

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. Atlanta

FEB 27 2007

JAMES N. LATTEN, Clerk  
Deputy Clerk

Anthony Amos,

Plaintiff,

vs.

Civil Action No.

**1:07-CV-0491**

The Hertz Corporation  
and Hertz Transportation  
A/k/a Hertz Transporting,  
Inc.,

**JURY TRIAL DEMANDED**

Defendants.

**COMPLAINT**

Comes now, Anthony Amos ("Plaintiff" or "Mr. Amos"),  
by and through counsel, pursuant to Title VII of the Civil  
Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et.  
seq., and brings this action against The Hertz Corporation  
and Hertz Transportation a/k/a Hertz Transporting, Inc.,  
("Hertz" or "Defendants") on the allegations set forth  
below.

**JURISDICTION AND VENUE**

1. This action arises under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et. seq.
2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1332, and 1337.
3. This action properly lies in the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. § 1391

(b), because the unlawful employment practices alleged below were committed in this judicial district.

4. A charge against the Defendants alleging retaliation and religious discrimination was timely filed with the Equal Employment Opportunity Commission and this action was filed within ninety (90) days of Plaintiff receiving his notice of right to sue. Plaintiff's notice of right to sue is attached hereto as Exhibit "A".

#### **PARTIES**

5. Plaintiff is a citizen of the United States and resides at 5253 Crystal Lane, College Park, Georgia 30349.

6. Plaintiff was at all relevant times an "employee" of Defendant as defined at 42 U.S.C. § 2000(e)(b).

7. Defendants were at all relevant times an "employer" as defined at 42 U.S.C. § 2000e (b), and are engaged in an industry affecting commerce within the meaning of 42 U.S.C. § 2000 (e) (h).

8. Defendants may be served with process through service on their registered agent CT Corporation System, 1201 Peachtree Street NE, Atlanta, Georgia 30361.

#### **FACTS**

9. Plaintiff was employed by Defendants from March 27, 1998 to July 21, 2005 as a Van Driver.

10. On May 19, 2004 Plaintiff commenced an action in the United States District Court for the Northern District of Georgia. In that suit he claimed that he was discriminated against by his employers because of his disability, specifically herniation nucleus, pulposis, angina and gastric bleeding due to peptic ulcer disease, in violation of the Americans With Disabilities Act, 42 U.S.C.A. § 12101 *et seq.*

11. On July 14, 2005 Plaintiff was asked by his supervisor to participate in the use of a new system for tracking the time when employees would enter and exit the building. This system was called the Hand Scanner and involved the placement of a right hand on a digital scanner machine.

12. Plaintiff advised his supervisor that he had religious issues related to the use of the Hand Scanner, specifically that the Bible states that if an individual receives a mark on their right hand that individual will incur the wrath of God.

13. On Wednesday, July 20 a meeting was set for July 21st to discuss Mr. Amos's religious concerns about the Hand Scanner.

14. Mr. Chad Wheelus, one of Plaintiff's supervisors, was served with a subpoena for deposition in Plaintiff's

federal case in this Court based upon the Americans With Disabilities Act at approximately 1:30 p.m. on July 20, 2005.

15. At the meeting which had allegedly been scheduled to discuss Plaintiff's religious concerns concerning the Hand Scanner Plaintiff was instead terminated. Mr. Wheelus handed the termination papers to Plaintiff.

**COUNT I (RELIGION)**

16. Plaintiff restates and incorporates by reference into Count 1 the allegations of Paragraphs 1 through 15 above.

17. Defendants' termination of Plaintiff's employment was intentional and the actions of Defendants and their treatment of Plaintiff was motivated by his religious beliefs.

18. By their actions and conduct, Defendants deprived Plaintiff of his civil rights in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et. seq. and Defendants have engaged in a continuing violation thereof.

19. As a direct and proximate result of the actions and conduct of Defendants, Plaintiff suffered lost pay and other damages.

**COUNT II (RETALIATION)**

20. Plaintiff restates and incorporates by reference into Count II the allegations of paragraphs 1 through 19 above.

21. Defendants' discrimination against and harassment of Plaintiff was intentional, and the actions of Defendants and their treatment of Plaintiff were motivated by retaliation.

22. By their actions and conduct, Defendants deprived Plaintiff of his civil rights in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et. seq. and Defendants have engaged in a continuing violation thereof.

23. As a direct and proximate result of the actions and conduct of Defendants, Plaintiff suffered lost pay and other damages.

### **COUNT III**

24. Plaintiff restates and incorporates by reference into Count III the allegations of Paragraphs 1 through 24 above.

25. The termination of Plaintiff's employment was a proximate result of Defendants' discriminatory acts.

26. Plaintiff is entitled to equitable relief to be reinstated to his position as Van Driver with Defendants.

27. Pursuant to 42 U.S.C. § 2000e-5 (k), Plaintiff is entitled to recover reasonable attorneys' fees as part of the costs and expenses of litigation, in an amount to be proved at trial, and to recover any expert fees as part of the attorneys' fees, in an amount to be proven at trial.

WHEREFORE, Plaintiff prays for the following relief:

(a) That a jury hear and decide all issues of fact;

(b) For judgment and an award of damages in favor of Plaintiff and against all Defendants in an amount to be determined at trial, for Defendants' discrimination against and harassment of Plaintiff under Counts I and II;

(c) For equitable relief requiring Defendants to reinstate Plaintiff to his prior position as a Van Driver employed by Defendants;

(d) For all costs and expenses of litigation, including reasonable attorney's fees and expert fees, in an amount to be determined at trial; and

(e) For such other and further relief as the Court deems just and proper.

This the 27th day of February, 2007.

*Mary J. Workman*

Mary J. Workman  
Georgia State Bar No. 776625

4197 Pleasant Hill Road  
Suite 300  
Duluth, Georgia 30096  
(678) 957-9080 (phone)

(678) 957-9922 (facsimile)