

FILE COPY

NO. _____

JEFFERSON CIRCUIT COURT
DIVISION _____ ()
JUDGE _____

11 007062

LESTER HUGHES
6813 Triangle Drive
Louisville, KY 40214

PLAINTIFF

vs.

VERIFIED COMPLAINT

JEFFERSON CIRCUIT COURT
DIVISION ONE (1)

TOMMY BRAMER & SON, LLC
7330 Distribution Drive
Louisville, KY 40258-2829

Serve: Wayne Bramer
7330 Distribution Drive
Louisville, KY 40258-2829

and

WAYNE A. BRAMER
1809 Grand Ridge Rd
Louisville, KY 40214-5921

FILED IN CLERK'S OFFICE
DAVID L. NICHOLSON, CLERK

OCT 28 2011

By _____
DEPUTY CLERK

DEFENDANTS

Plaintiff, Lester Hughes ("Mr. Hughes"), by counsel, for his Verified Complaint against the Defendants, Tommy Bramer & Son, LLC and Wayne A. Bramer ("Bramer") hereby states as follows:

1. Plaintiff, Mr. Hughes, is an adult male and a resident of Louisville, Jefferson County, Kentucky, and was, at all times relevant to this Complaint, an employee of Defendant Tommy Bramer & Son, LLC in Louisville, Jefferson County, Kentucky.

2. Defendant Tommy Bramer & Son, LLC is a Kentucky Corporation licensed to do business and actually doing business in the Commonwealth of Kentucky, Louisville, Jefferson County. Its principal place of business is located at 7330 Distribution Drive, Louisville, KY, 40258, and its registered agent is Wayne A. Bramer,

located at 7330 Distribution Drive, Louisville, KY 40258. At all times relevant to this Complaint, Defendant Tommy Bramer & Son, LLC had more than eight (8) employees in each of the twenty (20) or more calendar weeks in the current or preceding calendar year.

3. Defendant Bramer is an adult male and is, and was at all times relevant to this Complaint, a resident of Louisville, Jefferson County, Kentucky.

4. This is, in part, a claim for a sexually hostile work environment, in violation of KRS §344, et. seq. and jurisdiction is conferred by the state statute as well as the fact that the Plaintiff's damages are in excess of the jurisdictional limits of this Court.

COUNT I – SEXUAL HARASSMENT

5. Plaintiff repeats and realleges by reference each and every allegation contained in paragraphs 1 through 4 and incorporates the same herein as though fully set forth.

6. At all times relevant to this Complaint, Mr. Hughes was employed by Defendant Tommy Bramer & Son, LLC as mechanic and/or truck driver.

7. Defendant Bramer was the President of Tommy Bramer & Son, LLC.

8. Beginning in or around December, 2010 and continuing until the present, Defendant Bramer, as Mr. Hughes's boss, began making sexually inappropriate and offensive comments towards him.

9. On or about December 8, 2010, Defendant Bramer informed Mr. Hughes that Tommy Bramer & Son, LLC was a family organization and then proceeded to ask Mr. Hughes if he remembered his "first blow job" and "what it tasted like."

10. In or around February or March 2011, Defendant Bramer approached Mr. Hughes and stated "Lester, you are just the guy I was looking for to give me a blow job."

11. On or about April 12, 2011, Mr. Hughes was repairing a piece of company equipment when Defendant Bramer removed his coat, shirt and pants while telling Mr. Hughes "I got something for you." Defendant Bramer then moved aggressively towards Mr. Hughes with his clothes partially off.

12. In or around May or June 2011, Mr. Hughes entered a dump truck for operation and found homosexual pornographic material placed in his seat.

13. On or about June 8, 2011, Mr. Hughes was operating a piece of equipment which broke down and needed repair. Defendant Bramer and another employee arrived to the location of the break-down, where Defendant Bramer told Mr. Hughes he wanted to take Mr. Hughes and his wife to Connections (a local nightclub with a primarily homosexual clientele) in order to "teach him something." Defendant Bramer also told the other employee that Mr. Hughes has "a little dick."

14. On or about June 14, 2011, Mr. Hughes was repairing a piece of equipment when he stated that he needed a 12" socket and a 10" extension. Defendant Bramer replied that "he had been wanting that for years."

15. On or about June 17, 2011 Mr. Hughes asked Defendant Bramer how he could assist on the job, and Defendant Bramer replied, "hold on and let my get my pants down."

16. Defendant Bramer's sexual conduct toward Mr. Hughes was unwelcome and pervasive so as to create a hostile and offensive work environment which interfered with Mr. Hughes's emotional well-being and his ability to perform his job.

17. Defendant Tommy Bramer & Son, LLC, through its President, Wayne A. Bramer, engaged in a pattern and practice of unlawful sex discrimination by subjecting Mr. Hughes to unwelcome sexual harassment in violation of KRS §344, et. seq.

18. Defendant Tommy Bramer & Son, LLC, at all times relevant hereto had actual and constructive knowledge of the conduct described in paragraphs 8 through 15 above.

19. As a result of the hostile and offensive work environment perpetrated by Defendant's agent and owner, Bramer, and maintained by Tommy Bramer & Son, LLC, and Bramer's failure to cease such harassment against Mr. Hughes, Mr. Hughes suffered emotional distress and humiliation.

20. Defendant Tommy Bramer & Son, LLC failed to take all reasonable and necessary steps to eliminate sexual harassment from the workplace and to prevent it from occurring in the future.

21. As a direct and proximate result of the Defendants' willful, knowing and intentional discrimination against him, Mr. Hughes has suffered and will continue to suffer pain, humiliation and emotional distress.

