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

DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED AUG 19 2002 CLERK, U.S. DISTRICT COURT By _____ Deputy

EQUAL EMPLOYMENT OPPORTUNITY)
 COMMISSION,)
)
 Plaintiff,)
)
 v.)
)
 BELO CORP.,)
)
 and)
)
 DALLAS MORNING NEWS, L.P.)
)
)
 Defendant.)
 _____)

CIVIL ACTION NO.

3-02CV 1262L

JURY TRIAL DEMAND

FIRST AMENDED COMPLAINT
OF THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TO THE HONORABLE UNITED STATES DISTRICT COURT:

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 on the basis of retaliation, and to provide appropriate relief to Wendy W. Jackson who was adversely affected by such practices. Ms. Jackson was disciplined and discharged in retaliation for having filed earlier charges of discrimination and opposing racially discriminatory employment practices.

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 unlawful employment practices alleged in this complaint were committed within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division. Venue is appropriate in this court.

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 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 Belo Corp. (hereinafter referred to as "Dallas Morning News" or "Defendant"), has continuously been a Delaware corporation doing business in the State of Texas and the City of Dallas, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Belo Corp. 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). Defendant Belo Corp. may be served with process by serving its registered agent, Michael J. McCarthy, who may be found at Communications Center, Houston and Young Street, Dallas, Texas 75265.

6. At all relevant times, Defendant Dallas Morning News, L.P. (hereinafter referred to as "Dallas Morning News" or "Defendant"), has continuously been a Delaware limited partnership doing business in the State of Texas and the City of Dallas, and has continuously had at least 15 employees. Defendant Dallas Morning News, L.P. is an independent subsidiary of Belo Corp.

7. At all relevant times, Defendant Dallas Morning News, L.P. 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). Dallas Morning News, L.P. may be served with process by serving its registered agent, Guy H. Kerr, who may be found at 400 South Record Street, Dallas, Texas 75202.

STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Wendy W. Jackson filed Charges 310-A0-2141 and 310-A2-0181 with the Commission alleging violations of Title VII by Defendant Belo Corporation and Dallas Morning News, L.P. (collectively “Defendant” or Dallas Morning News”). All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since mid-2000, Defendant has engaged in unlawful employment practices at their Dallas, Texas facility, in violation of Sections 703(a)(1) and 704 of Title VII, 42 U.S.C. §§ 2000e-2(a)(1) and 2000e-3.

10 Ms. Jackson had worked successfully for the Defendant in their advertising sales department for over ten years. Because of her opposition to racially discriminatory employment practices, including but not limited to, her filing charges of discrimination, Defendant retaliated against her. Because of Ms. Jackson’s assistance, testimony, and participation in investigations and proceedings under Title VII, Defendant retaliated against her.

11. Shortly after filing an internal complaint, Defendant disciplined Ms. Jackson for supposedly having had too many customer complaints and she was threatened with termination.

12. After she filed Charge 310-A0-2141 alleging retaliatory discipline, Ms. Jackson was discharged during a reduction in force, purportedly for “past customer problems.” At the time of her discharge, she was outperforming co-workers who were not discharged. Ms. Jackson filed a subsequent Charge, 310-A2-0181 for retaliatory discharge.

13. The effect of the employment practices complained of above has been to deprive

Wendy W. Jackson of equal employment opportunities and otherwise adversely affect her status as an employee in retaliation for her having complained of racially discriminatory employment practices, opposed discriminatory practices and filed Charges, including but not limited to, Charge Nos. 310-A0-2141 and 310-A2-0181.

14. The unlawful employment practices complained of above were intentional.

15. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Wendy W. Jackson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Dallas Morning News, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in unlawful retaliation against employees who complain about unlawful employment practices.

B. Order Defendant Dallas Morning News to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees who complain of employment practices prohibited by Title VII, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Dallas Morning News to make whole Wendy W. Jackson, by providing appropriate backpay 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 of Wendy W. Jackson.

D. Order Defendant Dallas Morning News to make whole Wendy W. Jackson by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above in amounts to be determined at trial.

E. Order Defendant Dallas Morning News to make whole Wendy W. Jackson by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life, in amounts to determined at trial;

F. Order Defendant Dallas Morning News to pay Wendy W. Jackson punitive damages for its malicious and reckless conduct described above, in amounts 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 of this action.

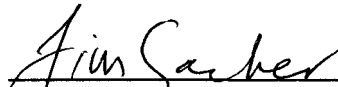
JURY TRIAL DEMAND

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


Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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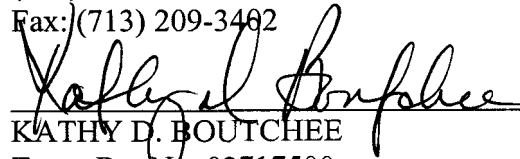


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