

Jan 2003

1 William D. Holm, Bar #007412  
2 **JONES, SKELTON & HOCHULI, P.L.C.**  
3 2901 North Central Avenue, Suite 800  
4 Phoenix, Arizona 85012  
5 (602) 263-1700

6 Attorneys for Intervenor

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF ARIZONA**

9 Equal Employment Opportunity  
10 Commission,

NO. CIV-02-2643-PHX-FJM

11 Plaintiff,

12 v.

**INTERVENOR'S COMPLAINT**

13 JPI Partners, L.L.C., a foreign corporation,  
14 and JPI Arizona Apartment Management  
15 L.L.C., a Delaware corporation,

(Jury Trial Demanded)

16 Defendants,

17 Tracy Williams Valenzuela,

18 Intervenor.

19 **NATURE OF THE ACTION**

20 This is an action under Title VII of the Civil Rights Act of 1964, as  
21 amended, and Title I of the Civil Rights Act of 1991, against the Defendants, JPI  
22 Partners, L.L.C., and JPI Arizona Apartment Management, L.L.C. (collectively  
23 "Defendants"), to correct unlawful employment practices on the basis of sex, and to  
24 provide relief to Tracey Valenzuela, who was adversely affected by such practices. Ms.  
25 Valenzuela alleges that Defendants disciplined her and then discharged her because she  
26 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 pursuant to Section

**JONES, SKELTON & HOCHULI, P.L.C.**  
ATTORNEYS AT LAW  
2901 NORTH CENTRAL AVENUE  
SUITE 800  
PHOENIX, ARIZONA 85012  
TELEPHONE (602) 263-1700

1 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.  
2 §2000e, *et seq.* ("Title VII").

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

6 **PARTIES**

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

11 4. At all relevant times to this action, Defendants have  
12 continuously conducted business in the State of Arizona and have continuously had at  
13 least fifteen employees.

14 5. At all relevant times, Defendants have continuously been an  
15 employer engaged in an industry affecting commerce with the meaning of Section  
16 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

17 6. Intervenor Tracey Valenzuela is married and a resident of  
18 Maricopa County, State of Arizona.

19 7. Ms. Valenzuela is authorized to intervene in this action  
20 pursuant to 42 U.S.C. §2000e-5(f)(I) and because she has a direct interest in the subject  
21 matter of the action she is entitled to intervene to fully protect her rights.

22 **STATEMENT OF CLAIMS**

23 8. More than thirty days prior to the institution of this action, Ms.  
24 Valenzuela filed a Charge of Discrimination with the EEOC alleging violations of Title  
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26

1 VII by Defendants. All conditions precedent to the institution of this action have been  
2 fulfilled.

3 9. Since at least May 2000, Defendants engaged in unlawful  
4 employment practices in Phoenix, Arizona, in violation of Section 703(a) of Title VII,  
5 42 U.S.C. §2000e-2(a), by discriminating against Ms. Valenzuela on the basis of her  
6 sex, female, through conduct including:

7 (a) disciplining Ms. Valenzuela shortly after she informed her  
8 manager she was pregnant, even though it had no expressed any concerns to her about  
9 her performance prior to that time; and

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

12 10. The effect of these unlawful employment practices complained  
13 of has been to deprive Ms. Valenzuela of equal employment opportunities and  
14 otherwise adversely affect her status as an employer because of her sex.

15 11. The unlawful employment practices complained of were  
16 intentional.

17 12. The unlawful employment practices complained of were done  
18 with malice or with reckless indifference to the federally protected rights of Ms.  
19 Valenzuela.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, the Intervenor, Tracey Valenzuela, respectfully requests  
22 that this Court:

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

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B. Order Defendants 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 Defendants to make whole Ms. Valenzuela by providing appropriate back pay with prejudgment interests in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of their unlawful employment practices, including but not limited to rightful place reinstatement or front pay.

D. Order Defendants to make whole Ms. Valenzuela by providing compensation for past and future pecuniary losses resulting from their unlawful employment practices, including but not limited to costs incurred for obtaining subsequent employment, in amounts to be determined at trial.

E. Order Defendants to make whole Ms. Valenzuela, by providing compensation for past and future nonpecuniary losses resulting from their unlawful employment practices, including but not limited to costs incurred for obtaining subsequent employment, in amounts to be determined at trial.

F. Order Defendants to pay Ms. Valenzuela punitive damages for their malicious and/or reckless conduct, in amounts to be determined at trial.

G. Grant Ms. Valenzuela such further relief as the Court deems necessary and proper.

H. Award Ms. Valenzuela her attorney's fees and costs in this action.

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PHOENIX, ARIZONA 85012  
TELEPHONE (602) 283-1700


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**JURY TRIAL DEMAND**

Ms. Valenzuela requests a jury trial on all questions of fact raised by her  
Complaint.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of January 2003.

JONES, SKELTON & HOCHULI, P.L.C.

By   
William D. Holm  
2901 North Central Avenue, Suite 800  
Phoenix, Arizona 85012  
Attorneys for Intervenor