

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
BRINKER INTERNATIONAL, INC.,)	COMPLAINT
d/b/a CHILI'S BAR & GRILL,)	(Jury Trial Demand)
)	
Defendant.)	
_____)	

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964 ("Title VII"), as amended, to correct unlawful employment practices on the basis of National Origin (Hispanic). It requests appropriate relief for Angel Quintero ("Quintero"), and a class of Hispanic employees, who were adversely affected by such practices. As stated with greater particularity in Paragraph 7 below, the Plaintiff, United States Equal Employment Opportunity Commission ("EEOC") alleges that Brinker International, Incorporated, d/b/a Chili's Bar & Grill ("Chili's) discriminated against Quintero and a class of Hispanic applicants and employees by refusing to hire them for server positions because of their National Origin (Hispanic) at its Pleasant Prairie, Wisconsin location.

EEOC also alleges that Chili's maintained a practice of assigning Hispanic employees to kitchen positions, and that it constructively discharged Quintero by refusing to transfer him from position a as cook to a server's position.

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) 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. The plaintiff, EEOC, 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, Chili's has continuously been a company doing business in the State of Wisconsin, and has continuously had at least 15 employees.

5. At all relevant times, Chili's 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 30 days prior to the commencement of this lawsuit, Angel Quintero filed a charge with the EEOC on behalf of himself and a class of Hispanic workers alleging violations of Title VII by Chili's. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least February of 2003, Chili's has engaged in unlawful employment

practices at its Pleasant Prairie, Wisconsin restaurant in violation of Sections 703(a) of Title VII, 42 U.S.C. §§2000e-2(a). These practices include, but are not limited to:

- (a) refusing to hire Quintero, and a class of Hispanic workers as servers at its Pleasant Prairie, Wisconsin restaurant;
- (b) maintaining a practice of assigning Hispanic employees to kitchen positions, and not to server positions, and;
- (c) constructively discharging Quintero by refusing to transfer him from a position as cook to a position as server because of his national origin (Hispanic).

8. The effect of the practice(s) complained of in Paragraph 7 above has been to deprive Quintero and a class of Hispanic employees of equal employment opportunities and otherwise adversely affect their status as employees because of their national origin .

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 with reckless indifference to Quintero's and a class of Hispanic employees' federally-protected rights.

PRAYER FOR RELIEF

Wherefore, the plaintiff EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Chili's and its officers, agents, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of national origin;

B. Order Chili's to institute and carry out policies, practices, and programs which

provide equal employment opportunities for Quintero and a class of Hispanic applicants and employees, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Chili's not to discriminate in hiring or job assignment on the basis of national origin;

D. Order Chili's to make Quintero and other Hispanic applicants and employees whole by providing appropriate back-pay, including lost benefits, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, rightful place hire, assignment, and reinstatement.

E. Order Chili's to make Quintero and Hispanic applicants and employees whole by compensating them for past and future non-pecuniary losses resulting from the unlawful practices complained of in Paragraphs 7 above, including injury to professional reputation, emotional pain, suffering, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

F. Order Chili's to pay Quintero and a class of Hispanic applicants and employees punitive damages for the Defendant's malicious and 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 in the public interest; and;

H. Award the EEOC its costs in this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all issues of fact raised by its Complaint.

Respectfully submitted,

Dated: _____, 2005

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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