

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

JUL 25 2003

Michael N. Milby, Clerk of Court

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

U.S. CONTRACTORS, INC.,
Defendant.

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Civil Action No.

COMPLAINT AND
JURY TRIAL DEMAND

V-03-81

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 sex, female and retaliation, and to provide appropriate relief to Elva Griffin, Anita Herriges, Lynn Stoebner, Aniyeritza Velazquez and other similarly situated females, who were adversely affected by such practices. The U.S. Equal Employment Opportunity Commission (the "Commission") alleges that the Defendant, U.S. Contractors, Inc. ("U.S. Contractors"), engaged in discriminatory employment practices by subjecting Elva Griffin, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females, to sexual harassment from male employees, in violation of Section 703(a) of Title VII. The Commission also alleges that Anita Herriges and other similarly situated females were disparately discharged based on their sex. The Commission also alleges that Elva Griffin was also subjected to retaliatory demotion in violation of Section 704(a) of Title VII. The Commission further alleges that Elva Griffin, Lynn Stoebner, Aniveritza Velazquez, Anita Herriges and other similarly situated females were also subjected to disparate treatment and then discharged in violation of Section 704(a) of Title VII in retaliation for complaining about sex discrimination, or for

otherwise participating in protected activity covered under 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) ("Title VII"), 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 Southern District of Texas, Victoria Division.

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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant U.S. Contractors has continuously been a Texas corporation doing business in the State of Texas and Calhoun County, Texas, and has continuously had at least 15 employees.

5. At all relevant times, Defendant U.S. Contractors 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, Elva Griffin, Anita Herriges, Lynn Stoeber and Aniveritza Velazquez filed charges with the Commission alleging violations of Title VII by Defendant U.S. Contractors.

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

8. Since at least June 2001, Defendant U.S. Contractors has engaged in unlawful employment practices at a project site in Calhoun County, Texas, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by:

- a. subjecting Elva Griffin, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females, to sexual harassment from male supervisors, co-workers, and other males on the job site;
- b. disparately discharging Anita Herriges and other similarly situated females based on their sex; and
- c. discharging Elva Griffin, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females after they complained about sex discrimination.

9. Since at least June 2001, Defendant U.S. Contractors has engaged in unlawful employment practices at a project site in Calhoun County, Texas, in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a) by:

- a. subjecting Elva Griffin to a retaliatory demotion; and
- b. discharging Elva Griffin, Lynn Stoebner, Aniveritza Velazquez, Anita Herriges and other similarly situated females after they complained about sex discrimination, or for otherwise participating in a protected activity under Title VII.

10. The effect of the practices complained of in paragraphs eight and nine above has been to deprive Elva Griffin, Anita Herriges, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females of equal employment opportunities and to otherwise adversely affect their status as employees, because of their sex and retaliation.

11. The unlawful employment practices complained of in paragraphs eight and nine above were and are intentional.

12. The unlawful employment practices complained of in paragraphs eight and nine above were and are done with malice or with reckless indifference to the federally protected rights of Elva Griffin, Anita Herriges, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant U.S. Contractors, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in retaliation and from any other employment practice which facilitates, condones, or encourages retaliation, and from any other employment practice which discriminates on the basis of retaliation;

B. Grant a permanent injunction enjoining Defendant U.S. Contractors, its officers, successors, assigns, and all persons in active concert or participation with it, from subjecting its female employees to a sexually hostile work environment because of their sex and from any other employment practice which discriminates on the basis of sex;

C. Order Defendant U.S. Contractors to institute and carry out policies, practices, and programs which provide equal employment opportunities for females, and to individuals who participate in protected activity under Title VII, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Defendant U.S. Contractors to make whole Elva Griffin, Anita Herriges, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females, by providing appropriate back pay with prejudgment interest, in an amount to be determined at trial, and other affirmative relief

necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, the reinstatement of Elva Griffin, Anita Herriges, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females, or front pay in lieu thereof;

E. Order Defendant U.S. Contractors to make whole Elva Griffin, Anita Herriges, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs eight and nine above, including, but not limited to, relocation expenses, job search expenses and medical expenses, in an amount to be determined at trial;

F. Order Defendant U.S. Contractors to make whole Elva Griffin, Anita Herriges, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraphs eight and nine above, including, but not limited to, emotional pain, suffering, humiliation, embarrassment, emotional distress, stress, anxiety, inconvenience, and loss of enjoyment of life, in an amount to be determined at trial;

G. Order Defendant U.S. Contractors to pay Elva Griffin, Anita Herriges, Lynn Stoebner, Aniveritza Velazquez and other similarly situated females punitive damages for its malicious and reckless conduct described in paragraphs eight and nine above, in an amount to be determined at trial;

H. Grant such further relief as the Court deems necessary and proper in the public interest; and

I. Award the Commission its costs of this action.

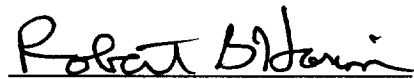
JURY TRIAL DEMAND

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

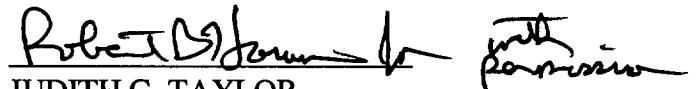
Respectfully submitted,

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