

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

and

BROOKE SONNTAG,

v.

**THORMAN & WRIGHT CORP., THORMAN
ENTERPRISES, INC., ELDON THORMAN
& ASSOCIATES, INC., THE ELDON
THORMAN FAMILY NO. 1 THROUGH
NO. 5 LIMITED PARTNERSHIPS, and RED
COACH INNS LTD.,**

Defendants.

JURY TRIAL DEMAND

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 retaliation and pregnancy, and to provide appropriate relief to Brooke Sonntag, who was adversely affected by such practices. The Commission alleges that Defendants Thorman & Wright Corp., Thorman Enterprises, Inc., Eldon Thorman & Associates, Inc., The Eldon Thorman Family No. 1 through No. 5 Limited Partnerships, and Red Coach Inns Ltd. discharged or constructively discharged Brooke Sonntag in retaliation for her opposition to unlawful employment practices based on race and because of her pregnancy.

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 District of Kansas.

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, 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.

5. At all relevant times, Defendants have 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).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Brooke Sonntag filed a charge with the Commission alleging violations of Title VII by Defendant Employers. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From approximately June 2002 through August 2003, Defendant Employer engaged in the following unlawful employment practices at their Topeka, Kansas facility in violation of Section 703(a)(1) and 404(a) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and 3(a):

- (a) Defendants discharged or constructively discharged Brooke Sonntag in retaliation for her opposition to unlawful employment practices based on race; and
- (b) Defendants discharged or constructively discharged Brooke Sonntag because of her pregnancy.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Brooke Sonntag of equal employment opportunities and otherwise adversely affect her status as an employee because of her opposition to unlawful employment practices and because of her pregnancy.

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 Brooke Sonntag.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in retaliation for opposition to unlawful employment practices, pregnancy discrimination in

terminations, and any other employment practice which discriminates on the basis of protected activity or pregnancy.

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

C. Order Defendant Employers to make whole Brooke Sonntag by providing appropriate backpay 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 Employers to make whole Brooke Sonntag by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, including job search and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employers to make whole Brooke Sonntag 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.

F. Order Defendant Employers to pay Brooke Sonntag punitive damages for their 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.

JURY TRIAL DEMAND

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

DESIGNATION OF PLACE OF TRIAL

Kansas City, Kansas is designated as the place of trial.

Respectfully submitted,

RONALD S. COOPER
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

/s/ Robert G. Johnson
ROBERT G. JOHNSON
Regional Attorney

/s/ Barbara A. Seely
BARBARA A. SEELY
Supervisory Trial Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
St. Louis District Office
1222 Spruce St., Room 8.100
St. Louis, MO 63103
(314) 539-7914
FAX: (314) 539-7895
e-mail: robert.johnson@eeoc.gov
barbara.seely@eeoc.gov

/s/ Andrea G. Baran
ANDREA G. BARAN MO #18988
Senior Trial Attorney
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Kansas City Area Office
400 State Avenue, Suite 905
Kansas City, KS 66101
(913) 551-5848

FAX: (913) 551-6957
e-mail: andrea.baran@eeoc.gov