

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,
Plaintiff,

v.

THE VILLAGE OF CUBA,
NEW MEXICO
Defendant.

Civil Action No.

COMPLAINT

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII").

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

3. Defendant Village of Cuba, New Mexico ("Village of Cuba") is a political subdivision of the State of New Mexico created pursuant to the laws of the State of New Mexico.

4. Defendant Village of Cuba is a person within the meaning of 42 U.S.C. § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).

5. Defendant Village of Cuba has discriminated against Esther V. Herrera, Marcella Martinez, Lorraine Sanchez and similarly situated females because of their sex in violation of

Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

a. Failing or refusing to increase their hourly compensation at the same rate as the increase in hourly compensation given to male hourly employees in or about June 1998; and

b. Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment.

6. Defendant Village of Cuba also has discriminated against Lorraine Sanchez in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), among other ways, by:

a. Failing or refusing to promote or consider for promotion Ms. Sanchez to a deputy clerk or clerk assistant position in or about April 2000 because she filed a charge with the Equal Employment Opportunity Commission ("EEOC") alleging she and other females had been discriminated against on the basis of sex by the Village of Cuba with respect to the rate of increase in their pay and/or because she complained to Village officials that the rate of increase in pay given to her and other female employees was discriminatory on the basis of sex; and

b. Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of

Ms. Sanchez.

7. The EEOC received timely charges filed by Esther V. Herrera (Charge No. 390980831), Marcella Martinez (Charge No. 390980832) and Lorraine Sanchez, (Charge No. 390980849). Pursuant to § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charges, found reasonable cause to believe the charging parties' allegations of discrimination in employment in violation of Title VII were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of these matters, and subsequently referred the charges to the United States Department of Justice.

8. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, Plaintiff United States prays that this Court grant the following relief:

a. Enjoin Defendant Village of Cuba from engaging in discriminatory employment practices and policies against women based on their sex and specifically from failing or refusing to increase the compensation of female hourly employees at the same rate as the increase in hourly compensation given to male hourly employees.

b. Enjoin Defendant Village of Cuba from failing or refusing to provide sufficient equitable relief to make whole Esther V. Herrera, Marcella Martinez, Lorraine Sanchez, and similarly situated females for the loss they have suffered as the result of the discrimination against them because of their sex as alleged in this complaint.

c. Enjoin Defendant Village of Cuba from failing or refusing to provide sufficient equitable relief to make whole Lorraine Sanchez for the loss she has suffered as the result of the retaliation against her as alleged in this complaint.

The Plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

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