

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

APR - 8 2002

DAVID J. MALAND, CLERK
BY DEPUTY [Signature]

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

FARRIS CONCRETE COMPANY

Defendant.

CIVIL ACTION NO. 4:02cw105

JURY TRIAL DEMAND

PLAINTIFF EEOC'S COMPLAINT

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, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Teresa Cheshier. The Equal Employment Opportunity Commission alleges that the Defendant, Farris Concrete Company (hereinafter "Defendant"), violated Title VII when Defendant subjected Teresa Cheshier to a sexually hostile work environment and when Defendant constructively discharged Teresa Cheshier.

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 §§ 706(f)(1) & (3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. § 2000e-5 (f)(1) & (3)

and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981A. The employment practices alleged to be unlawful were and are now being committed within the State of Texas.

PARTIES

2. 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 §706(f)(1) & (3) of Title VII, 42 U.S.C. § 2000e -5(f)(1) & (3).

3. At all relevant times, Defendant has continuously been and is now doing business in the State of Texas and the City of Melissa, and has continuously had at least fifteen (15) employees.

4. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section, (g) and (h) of Title VII, 42 U.S.C. § 2000e- (b), (g) and (h).

STATEMENT OF CLAIMS

5. More than thirty days prior to the institution of this lawsuit, Teresa Cheshier filed a charge with the Commission alleging violations of Title VII by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

6. Since at least March 25, 2000, the Defendant has engaged in unlawful employment practices in its facility in Melissa, Texas, in violation of Section 703 of Title VII, 42 U.S.C. Section 2000e-2 by subjecting Teresa Cheshier to sexual harassment. As a result of the sexual harassment, the conditions of her employment were made so intolerable that she was forced to resign her position.

7. Since at least November, 6, 2000, Defendant has engaged in unlawful employment practices in its facility in Melissa, Texas, in violation of Section 703 of Title VII, 42 U.S.C. Section 2000e-2 by constructively discharging Teresa Cheshier.

8. The practices complained of above were intentional and designed to deprive Teresa Cheshier of equal employment opportunities and otherwise adversely affect her status as an employee.

9. The unlawful employment practices complained of above were committed with malice or with reckless indifference to the federally protected rights of Teresa Cheshier.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex, or which facilitates, condones, or encourages employees to create a hostile work environment on the basis of sex.

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

C. Order the Defendant to make whole Teresa Cheshier by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful place reinstatement of Teresa Cheshier or front pay in lieu thereof.

D. Order the Defendant to make whole Teresa Cheshier by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above in paragraphs 6 and 7.

E. Order the Defendant to make whole Teresa Cheshier by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described above in paragraphs 6 and 7, including, but not limited to emotional pain, suffering, anxiety, loss of enjoyment of life, humiliation, and inconvenience, in amounts to be determined at trial.

F. Order the Defendant to pay Teresa Cheshier punitive damages for its malice or reckless indifference to Ms. Cheshire's federally protected rights described above in paragraphs 6 and 7, 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

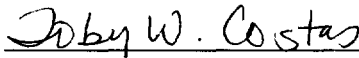
The Commission requests a Jury Trial on all questions of fact raised by its complaint.

Respectfully submitted,

NICHOLAS M. INZEO
Acting Deputy General Counsel



SUZANNE M. ANDERSON
Acting Regional Attorney
Texas State Bar No. 14009470



TOBY W. COSTAS
Supervisory Trial Attorney
Texas State Bar No. 04855720



DAVID RIVELA
Trial Attorney
Texas State Bar No. 00797324

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**
207 S. Houston Street, 3rd Floor
Dallas, TX 75202-4726
Phone: (214) 655 -3358
Fax: (214) 655-3363 (fax)