FILED

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

JUL 07 2003

CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS BY

EQUAL EMPLOYMENT OPPORTUNITY DEPUTY CLERK COMMISSION. § § § Plaintiff, § Civil Action No. § ٧. 8 **COMPLAINT &** INVESTAMERICA MANAGEMENT, § § JURY TRIAL DEMAND INC., § § A03CA 457 AD21 Defendant.

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of race, and to provide appropriate relief to Janice Campbell, who was adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that Janice Campbell was discharged by Invest America Management, Inc. because of her race, Black.

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 Sections 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)("Title VII"). This action is also authorized and instituted pursuant to Section 102 of Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981a.
- 2. The employment practice alleged to be unlawful was committed within the jurisdiction of the United States District Court for the Western District of Texas, Austin Division.

 Plaintiff's Original Complaint

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PARTIES

- 3. Plaintiff, 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 Invest America Management, Inc. has continuously been a Texas corporation doing business in the State of Texas and the Cities of San Antonio and Austin, and has continuously had at least fifteen employees.
- 5. At all relevant times, Defendant Invest America Management, Inc. has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g), and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

- 6. More than thirty days prior to the institution of this lawsuit, Janice Campbell filed a charge with the Commission alleging violations of Title VII by Defendant Invest America Management, Inc. All conditions precedent to the institution of this lawsuit have been fulfilled.
- 7. On or about November 6, 2002, Defendant Invest America Management, Inc. engaged in an unlawful employment practice at its location in San Antonio, Texas, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). The unlawful practice was discharging Janice Campbell because of her race, Black.
- 8. The effect of the practice complained of in paragraph seven above has been to deprive Janice Campbell of equal employment opportunities and to otherwise adversely affect her status as an employee, because of her race.
 - 9. The unlawful employment practice complained of in paragraph seven above was

intentional.

10. The unlawful employment practice complained of in paragraph seven above was done with malice or with reckless indifference to the federally protected rights of Janice Campbell.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Invest America Management, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in conduct which discriminates on the basis of race, including discharging any employee because of his or her race and from engaging in any other employment practice which discriminates on the basis of race;
- B. Order Defendant Invest America Management, Inc. to institute and carry out policies, practices, and programs which provide equal employment opportunities for Blacks and which eradicate the effects of its past and present unlawful employment practices;
- C. Order Defendant Invest America Management, Inc. to make whole Janice Campbell, by providing appropriate backpay with prejudgment interest, 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 reinstatement of Janice Campbell or front pay in lieu thereof;
- D. Order Defendant Invest America Management, Inc. to make whole Janice Campbell, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practice described in paragraph seven above, including but not limited to, job search expenses, relocation expenses, medical expenses and/or insurance expenses, in an amount to be determined at trial;

E. Order Defendant Invest America Management, Inc. to make whole Janice Campbell,

by providing compensation for past and future nonpecuniary losses resulting from the unlawful

employment practice complained of in paragraph seven above, including, but not limited to,

emotional pain, suffering, stress, humiliation, loss of credit, inconvenience and loss of enjoyment

of life, in an amount to be determined at trial;

F. Order Defendant Invest America Management, Inc. to pay Janice Campbell punitive

damages for its malicious and reckless conduct described in paragraph seven above, in an amount

to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper in the public

interest; and

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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