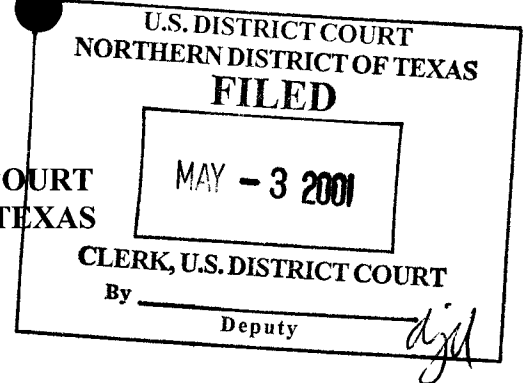


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ORIGINAL

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



**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**BICCGENERAL CABLE INDUSTRIES, INC. ,
GENERAL CABLE INDUSTRIES, INC., AND
GENERAL CABLE CORPORATION,**

Defendants.

CIVIL ACTION NO.

3:00CV2122-D

AMENDED COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race, Black, and/or national origin, African, to correct unlawful employment actions taken in retaliation for opposing practices made unlawful under Title VII and to provide appropriate relief to George Asamoah ("Asamoah") and Tony Evans ("Evans") and other individuals similarly situated. Defendants subjected Asamoah, Evans, and other individuals similarly situated to disparate discipline, including, but not limited to, termination, and to employment practices which affected the terms and conditions of employment, because of their race, Black, and/or their national origin, African. When Asamoah and Evans complained in opposition to the unlawful employment practices of Defendants, Defendants retaliated by discharging them.

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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)(3) of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C § 2000e-5(f)(3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Sec. 1981a.

2. The employment practices alleged to be unlawful were committed within the State of Texas and venue is proper under 42 U.S.C. § 2000-e5 (f) (3).

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 of the Civil Rights Act of 1964, as amended and is expressly authorized to bring this action by Section 706(a) of Title VII, 42 U.S.C. § 2000e-5(a).

4. At all relevant times, Defendant, BICCGeneral Cable Industries, Inc. ("BICC"), now known as General Cable Industries, Inc. ("General") has continuously been and is now doing business in the State of Texas and has continuously had at least fifteen employees. General Cable Industries, Inc., is a successor corporation to BICCGeneral Cable Industries, Inc.

5. Defendant, General Cable Corporation, ("General Cable"), is the corporate parent of Defendant, General. General Cable is jointly and severally liable along with Defendants, BICC and General, under the theories of "joint employer," "integrated enterprise" and/or "alter ego."

6. At all relevant times, Defendants, BICC, General and General Cable, have continuously been employers engaged in an industry affecting commerce under Section 701(b), (g)

and (h) of Title VII, 42 U.S.C. §2000e-(b), (g) and (h) and each has continuously employed at least 15 employees.

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, George Asamoah filed charges with the Commission alleging violations of Title VII of the Civil Rights Act of 1964, as amended, by the Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. During the employment of Asamoah and Evans, the Defendants engaged in unlawful employment practices in violation of §703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by subjecting Asamoah, Evans, and other individuals similarly situated to disparate discipline, including but not limited to, termination, and to employment practices which unlawfully affected the terms and conditions of employment, because of their race, Black, and/or national origin, African.

9. Defendants further engaged in unlawful employment practices in violation of §704 (a) of Title VII, 42 U.S.C. §2000e-3(a), by terminating Asamoah and Evans because they had opposed employment practices made unlawful by Title VII.

10. The result of the foregoing practices has been to deprive Asamoah and Evans and other individuals similarly situated of equal employment opportunities because of their race, Black, and/or national origin, African, and to discriminate against Asamoah and Evans for exercising their rights under Title VII.

11. The unlawful employment practices complained of in paragraphs 8 and 9 above were intentional.

12. The unlawful employment practices complained of in paragraphs 8 and 9 above were done with malice or with reckless indifference to the federally protected rights of Asamoah and Evans.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, BICC, General and General Cable, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of race or national origin or which constitutes retaliation for opposing any practice made an unlawful employment practice under Title VII.

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

C. Order the Defendants to make whole Asamoah and Evans by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, front pay, pecuniary damages, compensatory damages including out-of-pocket expenses, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to rightful place reinstatement of Asamoah and Evans.

D. Order the Defendants to make Asamoah and Evans whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 and 9 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.

F. Order the Defendants to pay Asamoah and Evans punitive damages for their malicious conduct or reckless indifference described and referenced in paragraphs 8 and 9 above, in an amount to be determined at trial.

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

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 its 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, certified, return receipt requested on the 30th day of April, 2001.

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