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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Equal Employment Opportunity
Commission,

Plaintiff,

vs.

Granite Mill & Fixture Company, a
Utah corporation,

Defendant.

Civil No.

**COMPLAINT
JURY TRIAL DEMANDED**

Judge David Sam

DECK TYPE: Civil

DATE STAMP: 09/30/2004 @ 15:51:32

CASE NUMBER: 2:04cv00923 DS

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of national origin, and to provide appropriate relief to Ralph Ruiz who was adversely affected by such practices. The Commission alleges Defendant Granite Mill & Fixture Company ("Granite Mill" or "Defendant") discriminated against Mr. Ruiz because of his national origin, Mexican American.

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"), Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and Section 707 of Title VII, 42 U.S.C. § 2000e-6.

2. The employment practices alleged to be unlawful were, and are now being committed within the jurisdiction of the United States District Court for the District of Utah.

PARTIES

3. Plaintiff, the 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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section 707 of Title VII, 42 U.S.C. § 2000e-6.

4. At all relevant times, Defendant Granite Mill has continuously been a Utah corporation doing business in the State of Utah 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 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, Ralph Ruiz filed a charge of discrimination with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Throughout Mr. Ruiz's employment tenure at Granite Mills and on a continuing basis, Defendant has continuously engaged in unlawful employment practices at its Salt Lake City, Utah facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), by engaging in a continuing pattern of national origin harassment discrimination of Mr. Ruiz because of his national origin, Mexican American.

8. Ralph Ruiz worked at Granite Mills from 1972 and until March of 2002. During Mr. Ruiz's tenure at Granite Mills, the national origin harassment was comprised, in part, of national origin based epithets and taunting by coworkers and supervisory personnel, including, but not limited to "fucking Mexican", "the fat Mexican", "that's a Mexican job", "that's a wetback's job", "let the wetbacks do that", "little fat fucking Mexican", "damn Mexican", "send the Mexicans to the back", "what's wrong with these fucking Mexicans?", and "you, brownies."

9. Although Defendant was aware of the national origin harassment, it failed

to take appropriate remedial action to prevent or correct the unlawful conduct.

10. The effect of the practices complained of in paragraphs seven through nine (§ 7-9) above has been to deprive Mr. Ruiz of equal employment opportunities and otherwise adversely affect his status as employee, because of his national origin, Mexican American.

11. The unlawful employment practices complained of in paragraphs seven through nine (§ 7-9) were and are intentional.

11. The unlawful employment practices complained of in paragraphs seven through nine (§ 7-9) above were done with malice or with reckless indifference to the federally protected rights of Mr. Ruiz.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Granite Mill, its officers, successors, assigns, and all persons in active concert or participation with them from engaging in national origin harassment and any other employment practice which discriminates on the basis of national origin.

B. Order Defendant Granite Mill to institute and carry out policies, practices, and programs which provide equal employment opportunities for Mexican Americans, and which eradicate the effects of their past and present unlawful employment practices.

C. Order Defendant Granite Mill to make whole Mr. Ruiz by providing

compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph seven (§ 7), through nine (§ 9) above, including emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

D. Order Defendant to pay Mr. Ruiz punitive damages for their malicious and/or reckless conduct, described in paragraph seven (§ 7), through nine (§ 9) above, in amounts to be determined at trial.

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

F. 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.

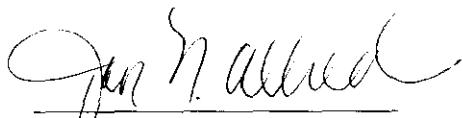
RESPECTFULLY SUBMITTED this 30th day of September, 2004.

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General Counsel

James L. Lee
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Paul M. Warner
United States Attorney

Gwendolyn Young Reams
Associate General Counsel

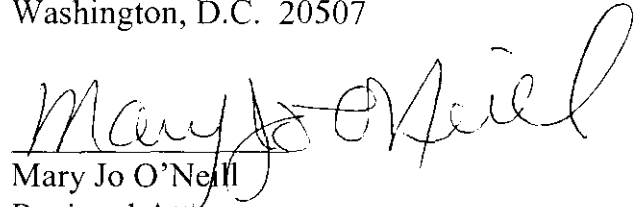


~~Carrie Christensen~~
~~Civil Chief Assistant U.S. Attorney~~

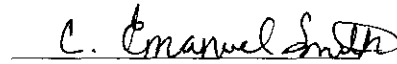
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COMMISSION

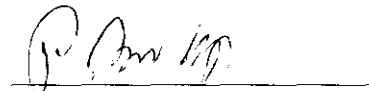
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