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

FILED

OCT 19 2006


EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, §

Plaintiff, §

v. §

B & A DANE LLC ET AL. D/B/A PRO-CUTS §
AND DANE FAMILY LIMITED §
PARTNERSHIP D/B/A PRO-CUTS, §

Defendants. §

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

Civil Action No. W-06-CV-285

JURY TRIAL DEMAND

**PLAINTIFF EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S FIRST
AMENDED COMPLAINT**

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 basis of race and to provide appropriate relief to Lois Hall, who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that Defendants violated Title VII by subjecting Lois Hall to a hostile work environment and reducing her hours based on her race, Black. As a result of the racial harassment and reduction of hours, the conditions of her employment were made so intolerable that she was forced to resign her position.

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 and are now being committed within the jurisdiction of the United States District Court for the Western District of Texas, Waco 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 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, B & A Dane LLC et al. d/b/a Pro-Cuts (hereinafter “Defendant B&A Dane”) has continuously been a Texas corporation doing business in the State of Texas and the City of Bellmead, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, B&A Dane 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).

6. At all relevant times, Defendant, Dane Family Limited Partnership d/b/a Pro-Cuts (hereinafter “Defendant Dane Family”) has continuously been a partnership doing business in the State of Texas and the City of Bellmead, and has continuously had at least fifteen employees.

7. At all relevant times, Defendant, Dane Family 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).

STATEMENTS OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Lois Hall filed a charge with the Commission alleging violations of Title VII by Defendants, B&A Dane and Dane Family. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least October 2002 Defendants, B&A Dane and Dane Family have engaged in unlawful employment practices at their Bellmead, Texas facility in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a), by subjecting Lois Hall to a hostile work environment and reducing her hours based on her race, Black, as a result of which her conditions of employment were made so intolerable that she was forced to resign her position.

10. The effect of the practices complained of in paragraph nine has been to deprive Lois Hall of equal employment opportunities, and to otherwise adversely affect her status as an employee because of her race, Black.

11. The unlawful employment practices complained of in paragraph nine above were intentional.

12. The unlawful employment practices complained of in paragraph nine above were done with malice or with reckless indifference to the federally protected rights of Lois Hall.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, B&A Dane and Dane Family, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in conduct which results in a hostile work environment, reduction of hours and constructive discharge based on race and any other employment practice which discriminates on the basis of race;

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

C. Order Defendants, B&A Dane and Dane Family, to make whole Lois Hall 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 their unlawful employment practices, including but not limited to reinstatement or front pay in lieu of reinstatement;

D. Order Defendants, B&A Dane and Dane Family, to make whole Lois Hall by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph nine above, including but not limited to, relocation expenses, medical expenses and job search expenses, in an amount to be determined at trial;

E. Order Defendants, B&A Dane and Dane Family, to make whole Lois Hall by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph nine above, including, but not limited to, emotional pain, suffering, humiliation, anxiety, inconvenience, mental anguish, and loss of enjoyment of life, in an amount to be determined at trial;

F. Order Defendants, B&A Dane and Dane Family, to pay Lois Hall punitive damages for their malicious and/or reckless conduct described in paragraph nine, 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; 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 Amended Complaint.

Respectfully submitted,

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