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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

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*Robert M. Marsh*  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CIV 99 1104

EQUAL EMPLOYMENT OPPORTUNITY )  
COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
HEALTH CENTERS OF NORTHERN )  
NEW MEXICO, )  
 )  
Defendant. )  
\_\_\_\_\_ )

CIV **LORENZO E. GARCIA**

**COMPLAINT**

**JURY TRIAL DEMANDED**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 by the Equal Employment Opportunity Commission to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Julie Romero and other women who were adversely affected by such practices. The Commission alleges that defendant subjected Julie Romero and other women to sexual harassment. As a result of complaining about the sexual harassment, Julie Romero was retaliated against by defendant. The retaliation of Julie Romero caused her to be discharged.

## **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 practices alleged below to be unlawful were committed within the jurisdiction of the United States District Court for the District of New Mexico.

## **PARTIES**

3. The Plaintiff, the 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(f)(1) and (3) of Title VII, 42 U.S.C. §§2000e-5(f)(1) and (3).

4. At all relevant times to this action, defendant, Health Centers of Northern New Mexico (the "defendant" or "employer") has continuously been a New Mexico corporation doing business in the State of New Mexico and the Town of Anton Chico and has continuously had at least 15 employees.

5. At all relevant times to this action, defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 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, Julie Romero filed a charge with the Commission alleging violations of Title VII by defendant. All conditions

precedent to the institution of this lawsuit have been fulfilled.

7. Since at least September, 1996, defendant engaged in unlawful employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a). These practices include sexual harassment of Julie Romero and other women.

8. In or about August, 1998, defendant engaged in unlawful employment practices in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a). These practices include retaliation against Julie Romero by transferring, demoting and forcing her to resign because she complained about sexual harassment. Romero's complaints about sexual harassment were protected activity under Title VII.

9. The effect of the practices complained of in paragraph 7 has been to deprive Julie Romero and other women of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

10. The effect of the practices complained of in paragraph 8 has been to deprive Julie Romero of equal employment opportunities and otherwise adversely affect her status as an employee because of retaliation.

11. The unlawful employment practices complained of in paragraphs 7, 8, 9 and 10 above were intentional.

12. The unlawful employment practices complained of in paragraphs 7, 8, 9 and 10 above were done with malice or with reckless indifference to the federally protected rights of Julie Romero and other women.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, Health Centers of Northern New Mexico, their officers, successors, assigns and all persons in active concert or participation with it, from: 1) engaging in any employment practice which discriminates on the basis of sex, including sexual harassment; and 2) engaging in any employment practice which discriminates against any of its employees or applicants for employment because he has opposed any practice made an unlawful employment practice under Title VII, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under Title VII.

B. Order defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals who are female or who engage in protected activity, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant to make whole Julie Romero and other women by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, and other affirmative relief.

D. Order Defendant to make whole Julie Romero and other women, who were adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful place reinstatement and/or front pay, and compensation for past and future pecuniary losses, including but not limited to increased transportation costs and costs in obtaining further employment, in amounts to be proved at trial.

E. Order Defendant to make whole Julie Romero and other women who were adversely affected by the unlawful employment practices described above, by providing compensation for non-pecuniary losses, including emotional pain, suffering, loss of enjoyment of life, and humiliation in amounts to be determined at trial.

F. Order Defendant to pay Julie Romero and others, who were adversely affected by the unlawful employment practices described above, punitive damages for its malicious and/or reckless conduct, 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 in this action.

**JURY TRIAL DEMANDED**

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

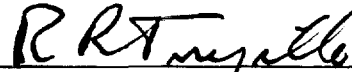
DATED this 29<sup>th</sup> day of September, 1999.

Respectfully submitted,

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