

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

M&S IMAGING PARTNERS, L.P.,

Defendant.

SA 03CA0685 RF

Civil Action No. \_\_\_\_\_

COMPLAINT AND  
JURY TRIAL DEMAND

**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 Tanisha Finney, who was adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that Defendant, M&S Imaging Partners, L.P. ("M&S Imaging"), failed to hire Tanisha Finney because of her race, Black.

**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 practice alleged to be unlawful was committed within the jurisdiction of the United States District Court for the Western District of Texas, San Antonio Division.

## **PARTIES**

3. Plaintiff, 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 M&S Imaging has continuously been a Delaware Corporation doing business in the State of Texas and the City of San Antonio, and has continuously had at least 15 employees.

5. At all relevant times, Defendant M&S Imaging 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, Tanisha Finney filed a charge with the Commission alleging violations of Title VII by Defendant M&S Imaging.

7. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least March, 2002, Defendant M&S Imaging has engaged in an unlawful employment practice at its San Antonio, Texas facility, in violation of Section 703 (a) (1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). The unlawful practice carried out against Tanisha Finney because of her race, Black, was the failure to hire her for a position for which she was qualified.

9. The effect of the practice complained of in paragraph 8 above has been to deprive Tanisha Finney of equal employment opportunities and to otherwise adversely affect her status as an applicant, because of her race.

10. The unlawful employment practice complained of in paragraph 8 above was intentional.

11. The unlawful employment practice complained of in paragraph 8 above was done with malice or with reckless indifference to the federally protected rights of Tanisha Finney.

### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant M&S Imaging, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any discriminatory hiring practices; from compelling its employees to participate in those practices; and from engaging in any employment practices which discriminate on the basis of race;

B. Order Defendant M&S Imaging, its officers, successors, assigns, and all persons in active concert or participation with it, to institute and carry out policies, practices, and programs which provide equal employment opportunities for Blacks, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant M&S Imaging to make whole Tanisha Finney, 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 rightful-place hiring of Tanisha Finney or front pay in lieu thereof;

D. Order Defendant M&S Imaging to make whole Tanisha Finney, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practice described in paragraph 8 above, including but not limited to, job search expenses, relocation expenses and medical expenses, in an amount to be determined at trial;

E. Order Defendant M&S Imaging to make whole Tanisha Finney by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practice complained of in paragraph 8 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in an amount to be determined at trial;

F. Order Defendant M&S Imaging to pay Tanisha Finney punitive damages for its malicious and reckless conduct described in paragraph 8 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.

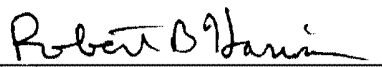
**JURY TRIAL DEMAND**

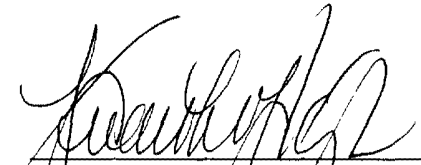
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

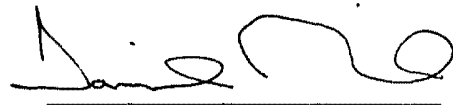
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