

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

VICTORY ROYAL EXPRESS, INC.

Defendant.

CIV
CIV - 06 - 0496 JM WDS

COMPLAINT
JURY TRIAL DEMANDED

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy Discrimination Act of 1978 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female (pregnancy) and to provide appropriate relief to Melissa Roybal who was adversely affected by such practices. The Commission alleges that Defendant imposed a mandatory leave of absence on Ms. Roybal, because of her pregnancy. The Commission further alleges that Defendant effectively discharged Ms. Roybal because of her sex, female, and pregnancy.

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 committed within the

jurisdiction of the United States District Court for the District of New Mexico.

PARTIES

3. Plaintiff, the 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 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 Victory Royal Express, Inc., has continuously been a New Mexico corporation operating in the State of New Mexico and the City of Las Vegas. At all relevant times Defendant Victory Royal Express, Inc. ("Defendant" or "Employer") has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been and is now 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

6. More than thirty days prior to the institution of this lawsuit, Melissa Roybal filed a charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least on or about November 11, 2004, Defendant has engaged in unlawful employment practices at its Las Vegas, New Mexico facility, in violation of Sections 701 (k) and 703(a) of Title VII, 42 U.S.C. §§ 2000e-(k) and 2000e-2(a). These unlawful employment practices include:

- A. imposing a mandatory leave of absence on Melissa Roybal because of her sex, female, and pregnancy; and

B. discharging Melissa Roybal because of her sex, female, and pregnancy.

8. The unlawful employment practices complained of in paragraph 7 above were intentional.

9. The unlawful employment practices complained of in paragraph 7 above were done with malice and/or reckless indifference to the federally protected rights of Melissa Roybal.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which deny employment opportunities to persons on the basis of sex or pregnancy, including imposing mandatory leaves of absence because of their sex or pregnancy and any other employment practice which discriminates on the basis of sex or pregnancy.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for pregnant women, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Melissa Roybal 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, rightful-place hiring or front pay for Melissa Roybal.

D. Order Defendant to make whole Melissa Roybal by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above, including job search expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Melissa Roybal who was adversely affected by the unlawful employment practices described above, by providing compensation for past and future nonpecuniary losses, including but not limited to, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses, in amounts to be determined at trial.

F. Order Defendant to pay Melissa Roybal punitive damages for its malicious and/or reckless conduct described in paragraph 7 above, in an amount to be determined at trial.

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

I. Award the Commission its costs in this action.

JURY TRIAL DEMANDED

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

DATED this 12th day of June, 2006.


Respectfully submitted,

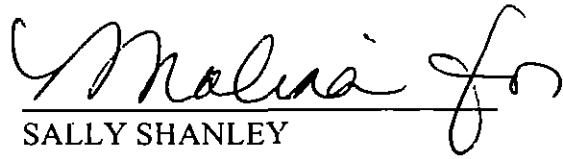
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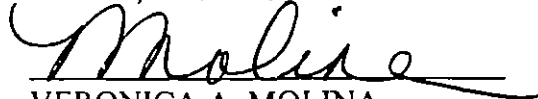


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