

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**U.S EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**ROHR-KENOSHA MOTORS INC.,
d/b/a KENOSHA NISSAN
Defendant.**

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**CIVIL ACTION NO.
26-1414**

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (Title VII”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, to correct unlawful employment practices on the bases of race and retaliation and to provide appropriate relief to the Aggrieved Individuals who were adversely affected by such practices (“Aggrieved Individuals”). As alleged with greater particularity below, Defendant Rohr-Kenosha Motors Inc., doing business as Kenosha Nissan (“Kenosha Nissan” or “Defendant”), discriminated against the Aggrieved Individuals by constructively discharging them in retaliation for opposing race discrimination, and by discharging one Aggrieved Individual, (“Aggrieved Individual No. 1”) in retaliation for his opposition to race discrimination and/or based on his race. All of the alleged conduct was in violation of Title VII.

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), 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 the Eastern District of Wisconsin.

PARTIES

3. Plaintiff, the United States 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, a Wisconsin corporation, has continuously been doing business as “Kenosha Nissan” in the State of Wisconsin and the City of Kenosha, and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

ADMINISTRATIVE PROCEDURES

6. More than thirty days prior to the institution of this lawsuit, EEOC Charge Nos. 443-2024-02487 and 443-2024-02287 were filed with the EEOC alleging violations of Title VII by Kenosha Nissan.

7. On July 31, 2025, the EEOC issued Kenosha Nissan Letters of Determination finding reasonable cause to believe that Defendant violated Title VII by retaliating against a class of individuals by constructively discharging them for complaining of racial discrimination and

by discharging Aggrieved Individual No. 1 in retaliation for his complaints of racial discrimination and based on his race.

8. The EEOC invited Defendant to join with the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

9. The EEOC engaged in communications with Kenosha Nissan to provide it with the opportunity to remedy the discriminatory practices described in the Letters of Determination.

10. The EEOC was unable to secure from Kenosha Nissan a conciliation agreement acceptable to the Commission.

11. On February 27, 2026, the EEOC issued to Defendant Notices of Failure of Conciliation.

12. All conditions precedent to the institution of this lawsuit have been fulfilled.

STATEMENT OF CLAIMS

13. Since at least in or around February 2024, Defendant Kenosha Nissan has engaged in unlawful employment practices in violation of Section 703 of Title VII, 42 U.S.C. 2000e-3(a) by discriminating against Aggrieved Individuals because they opposed race discrimination, resulting in their constructive discharge. In particular:

(a) Beginning in or around January or February 2024, and continuing through at least April 2024, several Black employees, including the Aggrieved Individuals, reported race discrimination and retaliation to Defendant's Human Resources department.

(b) These employees alleged that a Sales Manager, who was White, compared one Black employee to an animal and assaulted him, that the Sales Manager

called Black employees “slow,” “lazy,” and made Black employees work in the back of the office, among other incidents.

(c) Between approximately February and April 2024, the General Manager openly stated that he planned to retaliate against the employees who had engaged in this protected activity. For example, the General Manager told a group of employees in this timeframe that if they went to Human Resources again, he would “make your life a living hell.” On another occasion the General Manager was heard yelling that that he was “going back to being Diablo” (the devil), that he was “watching all of your asses,” and that whoever went to Human Resources was “done.”

(d) Defendant took actions against the Aggrieved Individuals because they opposed the race harassment. For example, within days of some of those retaliatory statements, the General Manager announced workplace changes, including changing work schedules and more closely regulating who could use office spaces and when. He also began writing up employees for minor or fabricated infractions, specifically targeting employees who had complained about the Sales Manager. For instance, one Aggrieved Individual was written up three times within six days after complaining to Human Resources, while she had never been disciplined by Defendant prior to engaging in protected activity.

(e) Aggrieved Individuals also opposed these retaliatory actions, including by reporting them to Human Resources, which prompted further retaliation. For instance, in April 2024, one of the Aggrieved Individuals told Human Resources that the General Manager was disciplining her because of her earlier complaints

of racial discrimination. In response the Sales Manager began calling her “Ms. HR.” The General Manager issued her further disciplinary write-ups shortly after that.

(f) Defendant’s actions could dissuade a reasonable person from objecting to unlawful harassment or engaging in other activity protected by Title VII.

(g) Given Defendant’s explicit threats to retaliate against employees who engaged in protected activity, the intensifying disciplinary actions against the Aggrieved Individuals, and the General Manager’s statement that those who had spoken with Human Resources were “done,” the workplace became intolerable for the Aggrieved Individuals, and they reasonably believed they would be terminated. As a result, they resigned.

