

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

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SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

CHAD VENCEL and
KAREN CHANDLER,

Plaintiffs,

v.

LOWE'S HOME CENTERS, INC.,
d/b/a LOWE'S HOME IMPROVEMENT,

Defendant.

Cause No.
1:10-cv-0827 RLY-DML

COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL

Plaintiffs Chad Vencel and Karen Chandler, by counsel, state and complain of the Defendant Lowe's Home Centers, Inc., d/b/a Lowe's Home Improvement (Lowe's) as follows:

JURISDICTION

1. Plaintiffs bring this action to complain of Title VII of the Civil Rights Act of 1964, 29 U.S.C. 2000e *et seq.* ("Title VII"), the Americans with Disabilities Act.
2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331, §1343 and Title VII of the Civil Rights Act of 1964, as amended.
3. Plaintiffs have complied with the provisions of 29 U.S.C. § 621 *et seq.* and 29 C.F.R. §1601.1 *et seq.* Plaintiffs received a Notice of Right to Sue for charge numbers 24A-2009-00012 (Vencel) and 24A-2009-00011 (Chandler) within ninety (90) days of the date of filing of his Complaint, and has therefore timely filed this suit.

VENUE, THE PARTIES, AND COMMON ALLEGATIONS

4. Plaintiff, Chad Vencel resides at 420 W. 13th Street, Bloomington, Indiana 47404, and Plaintiff Karen Chandler resides at 5825 Minden Drive, Indianapolis, Indiana 46204.
5. Defendant is a corporation doing business in Indiana at 350 North Gates Drive, Bloomington, Indiana 47404, which is located in Monroe County.
6. Plaintiff Chad Vencel began his employment with Defendant on or about February 4, 2008, at the Lowe's store on North Gates Drive, and worked as a cabinet specialist.
7. Plaintiff Karen Chandler began her employment with Defendant on or about June 6, 1998, with Lowe's later transferring her to the store on North Gates Drive where she worked as operations manager.
8. On or about February 13, 2009, Plaintiff Vencel was terminated from employment with Defendant.
9. On or about February 19, 2009, Plaintiff Chandler was terminated from employment with Defendant.
10. During the Plaintiffs' employment with Defendant, Lowe's management permitted, committed, and encouraged disparate treatment of its employees based upon their religious views.
11. Specifically, store manager Mike Boshell (who began as store manager in June of 2008), with the approval of David Wade, Mana regularly engaged employees in discussions involving their religious beliefs, proselytized at the store to encourage employees to share his views and attend his church (Calvary Baptist Church in Greenwood, Indiana), informed employees that

his standard for conduct within the store was "Faith before family before career", and treated employees disparately based upon their willingness to share his beliefs.

12. Plaintiffs Vencel and Chandler were subjected to this religiously discriminatory environment.
13. During their employment with Lowe's both Vencel and Chandler had complained about the religious atmosphere that pervaded the store and the double-standard that existed for persons sharing those religious views.
14. Upon extensive encouragement and discussion by Boshell about faith, as well as Boshell providing Chandler with written material about his faith, Chandler even began attending his church.
15. Chandler complained about the faith issues that Boshell was injecting into the store environment to Lowe's Area Human Resource Manager Shon Rightangle in February of 2009; however, Rightangle failed to investigate or address these complaints.
16. Plaintiffs Chandler and Vencel had previously complained to other management (for Vencel, complaining even to Chandler), about the harassing and hostile work environment that pervaded the store with respect to matters of faith and sexual mores; however, management tolerated and fostered the environment that Vencel and Chandler complained about and retaliated against them for their complaints.
17. In January of 2009, Defendant Lowe's initiated an investigation into the behavior of Plaintiff Vencel, alleging that Vencel had engaged in sexual harassment of another unnamed employee.

17. Lowe's investigation into Vencel's employment was knowingly baseless, and was initiated and pursued only because Vencel did not share the religious and sexual mores of store management.
18. As part of that investigation, Lowe's sought the cooperation of Plaintiff Chandler, asking her expressly to lie about Vencel's behavior and to state that he had engaged in sexually harassing actions. Chandler refused.
19. Lowe's further sought the cooperation of Plaintiff Vencel in their investigation against him, repeatedly asking him to alter his written account falsely to comply with their desired outcome.
20. Because of their differences on matters of faith and sexual mores, and their complaints on these issues, Lowe's treated Chandler and Vencel disparately from other employees, and retaliated against them for their complaints.
21. Vencel and Chandler were both terminated on the dates stated above for false and unsupported reasons, whereas other employees who had not complained were not investigated and terminated in similar circumstances.

