

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States District Court
Southern District of Texas
FILED

SEP 29 1999

Michael N. Milby, Clerk

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

J. HOLT ENTERPRISES, d/b/a Sirloin Stockade
Defendant.

Civil Action No.

C-99-401

COMPLAINT

JURY TRIAL DEMAND

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of sex, female, and to provide appropriate relief to Donna Butler, and a class of other similarly situated females, who were adversely affected by such practices. The Commission alleges that the women were sexually harassed by male supervisors while employed by J. Holt Enterprises d/b/a Sirloin Stockade.

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 (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 Title I of the Civil Rights Act of 1991, 42 U.S.C. §1981A.

2. The employment practices alleged to be unlawful were and are being committed within the jurisdiction of the United States District Court for the Southern District of Texas, Corpus Christi Division.

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 J. Holt Enterprises has continuously been a Texas corporation, doing business in the State of Texas and the City of Kingsville, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant J. Holt Enterprises 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, Donna Butler filed a charge with the Commission alleging violations of Title VII by J. Holt Enterprises. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least October 1997, Defendant J. Holt Enterprises has engaged in unlawful employment practices at its Sirloin Stockade restaurant located in Kingsville, Texas, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). The unlawful practices include the following:

- a. Butler was subjected to unwelcome verbal and sexual harassment by the restaurant manager, Ronnie Holt, and the restaurant assistant manager, Jose Soliz;
- b. Other similarly situated females employed by J. Holt Enterprises, at their Sirloin

Stockade restaurant in Kingsville, Texas, were sexually harassed by Ronnie Holt, Jose Soliz and/or by one other male manager, Brad Woodard;

8. The effect of the practices complained of in paragraph seven above has been to deprive Butler and other similarly situated females of equal employment opportunities and to otherwise adversely affect their status as employees, because of their sex, female.

9. The unlawful employment practices complained of in paragraph seven were and are intentional.

10. The unlawful employment practices complained of in paragraph seven above were and are being done with malice or reckless indifference to the federally protected rights of Butler and other similarly situated females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant J. Holt Enterprises, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in conduct which discriminates on the basis of sex, including sexually harassing any employee, or creating a sexually hostile work environment.

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

C. Order Defendant J. Holt Enterprises to make whole Butler and other similarly situated females who were subjected to sexual harassment by providing them with compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph

seven above, including but not limited to medical and/or insurance expenses, in amounts to be determined at trial.

D. Order Defendant J. Holt Enterprises to make whole Butler and other similarly situated females who were subjected to sexual harassment by providing them with compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph seven above, including, but not limited to, emotional pain, suffering, stress, humiliation, loss of credit, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order Defendant J. Holt Enterprises to pay Butler and other similarly situated females who were subjected to sexual harassment punitive damages for its malicious and reckless conduct described in paragraphs seven, eight, nine and ten above, in amounts to be determined at trial.

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

G. Award the Commission its costs in this action.

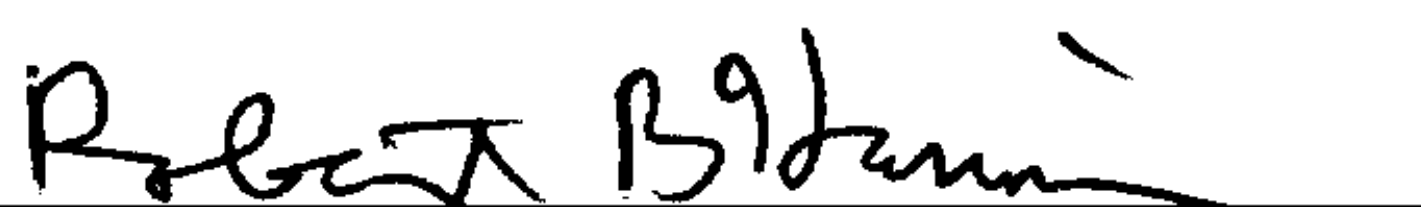
JURY TRIAL DEMAND

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

Respectfully submitted,

C. GREGORY STEWART
General Counsel Designate

GWENDOLYN YOUNG REAMS
Associate General Counsel


ROBERT B. HARWIN
Regional Attorney
State Bar No. 076083
(District of Columbia)

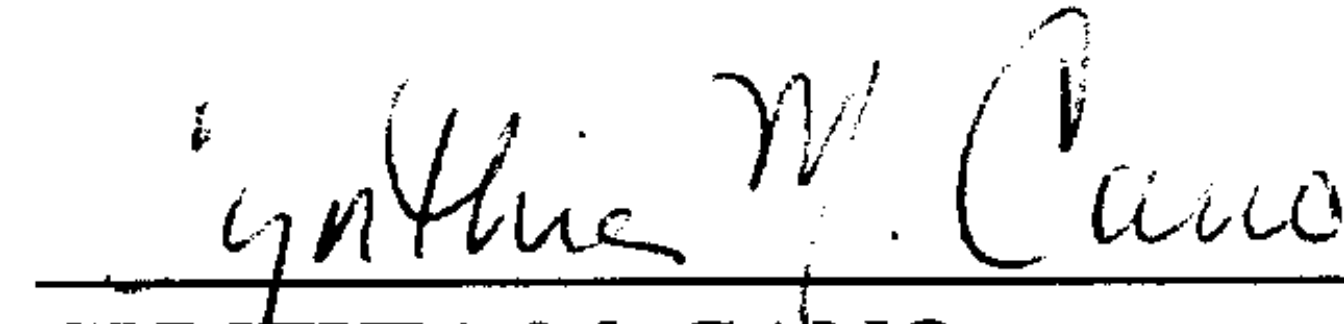


LINDA GUTIERREZ

Supervisory Trial Attorney

Texas State Bar No. 08642750

Southern District No. 14464



CYNTHIA M. CANO

Trial Attorney

Texas State Bar No. 00790420

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

San Antonio District Office

5410 Fredericksburg Road

Suite 200

San Antonio, Texas 78229

(210) 281-7619

(210) 281-7669 (Fax)

ATTORNEYS FOR PLAINTIFF