based on race, color and national origin and communicated her opposition to Mr. Thorman and his business partner, Ron Wright.

23. Plaintiff Sonntag informed Mr. Wright that she was pregnant in July 2003. He suggested that she not tell Mr. Thorman she was pregnant.

24. Approximately one week later, Mr. Thorman hung up on Plaintiff Sonntag when she called him and informed him of her pregnancy.

25. On or about July 25, 2003, Plaintiff Sonntag and her husband had a meeting with Mr. Thorman and Mr. Wright in which Mr. Thorman instructed her to fire the "colored people and Mexicans." Plaintiff Sonntag stated she would not fire employees because of their race and that she hired employees based on their qualifications. Mr. Thorman stated, "No one will tell me who to hire and fire" and "no one is going to put a gun to my ribs."

26. In about August 2003, Mr. Wright informed plaintiff that he and Mr. Thorman were hiring a new General Manager for the property and she was being offered a sales job. When asked why she was being removed from the General Manager position, Mr. Wright stated that Mr. Thorman did not work well with her "type" and did want her on his team.

27. Plaintiff Sonntag did not want a sales job with Defendants because such a position was not substantially similar to her position as General Manager. The sales job would have no guaranteed salary and would require Plaintiff Sonntag and her husband to vacate the apartment on the property where they had lived rent-free during Plaintiff Sonntag's employment as General Manager.

28. Defendants refused to let Plaintiff Sonntag keep her position as General Manager and terminated her.

29. The above described conduct of Mr. Thor man and Mr. Wright specifically, and the unlawful employment practices of Defendants generally, was intentional, malicious or with reckless indifference to the federally protected rights of Plaintiff Sonntag. Plaintiff Sonntag is therefore entitled to an award of punitive damages in an amount sufficient to punish Defendants or to deter them and other companies from like conduct in the future.

30. As a direct and proximate result of the practices complained of above, Plaintiff Sonntag has suffered intentional discrimination and retaliation by Defendants because of her opposition to unlawful employment practices and her pregnancy.

31. As a direct and proximate result of Defendants' actions and/or inactions, Plaintiff Sonntag has suffered and will continue to suffer lost income, lost fringe benefits and has incurred expenses in searching for replacement employment.

32. As a direct and proximate result of Defendants' actions and/or inactions, Plaintiff Sonntag has also suffered and will continue to suffer other compensatory damages, including but not limited to emotional distress, mental anguish, inconvenience, embarrassment and humiliation.

33. Plaintiff Sonntag is entitled to recover from Defendants reasonable attorney's fees, as provided in 42 U.S.C. § 2000e-5(k).

Prayer for Relief

WHEREFORE, Plaintiff Sonntag requests that the Court enter judgment in her favor and against Defendants for such damages, actual and nominal, as are fair and reasonable, for her reasonable attorney's fees and costs incurred herein, for interest as allowed by law, and for such other and further legal and equitable relief as the Court deems just and proper.

DEMAND AND DESIGNATION FOR JURY TRIAL

Plaintiff hereby requests a trial by jury on all counts and allegations alleged in this Complaint to be held in Kansas City, Kansas.

Respectfully submitted,

By: /s/ Amy L. Coopman
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Attorneys for Plaintiff/Intervenor Sonntag

CERTIFICATE OF SERVICE

I certify that on December 18, 2006, I electronically filed the above and foregoing document with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following CM/ECF participants:

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