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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED SEP 17 2001 CLERK, U.S. DISTRICT COURT By _____ Deputy
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**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**KASPAR WIRE WORKS Inc. a/k/a KASPAR
RANCH HAND, Inc.**

Defendant.

CIVIL ACTION NO.

**301 - CV1838 - G
COMPLAINT**

(JURY DEMANDED)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to make whole Charging Party, Tommy Patino. The Commission alleges that the Defendant, Kaspar Wire Works, Inc./a/k/a/ Kaspar Ranch Hand, Inc. (hereafter "Kaspar"), violated Title VII of the Civil Rights Act of 1964, as amended, by failing to promote Mr. Patino to the position of Assistant Manager because of his national origin (Hispanic).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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, ("Title VII"), 42 U.S.C. Sections 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

COMPLAINT

jurisdiction of the United States District Court for the Northern District of Texas.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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(a) of Title VII, 42 U.S.C. Section 2000e-5(a).

4. At all relevant times, Defendant, Kaspar, has continuously been and is now doing business in the State of Texas, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant 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. Sections 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Mr. Patino filed a charge with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Beginning about August 2000, Defendant discriminated against Mr. Patino in violation of Section 703(a) of Title VII, 42 U.S.C. Section 2000e-2. Specifically, Defendant failed to promote Mr. Patino to Assistant Manager because of his national origin (Hispanic).

8. The effect of the practices complained of above has been to deprive Mr. Patino of equal employment opportunities because of his national origin (Hispanic).

9. The unlawful employment practices complained of in paragraph 7, above, were

intentional.

10. The unlawful employment practices complained of in paragraph 7, above, were done with malice or reckless indifference to the federally protected rights of Mr. Patino.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Kaspar, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates in violation of Title VII and, specifically, from failing to promote its employees to management positions because of their national origin in violation of Title VII.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Mr. Patino, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Mr. Patino by providing appropriate back pay with prejudgment interest in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of unlawful employment practices, including but not limited to promotion of Mr. Patino to Assistant Manager.

D. Order the Defendant to make whole Mr. Patino by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to, pain and suffering, humiliation, embarrassment, emotional distress, anxiety and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to make whole Mr. Patino, by providing compensation for past

and future pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 ,
above, in amounts to be determined at trial.

F. Order the Defendant to pay punitive damages for its malicious or reckless conduct
described in paragraph 7, above, in amounts to be determined at trial.

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

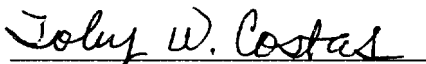
H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

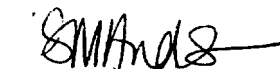
The Commission requests a jury trial on all questions of fact raised by the complaint.

Respectfully submitted,


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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing has been served on all counsel of record for the Defendant at the address below via United States first class mail, postage prepaid, on this the 17 day of Sept, 2001.

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