COUNTS ONE AND TWO:

RELIGIOUS DISCRIMINATION AND RETALIATION IN VIOLATION OF TITLE VII OF

THE CIVIL RIGHTS ACT OF 1964, AS AMENDED

29 U.S.C. § 2000e et seq.

22. Plaintiffs here incorporate by reference the averments of paragraphs 1-21.
23. Plaintiffs belong to a protected class of individuals not sharing the religious beliefs espoused and promoted by Defendant's managers, and complained about disparate treatment at the Lowe's store in Bloomington.
24. Plaintiffs performed their jobs satisfactorily.

25. Notwithstanding their satisfactory performance, Plaintiffs were terminated from their employment.

26. Plaintiffs were treated differently than other similarly situated employees on the basis of religion, and Plaintiffs complained about this disparate treatment to Defendant.

27. Plaintiffs suffered these adverse employment decisions due to religious discrimination and retaliation.

28. Plaintiffs have suffered damages in the form of lost back pay, front pay, future lost earnings, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, lost employment benefits, out-of-pocket medical expenses and other compensatory and nonpecuniary losses; Plaintiffs moreover are entitled to punitive damages against Defendant for its conduct herein.

WHEREFORE Plaintiffs Chad Vencel and Karen Chandler, by counsel, respectfully pray the Court to advance this case on the docket and expedite it in every way to issue a judgment that Defendant's acts, policies, practices, and procedures complained of herein violated Plaintiffs' rights under the Title VII of the Civil Rights Act of 1964, as amended; to award Plaintiffs compensatory damages to make them whole and punitive damages as punishment for Defendant; to enjoin Defendant from the same discriminatory conduct in the future; to grant Plaintiffs the costs of this action and attorney fees; to grant Plaintiffs a jury trial on those issues triable by jury; and to allow such additional relief as the Court deems just and proper.

COUNTS THREE AND FOUR:

**SEX DISCRIMINATION AND RETALIATION IN VIOLATION OF TITLE VII OF THE
CIVIL RIGHTS ACT OF 1964, AS AMENDED**

29 U.S.C. § 2000e et seq.

29. Plaintiffs here incorporate by reference the averments of paragraphs 1-28.

30. Plaintiffs Vencel and Chandler are male and female, respectively, and complained about disparate treatment at Defendant Lowe's store in Bloomington.

31. Plaintiffs performed their jobs satisfactorily.

32. Notwithstanding their satisfactory performance, Plaintiffs were terminated from their employment.

33. Plaintiffs were treated differently than other similarly situated employees on the basis of sex, and Plaintiffs complained about this disparate treatment to Defendant.

34. Plaintiffs suffered these adverse employment decisions due to sex discrimination and retaliation.

35. Plaintiffs have suffered damages in the form of lost back pay, front pay, future lost earnings, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, lost employment benefits, out-of-pocket medical expenses and other compensatory and nonpecuniary losses; Plaintiffs moreover are entitled to punitive damages against Defendant for its conduct herein.

WHEREFORE Plaintiffs Chad Vencel and Karen Chandler, by counsel, respectfully pray the Court to advance this case on the docket and expedite it in every way to issue a judgment that Defendant's acts, policies, practices, and procedures complained of herein violated Plaintiffs' rights under the Title VII of the Civil Rights Act of 1964, as amended; to award Plaintiffs compensatory damages to make them whole and punitive damages as

punishment for Defendant; to enjoin Defendant from the same discriminatory conduct in the future; to grant Plaintiffs the costs of this action and attorney fees; to grant Plaintiffs a jury trial on those issues triable by jury; and to allow such additional relief as the Court deems just and proper.

Respectfully submitted,



Steven T. Fulk
Counsel for Plaintiffs

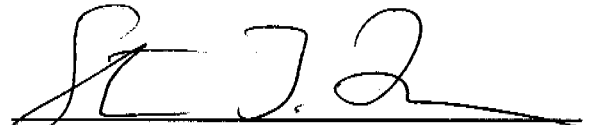
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DEMAND FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. Proc. 38, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, as amended, Plaintiffs demand trial of this matter by jury.

Respectfully submitted,



Steven T. Fulk
Counsel for Plaintiff

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