COUNT III: RETALIATION

22. Ms. Hughes repeats and realleges the allegations contained in paragraphs 1 through 21 and incorporates the same by reference as though fully set forth.

23. In addition to the conduct herein alleged, the Defendants illegally retaliated against Mr. Hughes by assigning points against his employment record (a negative employment action) at Tommy Bramer & Sons, and cutting Mr. Hughes' work

hours solely because he complained of the sexual harassment to others and did not submit to the sexual harassment by Defendant Bramer. The Defendants had no legitimate business reasons for any such act. Each of said acts of retaliation is in violation of KRS §344 et. seq.

24. As a direct and proximate result of the Defendants' willful, knowing, and intentional harassment and retaliation against Mr. Hughes, Mr. Hughes has suffered and will continue to suffer pain, humiliation, and emotional distress. Mr. Hughes has suffered and will continue to suffer a loss of earnings and other employment benefits. Mr. Hughes is thereby entitled to general and compensatory damages in amounts to be proven at trial.

25. As a further direct and proximate result of the Defendants' violation of KRS §344, et. seq., as described, Mr. Hughes has been compelled to retain the services of counsel in an effort to bring this action and will continue to incur legal fees and costs, the full nature and extent of which are presently unknown to Mr. Hughes.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

26. Plaintiff repeats and realleges by reference each and every allegation contained in paragraphs 1 through 25 and incorporates the same herein as though fully set forth.

27. The Defendant Bramer's conduct described herein was intentional and outrageous, in that Defendant Bramer was in a position of power over Mr. Hughes when he persistently and continuously abused that power by subjecting Mr. Hughes to a sexually hostile work environment. Furthermore, Defendant Bramer's conduct was

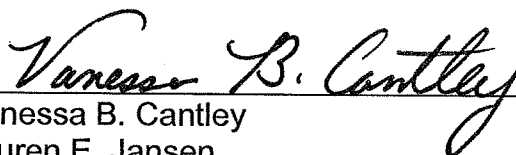
intentional and outrageous due to its sexually graphic and inappropriate content and the fact it has been so pervasive in the workplace and continuing in nature.

28. Defendant Bramer's conduct proximately caused Mr. Hughes to suffer severe emotional distress.

WHEREFORE, Plaintiff, Lester Hughes, demands judgment against the Defendants, Tommy Bramer & Son, LLC and Wayne A. Bramer in an amount which will compensate him for:

1. Violation of his rights pursuant to the Kentucky Constitution and Chapter 344 of the Kentucky Revised Statutes;
2. Compensatory damages including emotional distress and humiliation;
3. Punitive damages;
4. Trial by jury on all issues so triable;
5. Costs expended herein;
6. Reasonable attorney's fees as provided by KRS §344 et. seq.; and
7. Any and all other relief to which he may be entitled.

Respectfully submitted,



Vanessa B. Cantley
Lauren E. Jansen
BAHE COOK CANTLEY & NEFZGER, PLC
The Marion E. Taylor Building
312 South Fourth Street, Sixth Floor
Louisville, KY 40202
Tel. (502) 587-2002
Fax (502) 587-2006
Vanessa@bccnlaw.com
Counsel for Plaintiff, Lester Hughes

LESTER HUGHES, being first duly sworn, hereby verifies that the allegations contain herein are true and accurate to the best of his knowledge.

This certification is made the 12 day of October, 2011.

Lester Hughes
Lester Hughes

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF JEFFERSON)

Subscribed and sworn to me by Lester Hughes, this 12 day of October, 2011.

My commission expires on 6-10-2014.

Barbara Hyne
NOTARY PUBLIC-AT-LARGE
COMMONWEALTH OF KENTUCKY

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Rev. 1-07
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Commonwealth of Kentucky
Court of Justice www.courts.ky.gov
CR 4.02; CR Official Form 1

Doc. Code: CI



CIVIL SUMMONS

Case No. _____

Court ☒ Circuit ☐ District

County Jefferson

PLAINTIFF

LESTER
6813 Triangle Drive

HUGHES

Louisville

Kentucky

40214

VS.

DEFENDANT

WAYNE
1809 Grand Ridge Road

A.

BRAMER

Louisville

Kentucky

40214 5921

Service of Process Agent for Defendant:

THE COMMONWEALTH OF KENTUCKY
TO THE ABOVE-NAMED DEFENDANT(S):

You are hereby notified a legal action has been filed against you in this Court demanding relief as shown on the document delivered to you with this Summons. Unless a written defense is made by you or by an attorney on your behalf within 20 days following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached Complaint.

The name(s) and address(es) of the party or parties demanding relief against you are shown on the document delivered to you with this Summons.

Date: _____, 2 _____

Clerk

By: _____
D.C.

Proof of Service

This Summons was served by delivering a true copy and the Complaint (or other initiating document) to:

this _____ day of _____, 2 _____.

Served by: _____

Title

AOC-105 Rev. 1-07 Page 1 of 1 Commonwealth of Kentucky Court of Justice www.courts.ky.gov CR 4.02; CR Official Form 1	Doc. Code: CI	 CIVIL SUMMONS	Case No. _____ Court <input checked="" type="checkbox"/> Circuit <input type="checkbox"/> District County Jefferson
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PLAINTIFF

LESTER
6813 Triangle Drive

HUGHES

Louisville

Kentucky

40214

VS.

DEFENDANT

TOMMY BRAMER & SON, LLC

7330 Distribution Drive

Louisville

Kentucky

40258 2829

Service of Process Agent for Defendant:

WAYNE

A.

BRAMER

1809 Grand Ridge Road

Louisville

Kentucky

40214 5921

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this _____ day of _____, 2____.

Served by: _____
_____ Title