

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

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U.S. DISTRICT COURT
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TEXAS-EASTERN
BY *M. Velvin*

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**WFC LIMITED PARTNERSHIP d/b/a/
WORLD FINANCE CORPORATION,**

Defendant.

CIVIL ACTION NO.

5:01CV271

COMPLAINT

JURY TRIAL DEMAND

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 including discrimination on the basis of race, on the basis of interracial association and on the basis of sex (female). This action is brought under Title VII to provide appropriate relief to Tonia Duffee and Will Evans.

The EEOC alleges that the Defendant, WFC Limited Partnership, d/b/a World Finance Corporation (World or Defendant), violated Title VII when it subjected Tonia Duffee, a Caucasian female, and Will Evans, an African American male, to discrimination because of race, because of their association with each other, and because of Duffee's sex. As a result of the unlawful employment practices stated herein, Duffee and Evans were subjected to unequal terms and conditions of employment, and were terminated from their positions.

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 §§ 706(f)(1) & (3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. § 2000e-5 (f)(1) & (3) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981A. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Eastern District of Texas.

PARTIES

2. Plaintiff, Equal Employment Opportunity Commission is an 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 §706(f)(1) & (3) of Title VII, 42 U.S.C. § 2000e - 5(f)(1) & (3).

3. At all relevant times, Defendant has continuously been and is now doing business in the State of Texas and has continuously had at least fifteen employees.

4. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e- (b), (g) and (h).

STATEMENT OF CLAIMS

5. More than thirty days prior to the institution of this lawsuit, Tonia Duffee and Will Evans filed charges of discrimination with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

6. During the employment of Tonia Duffee and Will Evans, the Defendant engaged in unlawful employment practices in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by subjecting Tonia Duffee and Will Evans to unequal terms and conditions of employment because of their respective races and their interracial association and because of Duffee's sex. Specifically, World unlawfully terminated Duffee and Evans because of allegations that they had a consensual romantic relationship with one another.

7. The practices complained of above were intentional and designed to deprive Tonia Duffee and Will Evans of equal employment opportunities and otherwise adversely affect their status as employees.

8. The unlawful employment practices complained of above were committed with malice or with reckless indifference to the federally protected rights of Tonia Duffee and Will Evans.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that the Court:

A. Grant a permanent injunction enjoining the Defendant, World, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of race, on the basis of interracial association and on the basis of sex.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Tonia Duffee, Will Evans and other employees and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Tonia Duffee and Will Evans by providing

appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices, including but not limited to rightful-place reinstatement or front pay in lieu of reinstatement.

D. Order the Defendant to make whole Tonia Duffee and Will Evans by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above in paragraphs 6, including, but not limited to lost wages, relocation expenses, job search expenses and other benefits in amounts to be determined at trial.

E. Order the Defendant to make whole Tonia Duffee and Will Evans by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described above in Paragraph 6, including, but not limited to emotional pain, suffering, anxiety, loss of enjoyment of life, humiliation, and inconvenience, in amounts to be determined at trial.

F. Order the Defendant to pay Tonia Duffee and Will Evans punitive damages for its malice or reckless indifference to Duffee's and Evans's federally protected rights described above in paragraphs 7 and 8, in amounts to be determined at trial.

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

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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JURY TRIAL DEMANDED