

United States Court  
Southern District of Texas  
FILED

SEP 23 2004

**Michael N. Milby, Clerk of Court**



















**CIVIL ACTION NO.**

**V.**

**H-04-3703**

**JURY TRIAL DEMAND**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

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 sex, and to provide appropriate relief to Starla M. Griffin and other women who were adversely affected by such practices. As alleged with greater particularity in paragraphs 10-13 below, women employed by Defendants at the Trilegiant Contact Center in Houston were subjected to unlawful sexual harassment.

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), and Section 102 of

the Civil Rights Act of 1991, 42 U.S.C. § 1981a ("Title VII").

2. The unlawful employment practices alleged in this complaint were committed within the jurisdiction of the United States District Court for the Southern District of Texas, Houston 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 TRL Group, Inc. ("TRL"), has continuously been a Delaware corporation doing business in the State of Texas and the City of Houston, and has continuously had at least 15 employees.

5. At all relevant times, TRL 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). TRL may be served with process by serving its registered agent, Corporation Service Company, d/b/a CSC-Lawyers Incorporating Service Company, which may be found at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

6. Since its inception, Trilegiant Corporation has continuously been a Delaware corporation doing business in the State of Texas and the City of Houston, and has continuously had at least 15 employees.

7. Since its inception, Trilegiant Corporation 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). Trilegiant Corporation may be served with process by serving its registered agent, Corporation Service Company, d/b/a CSC-Lawyers Incorporating Service Company, which may be found at 701 Brazos Street, Suite 1050, Austin, Texas 78701.

#### STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Starla Griffin filed a charge with the Commission alleging violations of Title VII by Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least March 2003, Defendants have engaged in unlawful employment practices at the Trilegiant Contact Center in Houston, Texas, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §§ 2000e-2(a).

10. While working for Defendants, Starla Griffin and other women were subjected to an unlawful, sexually hostile environment.

11. Michael Cain was the trainer and supervisor of Membership Sales Consultant trainees. Cain asked female trainees out on dates and made explicit sexual propositions to them.

12. Ms. Griffin complained to Cain's supervisor about Cain's conduct towards her. Ms. Griffin also attempted to tell Cain's supervisor what she knew about Cain's harassment of other women, but Cain's supervisor refused to listen to this evidence. Defendants took no action to prevent or correct Cain's harassment of female trainees.

13. The sexual harassment caused the constructive discharges of female trainees at the Trilegiant Contact Center.

14. The effect of the practices complained of in paragraphs 10-13 above has been to deprive Starla Griffin and other female trainees of equal employment opportunities and otherwise

adversely affect their status as employees, because of their sex.

15. The unlawful employment practices complained of in paragraphs 10-13 above were intentional.

16. The unlawful employment practices complained of in paragraphs 10-13 above were done with malice or with reckless indifference to the federally protected rights of Starla Griffin and other female trainees.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants TRL Group, Inc., and Trilegiant Corporation, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in sexual harassment and any other employment practice which discriminates on the basis of sex, and from engaging in unlawful retaliation against employees who complain about sexual harassment and other unlawful employment practices.

B. Order Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for women and 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 Defendants to make whole female trainees who lost their jobs as a result of the unlawful harassment 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 their reinstatement.

D. Order Defendants to make whole female trainees who lost their jobs as a result of the

unlawful harassment by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 10-13 above, including job search expenses and medical expenses not covered by Defendants' employee benefit plan, in amounts to be determined at trial.

E. Order Defendants to make whole Starla Griffin and other female trainees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 10-13 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendants to pay Starla Griffin and other female trainees punitive damages for its malicious and reckless conduct described in paragraphs 10-13 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.

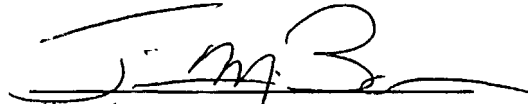
Respectfully submitted,

Eric S. Dreiband  
General Counsel

James L. Lee  
Deputy General Counsel

Gwendolyn Young Reams  
Associate General Counsel  
Equal Employment Opportunity  
Commission  
1801 L Street, N.W.

Washington, D.C. 20507

A handwritten signature in black ink, appearing to read "Tim Bowne", written over a horizontal line.

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Texas Bar No. 00793371  
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The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## CIVIL COVER SHEET

**I(a) PLAINTIFFS**  
**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
**(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF** \_\_\_\_\_  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**  
 Timothy M. Bowne, Trial Attorney  
 EEOC-Houston District Office  
 1919 Smith Street, 7th Floor  
 Houston, Texas 77002  
 (713) 209-3395
**DEFENDANTS**
**TRL Group, Inc., and Trilegiant Corporation**  
 COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT: Harris  
 (IN U.S. PLAINTIFF CASES ONLY)  
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
 TRACT OF LAND INVOLVED

ATTORNEYS (IF KNOWN)

 United States Courts  
 Southern District of Texas  
 FILED

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**II. BASIS OF JURISDICTION**

(PLACE AN x IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES**

(PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

(For Diversity Cases Only)

PTF DEF

PTF DEF

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State  
 Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State  
 Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

**IV. CAUSE OF ACTION** (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Defendant has engaged in unlawful employment practices in violation of Section 703 of Title VII, and Section 102 of the Civil Rights Act of 1991. The practices include subjecting women to an unlawfully hostile work environment.

**V. NATURE OF SUIT** (PLACE AN x IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury--Med Malpractice <input type="checkbox"/> 365 Personal Injury--Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Other	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395B) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

**VI. ORIGIN** (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Appeal to District Multidistrict Litigation  
☐ 7 Judge from Magistrate Judgment

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION

DEMAND \$

Check YES only if demanded in complaint:

☐ UNDER F.R.C.P. 23JURY DEMAND: ☒ YES ☐ NO**VIII. RELATED CASE(S) IF ANY** (See instructions)

JUDGE

DOCKET NUMBER

DATE 9/23/04 SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT