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DISTRICT OF ARIZONA

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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF ARIZONA

13 Equal Employment Opportunity
14 Commission,

15 Plaintiff,

16 vs.

17 JPI Partners, L.L.C., a foreign
18 corporation, and JPI Arizona Apartment
19 Management L.L.C, a Delaware
20 corporation,

21 Defendants.

CIV '02 2643 PHX FJM

COMPLAINT AND
JURY TRIAL DEMAND

22 NATURE OF THE ACTION

23 This is an action under Title VII of the Civil Rights Act of 1964, as amended, and
24 Title I of the Civil Rights Act of 1991, against the Defendants, JPI Partners, L.L.C., and JPI
25 Arizona Apartment Management, L.L.C., to correct unlawful employment practices on the
26 basis of sex, and to provide appropriate relief to Tracy Valenzuela, who was adversely
27 affected by such practices. The Equal Employment Opportunity Commission, ("EEOC" or
28 "Commission"), alleges that Defendants disciplined Ms. Valenzuela and then discharged her
because she was pregnant.

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 Sections 706(f)(1) and

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1 (3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. §§
2 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

3 2. The employment practices alleged to be unlawful were committed within the
4 jurisdiction of the United States District Court for the District of Arizona.

5 PARTIES

6 3. Plaintiff, the EEOC, is an agency of the United States of America charged with
7 the administration, interpretation, and enforcement of Title VII, and is expressly authorized
8 to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

9 4. At all relevant times, Defendants have continuously been doing business in the
10 State of Arizona and have continuously had at least fifteen employees.

11 5. At all relevant times, Defendants have continuously been employers engaged
12 in an industry affecting commerce under Sections 701(b), (g), and (h) of Title VII, 42 U.S.C.
13 §§ 2000e(b), (g) and (h).

14 STATEMENT OF CLAIMS

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

18 7. Since at least May, 2000, Defendant has engaged in unlawful employment
19 practices in Phoenix, Arizona, in violation of Section 703(a) of Title VII, 42 U.S.C. §
20 2000e-2(a), by discriminating against Tracy Valenzuela on the basis of her sex, female,
21 through conduct including:

22 (a) disciplining Ms. Valenzuela shortly after she informed her manager she was
23 pregnant, even though it had not expressed any concerns to her about her performance prior
24 to that time;

25 (b) terminating Ms. Valenzuela because of her pregnancy shortly thereafter.

26 8. The effect of the practices complained of in paragraph 7 above has been to
27 deprive Tracy Valenzuela of equal employment opportunities and otherwise adversely affect
28 her status as an employee because of her sex.

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1 9. The unlawful employment practices complained of in paragraph 7 above were
2 intentional.

3 10. The unlawful employment practices complained of in paragraph 7 above were
4 done with malice or with reckless indifference to the federally protected rights of Tracy
5 Valenzuela.

6 **PRAYER FOR RELIEF**

7 Wherefore, the Commission respectfully requests that this Court:

8 A. Grant a permanent injunction enjoining the Defendants, their officers,
9 successors, assigns, and all persons in active concert or participation with them, from
10 engaging in any employment practice which discriminates on the basis of sex.

11 B. Order the Defendants to institute and carry out policies, practices, and
12 programs which provide equal employment opportunities for female applicants and
13 employees, and which eradicate the effects of their past unlawful employment practices.

14 C. Order the Defendants to make whole Tracy Valenzuela by providing
15 appropriate back pay with prejudgment interest in amounts to be determined at trial, and
16 other affirmative relief necessary to eradicate the effects of its unlawful employment
17 practices, including but not limited to rightful place reinstatement or front pay.

18 D. Order the Defendants to make whole Tracy Valenzuela by providing
19 compensation for past and future pecuniary losses resulting from the unlawful employment
20 practices described in paragraph 7 above, including but not limited to costs incurred for
21 obtaining subsequent employment, in amounts to be determined at trial.

22 E. Order the Defendants to make whole Tracy Valenzuela, by providing
23 compensation for past and future nonpecuniary losses resulting from the unlawful
24 employment practices described in paragraph 7 above, including but not limited to, pain and
25 suffering, mental anguish, humiliation, embarrassment, emotional distress, anxiety,
26 inconvenience, and loss of enjoyment of life, in amounts to be determined at trial.

27 F. Order the Defendants to pay Tracy Valenzuela punitive damages for its
28 malicious conduct or reckless indifference described and referenced in paragraph 7 above,
in amounts to be determined at trial.

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

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.
RESPECTFULLY SUBMITTED this 31st day of December, 2002.

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