

UNITED STATES DISTRICT COURT  
IN THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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MIRNA E. SERRANO, STEFANIE L. MCVAY,  
and LINDA D. ALLEN, individually and on  
behalf of all others similarly situated,

Plaintiffs,

File No. 04-cv-40132

Hon. Paul V. Gadola

v

CINTAS CORPORATION,  
an Ohio Corporation,

Defendant.

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James K. Fett (P39461)  
Nicholas Roumel (P37056)  
Lawrence A. Fields (P66086)  
Fett, Roumel & Fields, P.C.  
805 East Main  
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Attorneys for Plaintiffs

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**FIRST AMENDED COMPLAINT AND JURY DEMAND**

Plaintiffs, through counsel, state the following complaint against Defendant:

**NATURE OF CLAIM**

1. This is a gender discrimination class action for declaratory and injunctive relief against Defendant to redress the violation of the rights of the Plaintiffs and the class they represent under the Civil Rights Act of 1964, 42 USC §2000(e) et seq., as amended in 1991 (hereafter “Title VII”).

2. Plaintiffs seek compensatory and punitive damages against Defendant to redress the violation of the rights of the Plaintiffs and the class they represent under Title VII.

### **JURISDICTION AND PARTIES**

3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1343 (a)(3), 1343(a)(4), 2201 and 2202 and Title VII.

4. Jurisdiction to grant injunctive and declaratory equitable relief as well as damages is invoked pursuant to 42 U.S.C. §2000(e) - (5)(f).

5. All or most of the events giving rise to this action occurred in the Eastern District of Michigan.

6. The amount in controversy exceeds \$75,000.00.

### **ADMINISTRATIVE PROCEEDINGS**

7. Plaintiff Mirna E. Serrano filed an EEOC charge with the Equal Employment Opportunity Commission (“EEOC”) alleging gender discrimination in hiring against Defendant on or about April 7, 2000.

8. The EEOC subsequently issued Ms. Serrano notice of her right to sue (a “right to sue letter”).

### **DISCRIMINATION ALLEGATIONS**

9. At all material times, Defendant was an employer covered by and within the meaning of Title VII.

10. Ms. Serrano is a female job applicant that applied 3 times for the position of Route Sales Driver/Services Sales Representative (“Driver”) with Defendant between July 1999 and March 2000 at two of Defendant’s facilities in Michigan: twice at Defendant’s Westland facility and once at Defendant’s Madison Heights facility.

11. Plaintiff Stefanie L. McVay is a female job applicant that applied at Defendant's Westland facility for the position of Driver during the same time frame as Ms. Serrano.

12. Plaintiff Linda D. Allen is a female job applicant that applied at Defendant's Madison Heights facility for the position of Driver during the same time frame as Ms. Serrano.

13. Defendant rejected Plaintiffs' applications despite the fact that each Plaintiff was well qualified for the Driver positions.

14. Defendant hired males for the Driver positions which Plaintiffs applied for.

15. Defendant rejected Plaintiffs' applications for the Driver positions because of their gender.

16. Ms. Serrano filed a charge of gender discrimination with the EEOC on April 7, 2000.

17. The EEOC investigated Ms. Serrano's charge and on July 3, 2002 issued a determination that:

Evidence gathered during the course of the investigation reveals that there is reasonable cause to believe that the Charging Party's allegations are true. Furthermore, like and related and growing out of this investigation, there is reasonable cause to believe that the Respondent has discriminated against females as a class by failing to hire them as Route Sales Drivers/Services Sales Representatives in violation of Title VII of the Civil Rights Act of 1964, as amended.

18. As a result of Defendant's practice and policy of discriminating against women as a class by denying them employment as route Sales Drivers/Services Sales Representatives, Plaintiffs and similarly situated females have been denied employment opportunities afforded to males.

### **CLASS ACTION ALLEGATIONS**

19. Plaintiffs restate and incorporate by reference the allegations contained in the previous paragraphs of this Complaint.

20. The class is defined as all women who:

- a. applied for Route Driver/Services Sales Representative positions in Michigan from July, 1999 through the date that judgment is entered herein; and
- b. were denied employment as Route Sales Drivers/Services Sales Representatives.

21. Plaintiffs seek to maintain this class, pursuant to Rules 23(b) and 23(c)(4), on the issues of whether Defendant engaged in unlawful discrimination and whether Defendant should be enjoined from continuing their discriminatory policies.

22. The class is comprised of over 100 persons who applied for driver positions in Michigan and therefore joinder of all members is impracticable.

23. Common questions of fact and law exist as to all members of the Class and predominate over any questions solely affecting individual members of the Class; among the questions of law and fact in common to the Class is whether Defendant violated Title VII by discriminating against the class members in hiring based on their gender and whether they will continue to do so.

24. Plaintiffs' claims are typical of the claims of the members of the Class and they are adequate representatives of the Class.

25. Plaintiffs and members of the Class have sustained damages because of Defendant's unlawful activities herein.

26. Plaintiffs have retained counsel competent and experienced in gender discrimination litigation and intend to prosecute this action vigorously.

27. Plaintiffs will fairly and adequately protect the interests of the Class.

## TITLE VII ALLEGATIONS

WHEREFORE, Plaintiffs request (1) class certification; (2) declaratory relief recognizing that Defendant has illegally discriminated against them and members of the class based on their gender in violation of Title VII; (3) injunctive relief prohibiting the consideration of gender in hiring and ending the discriminatory policies described herein; (4) other equitable relief including, but not limited to, reinstatement; (5) judgment against Defendant in an amount in excess of \$75,000.00 for their economic and non-economic injuries; (6) an award of costs, interest and attorney fees pursuant to 42 U.S.C. §1988, and (7) punitive damages.

Respectfully submitted,

FETT, ROUMEL & FIELDS, P.C.

TISHKOFF & GOUDSMIT PLLC

/s James K. Fett

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Attorneys for Plaintiffs

Dated: September 14, 2004

**JURY DEMAND**

NOW COME the Plaintiffs, through counsel, and hereby demand trial by jury in the above captioned matter.

Respectfully submitted,

FETT, ROUMEL & FIELDS, P.C.

TISHKOFF & GOUDSMIT PLLC

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