15. Since at least April 2024, Defendant Kenosha Nissan has engaged in unlawful employment practices, in violation of Section 704 of Title VII, 42 U.S.C. 2000e-3(a), by discharging Aggrieved Individual No. 1 because he engaged in protected opposition to unlawful employment practices under Title VII when he reported racial harassment to Defendant. In particular:

(a) Aggrieved Individual No. 1 spoke with the General Manager to object to some of the above-noted harassment in April 2024.

(b) The General Manager responded to Aggrieved Individual No. 1’s concerns by telling him to “shut up” and “deal with it,” or words to that effect.

(c) As alleged in greater detail above, the General Manager had also openly expressed an intent to punish employees who had objected to race harassment.

(d) On April 15, 2024, the General Manager fired Aggrieved Individual No. 1.

(e) Defendant discharged Aggrieved Individual No. 1 because he engaged in protected activity by objecting to race discrimination, including the Sales Manager's racist remarks.

16. Since at least April 2024, Defendant Kenosha Nissan has engaged in unlawful employment practices, in violation of Section 703 of Title VII, 42 U.S.C. 2000e-2(a)(1) by discharging Aggrieved Individual No. 1 because of his race.

(a) Aggrieved Individual No. 1 is Black.

(b) At all times prior to his discharge, Aggrieved Individual No. 1 met Defendant's employment expectations. For example, he had recently been promoted from a salesperson to manager.

(c) On April 15, 2024, the Sales Manager and Aggrieved Individual No. 1 got into an argument at work.

(d) Although Defendant initially fired both the Sales Manager and Aggrieved Individual No. 1, the Sales Manager, who was White, was rehired the next day.

(e) Aggrieved Individual No. 1 was not rehired.

(f) Defendant's disparate treatment of these two managers, who engaged in the same conduct on April 15, 2024, was because of Aggrieved Individual No. 1's race.

17. The effect of the practices complained of above has been to deprive the Aggrieved Individuals of equal employment opportunities and otherwise adversely affect their status as employees because of race and/or retaliation.

18. The unlawful employment practices complained of above were intentional.

19. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of the Aggrieved Individuals.

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Kenosha Nissan, its officers, successors, assigns, and all persons in active concert or participation with Defendant, from engaging in any employment practices which discriminate because of race in violation of Title VII.
- B. Grant a permanent injunction enjoining Defendant Kenosha Nissan, officers, successors, assigns, and all persons in active concert or participation with Defendant, from retaliating against individuals who oppose practices made unlawful by Title VII.
- C. Order Kenosha Nissan to institute and carry out policies, practices, and programs which provide equal employment opportunities regardless of race and which eradicate the effects of its unlawful employment practices.
- D. Order Defendant Kenosha Nissan to make the Aggrieved Individuals whole by providing appropriate backpay, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to front pay in lieu of reinstatement.
- E. Order Defendant Kenosha Nissan to make the Aggrieved Individuals whole by providing compensation for past and future pecuniary losses resulting from the

unlawful employment practices described above, in amounts to be determined at trial.

- F. Order Defendant Kenosha Nissan to make the Aggrieved Individuals whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, mental anguish, and other nonpecuniary losses, in amounts to be determined at trial.
- G. Order Defendant Kenosha Nissan to pay the Aggrieved Individuals punitive damages for its malicious and/or reckless conduct, as described above, in amounts to be determined at trial.
- H. Order Defendant to pay the Aggrieved Individuals prejudgment interest.
- I. Grant such further relief as the Court deems necessary and proper in the public interest.
- J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its Complaint that do not relate solely to equitable relief.

Dated August 18, 2026

Respectfully submitted,

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box (required): ☐ Green Bay Division ☒ Milwaukee Division

I. (a) PLAINTIFFS

U.S. Equal Employment Opportunity Commission

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Allison Bitz, Tina Burnside, Justin Mulaire

US Equal Employment Opportunity Commission, 310 W Wisconsin Ave. Suite
500W, Milwaukee, WI 53203
414-521-7514

DEFENDANTS

ROHR-KENOSHA MOTORS INC.,
d/b/a KENOSHA NISSAN

County of Residence of First Listed Defendant Kenosha

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Emery Harlan, MWH Law Group

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☒ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Title VII Civil Rights Act 42 U.S.C. § 2000e; Title I Civil Rights Act 42 U.S.C. § 1981a

Brief description of cause:

Retaliatory constructive discharge; discharge based on race

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See updated instructions):

JUDGE

DOCKET NUMBER

DATE

08/18/2026

SIGNATURE OF ATTORNEY OF RECORD

s/Allison Bitz

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE