

JUDGE KATHLEEN CARDONE

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

GRAND CHINA BUFFET, INC. d/b/a  
THE GRAND CHINA BUFFET,

Defendant.

FILED  
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CIVIL ACTION NO. \_\_\_\_\_

COMPLAINT

**Jury Trial Demand**

NATURE OF THE 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 gender, race, and national origin, and to provide appropriate relief to Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, who were adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that Defendant, Grand China Buffet, Inc. d/b/a The Grand China Buffet ("Grand China"), engaged in discriminatory employment practices when it subjected Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, to sexual harassment, in violation of Section 703(a) of Title VII, and when it constructively discharged Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, because of their race, national origin, and gender, in violation of Section 703(a) of Title VII.

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 to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Texas, El Paso Division.

PARTIES

3. Plaintiff, 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, Grand China (the "Employer"), has continuously been a Texas Corporation doing business in the State of Texas and the City of El Paso, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 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, Sonia Ramirez and Michelle Camacho each filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June, 2002, Defendant Employer has engaged in unlawful employment practices at its restaurant located at 9505B Viscount, in El Paso, Texas, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). More specifically, Defendant Employer employed Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, as hostesses at its restaurant located at 9505B Viscount in El Paso, Texas, and

- a. Since at least June, 2002, Defendant Employer subjected Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, to a hostile work environment, when it subjected them to regular, sexual harassment of a verbal nature, including but not limited to, sexual comments and propositions, and to sexual harassment of a physical nature; and
- b. Since at least September, 2002, Defendant Employer constructively discharged Sonia Ramirez, Michelle Camacho, and a class of non-Asian,

Hispanic women, because of their race, national origin, and gender.

8. The effect of the practices complained of in paragraph seven above has been to deprive Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, of equal employment opportunities and to otherwise adversely affect their status as employees, because of their race, national origin, and gender.

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

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from subjecting Defendant Employer's female employees to a sexually hostile work environment, from constructively discharging their female employees, because of their gender, and from engaging in any other employment practice which discriminates on the basis of gender, race and/or national origin;

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for non-Asian, Hispanic women, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant Employer to make whole Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, by providing them with appropriate backpay 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, reinstatement and/or frontpay of Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women;

D. Order Defendant Employer to make whole Sonia Ramirez, Michelle Camacho, and

a class of non-Asian, Hispanic women, by providing compensation for their past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including but not limited to, relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial;

E. Order Defendant Employer to make whole Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women, by providing compensation for their past and future non-pecuniary losses resulting from the unlawful employment practices complained of in paragraph seven above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

F. Order Defendant Employer to pay Sonia Ramirez, Michelle Camacho, and a class of non-Asian, Hispanic women punitive damages for its malicious and reckless conduct toward them, described in paragraph seven above, in amounts to be determined at trial;

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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


Respectfully submitted,

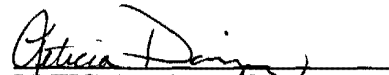
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