

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

EQUAL EMPLOYMENT	§	
OPPORTUNITY COMMISSION,	§	
	§	
PLAINTIFF,	§	
	§	
V.	§	6:05CV320
	§	
HARGIS INDUSTRIES, L.P.,	§	
	§	
DEFENDANT	§	

**PLAINTIFF-INTERVENOR MICHAEL CHANDLER'S
ORIGINAL COMPLAINT**

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to make whole Plaintiff-Intervenor Michael Chandler. Plaintiff-Intervenor alleges that the Defendant, Hargis Industries, L.P., subjected him to racial harassment and a hostile work environment because of his race, African American. Plaintiff-Intervenor alleges that Defendant further violated Title VII by unlawfully retaliating against Mr. Chandler by terminating his employment because of his opposition to employment practices believed to be unlawful under Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"),

42 U.S.C. Sections 2000e-5(f)(1) and (3), 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 Eastern District of Texas.

PARTIES

3. Plaintiff-Intervenor, Michael Chandler, is the former employee of Defendant and the party against whom the racially harassing conduct was directed.

4. Plaintiff, 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(a) of Title VII, 42 U.S.C. Section 2000e-5(a).

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

6. At all relevant times, Defendant has continuously been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 20003-(b), (g) and (h).

STATEMENT OF CLAIMS

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

8. During his employment with Defendant Hargis Industries, L.P., Plaintiff Chandler was continuously subjected to racially harassing conduct which created an

intimidating and hostile work environment. All such conduct was engaged in by Defendant because of Plaintiff Chandler's race, African American, and constitutes a violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2.

9. Defendant's conduct consisted of egregious acts, including but not limited to, the following:

- a. Subjecting Plaintiff Chandler to the use of racial epithets and name-calling;
- b. Subjecting Plaintiff Chandler to a constant barrage of racial cartoons, jokes, drawings and other literature; and
- c. Subjecting Plaintiff Chandler to generally intimidating treatment on account of his race by Defendant's supervisory personnel.

10. Upon the lodging of opposition and/or complaints by Plaintiff concerning the racial harassment, hostile work environment and attempted intimidation Defendant retaliated against Plaintiff-Intervenor by unlawfully terminating his employment relationship with Defendant.

11. As a result, Defendant violated Section 704(a) of Title VII, and deprived Plaintiff-Intervenor of equal employment opportunities. Such action further resulted in a distinct and identifiable job detriment to Plaintiff-Intervenor which has resulted in substantial damages.

12. Defendant refused repeatedly to correct, eliminate or take steps to redress the racially harassing and intimidating conduct complained of, or to eliminate the hostile work environment. Defendant's actions in violation of federal law complained of herein were intentional.

13. Further, Defendant acted with malice or reckless indifference to the federally guaranteed rights of Plaintiff-Intervenor.

PRAYER FOR RELIEF

WHEREFORE PREMISES CONSIDERED, Plaintiff-Intervenor respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Hargis Industries, L.P., its officers, successors, assigns, and all persons in active concert or participation with it, and from engaging in any employment practice which discriminates in violation of Title VII.

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

C. Order the Defendant to make whole Mr. Chandler by providing appropriate back pay with prejudgment and post-judgment interest allowed by law in amounts to be proved at trial, front pay, and other affirmative relief necessary to eradicate the effects of unlawful employment practices, including but not limited to rightful place reinstatement of Mr. Chandler.

D. Order the Defendant to make whole Mr. Chandler by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8, above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

CERTIFICATE OF SERVICE

I hereby certify that I have served counsel in this case with a true and correct copy of the foregoing Motion for Leave to Intervene by sending same electronically to:

Robert A. Canino
William Backhaus
Suzanne M. Anderson
Equal Employment Opportunity Commission
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On this the 22nd day of February, 2006.

/s/ Lance Vincent
Lance Vincent