



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

JLP, L.L.C. d/b/a JIFFY LUBE OF  
PLAINVIEW AND  
WOLFLIN OIL, L.L.C.,

Defendants.

CIVIL ACTION NO. \_\_\_\_\_  
**5-04CV0216-C**  
COMPLAINT

**Jury Trial Demanded**

NATURE OF THE 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 bases of national origin and race, and to provide appropriate relief to Juan Alonzo Esquivel and Scott Craft, who were adversely affected by such practices. Plaintiff, the Equal Employment Opportunity Commission (the "Commission") alleges that Defendant JLP, L.L.C. d/b/a Jiffy Lube of Plainview ("Jiffy Lube") and Defendant Wolflin Oil, L.L.C. ("Wolflin"), acting as an integrated enterprise, engaged in discriminatory employment practices, in violation of Title VII, when they discharged Juan Alonzo Esquivel from his employment, because of his national origin, Hispanic, and when they discharged Scott Craft from his employment, because of his race, Black.

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 Lubbock Division of the United States District Court for the Northern District of Texas.

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 Jiffy Lube and Defendant Wolflin (“Defendants”) constituted an integrated enterprise.

5. At all relevant times, Defendant Jiffy Lube has continuously been a Texas corporation doing business in the State of Texas and the City of Plainview.

6. At all relevant times, Defendant Wolflin, acting as an integrated enterprise with Defendant Jiffy Lube, has continuously been a Texas corporation doing business in the State of Texas and the City of Plainview.

7. As an integrated enterprise, at all relevant times, Defendants had more than fifteen employees.

8. At all relevant times, Defendant Jiffy Lube 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).

9. At all relevant times, Defendant Wolflin 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

10. More than thirty days prior to the institution of this lawsuit, Juan Alonzo Esquivel filed a charge with the Commission alleging violations of Title VII by Defendant Jiffy Lube. All conditions precedent to the institution of this lawsuit have been fulfilled.

11. Since at least March 10, 2003, Defendants have engaged in unlawful employment practices at Jiffy Lube of Plainview, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). More specifically, on or about March 10, 2003:

- (a) Defendants discharged Juan Alonzo Esquivel from his employment at Jiffy Lube of Plainview, because of his national origin, Hispanic; and
- (b) Defendants discharged Scott Craft from his employment at Jiffy Lube of Plainview, because of his race, Black.

12. The effect of the practices complained of in paragraph eleven above has been to deprive Juan Alonzo Esquivel of equal employment opportunities and to otherwise adversely affect his status as employee, because of his national origin.

13. The effect of the practices complained of in paragraph eleven above has been to deprive Scott Craft of equal employment opportunities, and to otherwise adversely affect his status as an employee, because of his race.

14. The unlawful employment practices complained of in paragraph eleven above were intentional.

15. The unlawful employment practices complained of in paragraph eleven above were done with malice or with reckless indifference to the federally protected rights of Juan Alonzo Esquivel and Scott Craft.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants, their officers, successors, assigns, and all persons in active concert or participation with them, from discharging employees because of their race or national origin, and any other employment practice which discriminates on the basis of race or national origin;

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanics and Blacks, and which eradicate the effects of their past and present unlawful employment practices;

C. Order Defendants to make whole Juan Alonzo Esquivel and Scott Craft, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other

affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to reinstatement of Juan Alonzo Esquivel and Scott Craft or front pay in lieu thereof;

D. Order Defendants to make whole Juan Alonzo Esquivel and Scott Craft, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph eleven above, including, but not limited to, relocation expenses, job search expenses and medical expenses, in an amount to be determined at trial;

E. Order Defendants to make whole Juan Alonzo Esquivel and Scott Craft by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraph eleven above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

F. Order Defendants to pay Juan Alonzo Esquivel and Scott Craft punitive damages for their malicious and reckless conduct described in paragraph eleven 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 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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