

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
AUSTIN DIVISION

2003 SEP 29 AM 11:09

U.S. CLERK OF COURT

BY: *h*

EQUAL EMPLOYMENT OPPORTUNITY §
COMMISSION, §

Plaintiff, §

v. §

WILLIAMSON COUNTY CABLEVISION §
COMPANY, §

Defendant. §

A03 CA 690 SS
Civil Action No. _____

COMPLAINT AND
JURY TRIAL DEMAND

NATURE OF 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, Hispanic, and retaliation, and to provide appropriate relief to Charging Party, Juan Espinoza, who was adversely affected by such practices. The Commission alleges that Defendant Williamson County Cablevision Company engaged in discriminatory employment practices in that Juan Espinoza was disparately discharged based on his national origin, Hispanic, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e- (a). The Commission also alleges that Defendant Williamson County Cablevision Company retaliated against Juan Espinoza, in violation of Section 704(a) of Title VII, 42 § U.S.C. 2000 e-3(a), for assisting in the investigation of a discrimination complaint.

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

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Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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

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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Williamson County Cablevision Company, ("WCCC"), has continuously been a Texas corporation doing business in the State of Texas and the City of Georgetown, and has continuously had at least 15 employees.

5. At all relevant times, Defendant WCCC 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, Juan Espinoza ("Espinoza") filed a charge with the Commission alleging violations of Title VII by Defendant WCCC. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since November, 2001, Defendant WCCC engaged in the unlawful employment practices at its Georgetown, Texas facility and surrounding work sites, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e- (a), by discharging him for an alleged work violation that was

minor, whereas a similarly situated White, Anglo, employee who committed more serious work violations was not disciplined at all or not seriously disciplined, much less targeted for termination.

Defendant WCCC also retaliated against Espinoza in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), for assisting in the investigation of a discrimination complaint.

8. The effect of the practices complained of in paragraph seven above has been to deprive Espinoza of equal employment opportunities and otherwise adversely affect his status as an employee because of retaliation.

9. The unlawful employment practices complained of in paragraph seven above were and are intentional.

10. The unlawful employment practices complained of in paragraph seven above were and are done with malice or with reckless indifference to the federally protected rights of Espinoza.

PRAAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant WCCC, its officers, successors, assigns, and all persons in active concert or participation with it, from disparately discharging and/or retaliating against employees who oppose or complain about unlawful discrimination;

B. Order Defendant WCCC to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees who oppose or complain about discrimination, and which eradicate the effects of WCCC's past and present unlawful employment practices;

C. Order Defendant WCCC to make whole Espinoza, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary

to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement, or front pay in lieu thereof, for Espinoza;

D. Order Defendant WCCC to make whole Espinoza, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including but not limited to relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial;

E. Order Defendant WCCC to make whole Espinoza, by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph seven above, including but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, embarrassment, emotional distress, anxiety and humiliation, in amounts to be determined at trial;

F. Order Defendant WCCC to pay Espinoza punitive damages for its malicious and reckless conduct described in paragraph seven 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

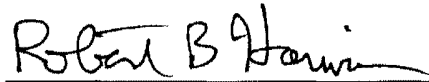
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

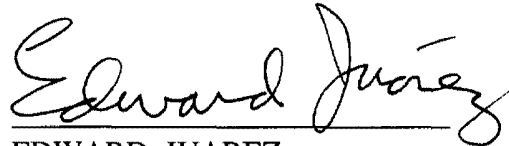
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