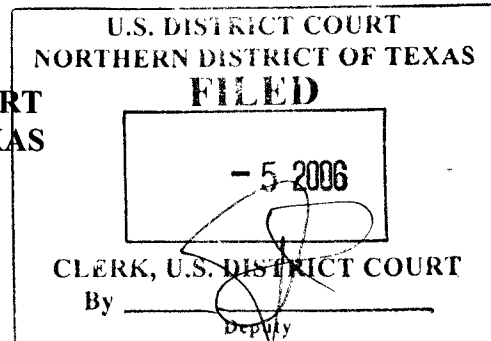


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

ALLIED AVIATION SERVICES, INC.,
ALLIED AVIATION FUELING COMPANY
OF TEXAS, INC., and
ALLIED AVIATION FUELING
OF DALLAS, L.P.,

Defendants.

CIVIL ACTION NO.

3:05-CV-1379-L

AMENDED COMPLAINT

(JURY DEMANDED)

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to make whole Charging Parties Eric Mitchel, Francisco Ochoa, Christopher DiGiorgio, Carl Gaines, and a class of similarly situated aggrieved individuals, who were adversely affected by such practices. The Commission alleges that the Defendants, Allied Aviation Services, Inc., Allied Aviation Fueling Company of Texas, Inc., and Allied Aviation Fueling of Dallas, L.P., discriminated against Mr. Mitchel, Mr. Ochoa, Mr. DiGiorgio, Mr. Gaines, and a class of similarly situated aggrieved individuals by subjecting them to a hostile work environment and disparate terms and conditions of employment because of their race, African-American and/or their national origin, Hispanic. The Commission further alleges that Defendants violated Title VII by unlawfully terminating the employment of Mr. DiGiorgio, and by retaliating

AMENDED COMPLAINT

against Mr. DiGiorgio, Mr. Gaines, and a class of similarly situated aggrieved individuals because of their opposition to employment practices believed to be unlawful and participation in proceedings under Title VII.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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, ("Title VII"), 42 U.S.C. Sections 2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. 1981a.

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

PARTIES

3. Plaintiff, 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(a) of Title VII, 42 U.S.C. Section 2000e-5(a).

4. At all relevant times, Defendant, Allied Aviation Fueling of Dallas, L.P., has continuously been and is now doing business in the State of Texas, and has continuously had at least fifteen employees.

5. Defendant Allied Aviation Fueling Company of Texas, Inc. is the general partner of Defendant Allied Aviation Fueling of Dallas, L.P. Defendant Allied Aviation Services, Inc. is corporate parent of both Defendants Allied Aviation Fueling of Dallas, L.P. and Allied Aviation Fueling Company of Texas, Inc. Defendants Allied Aviation Services, Inc. and Allied Aviation

Fueling Company of Texas, Inc. are jointly and severally liable along with Defendant Allied Aviation Fueling of Dallas, L.P., under the theories of “joint employer,” “integrated enterprise” and/or “alter ego.”

6. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Mr. Mitchel, Mr. Ochoa Mr. DiGiorgio and Mr. Gaines filed a charge with the Commission alleging violations of Title VII by the Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. During the employment of Mr. Mitchel, Mr. Ochoa, Mr. DiGiorgio, Mr. Gaines, and the class of similarly situated aggrieved individuals, Defendants subjected them to a barrage of unwelcome racial remarks, graffiti and threats of physical violence, as well and subjecting them to disparate terms and conditions of employment, and in failing to promote at least one aggrieved individual because of his race in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Section 2000e-2. Defendants failed to discipline employees who engaged in such behavior. Further, Defendants retaliated against Mr. DiGiorgio, by terminating his employment on June 10, 2004, and retaliated against Mr. Gaines, by denying him a promotion to a supervisory position on or about February 3, 2005. Moreover, Defendants retaliated against a class of similarly situated aggrieved individuals for having opposed a discriminatory act, made a charge, testified, assisted and participated in an investigation and civil proceeding, in violation of Section 704(a) of Title VII.

9. The effect of the practices complained of above has been to deprive Mr. Mitchel, Mr.

Ochoa, Mr. DiGiorgio, Mr. Gaines and a class of similarly situated aggrieved individuals of equal employment opportunities and otherwise adversely affect their status as employees.

10. The unlawful employment practices complained of in paragraph 7, above, were intentional.

11. The unlawful employment practices complained of in paragraph 7, above, were done with malice or reckless indifference to the federally protected rights of Mr. Mitchel, Mr. Ochoa, Mr. DiGiorgio, Mr. Gaines and a class of similarly situated aggrieved individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, Allied Aviation Service, Inc., Allied Aviation Fueling Company of Texas, Inc. and Allied Aviation Fueling of Dallas, L.P., its officers, successors, assigns, and all persons in active concert or participation with it, and from engaging in any employment practice which discriminates in violation of Title VII.

B. Order the Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for Mr. Mitchel, Mr. Ochoa, Mr. DiGiorgio, Mr. Gaines and a class of similarly situated aggrieved individuals, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendants to make whole Mr. Mitchel, Mr. Ochoa, Mr. DiGiorgio, Mr. Gaines and a class of similarly situated aggrieved individuals by providing appropriate back pay with prejudgment interest in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of unlawful employment practices, including but not limited to rightful place reinstatement and rightful place promotion of aggrieved individuals, where necessary for make

whole relief.

D. Order the Defendants to make whole Mr. Mitchel, Mr. Ochoa, Mr. DiGiorgio, Mr. Gaines and a class of similarly situated aggrieved individuals by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

E. Order the Defendants to make whole Mr. Mitchel, Mr. Ochoa, Mr. DiGiorgio, Mr. Gaines and a class of similarly situated aggrieved individuals, by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraph 8, above, in amounts to be determined at trial.

F. Order the Defendants to pay punitive damages for its malicious or reckless conduct described in paragraph 8, above, in amounts to be determined at trial.

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

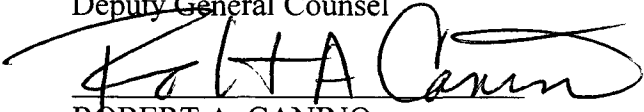
H. Award the Commission its costs in this action.

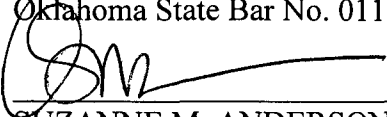
JURY TRIAL DEMAND


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

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing has been served on all counsel of record for the Defendant at the address below via United States first class mail, postage prepaid, on this the 5th day of May, 2006.

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