

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

FILED

JAN 19 2005

ABEL ARMENDARIZ,
Plaintiff,

vs.

ENDEAVOR ENERGY RESOURCES,
Defendant.

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

CIVIL ACTION NO.

M005Cv010

PLAINTIFF, ABEL ARMENDARIZ'S, ORIGINAL COMPLAINT
AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Abel Armendariz, hereinafter called Plaintiff, complaining of and about Endeavor Energy Resources, hereinafter called Defendant, and for cause of action shows unto the Court the following:

PARTIES AND SERVICE

1. Plaintiff Abel Armendariz, is a citizen of the United States and the State of Texas and resides in Ector County, Texas.

2. Defendant Endeavor Energy Resources, a Limited Liability Company based in Texas, may be served with process by serving the registered agent of said company, Autry C. Stephens, at 110 N. Marienfeld, Suite 200, Midland, Texas 79701, its registered office. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION

3. The action arises under 42 U.S.C. Section 2000e (k) as hereinafter more fully appears.
4. This Court has supplemental jurisdiction over state law claims discussed below under

28 U.S.C. Section 1367(a) because they arise out of the same case or controversy.

NATURE OF ACTION

5. This is an action under Title 42 U.S.C. Section 2000e et. seq. and 42 U.S.C. Section 1981 as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and color.

CONDITIONS PRECEDENT

6. All conditions precedent to jurisdiction have occurred or been complied with: a charge of discrimination was filed with the Equal Employment Opportunity Commission within three hundred days of the acts complained of herein and Plaintiff's Complaint is filed within ninety days of Plaintiff's receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

FACTS

7. The Plaintiff had been employed by the defendant from approximately September 2001 until his termination on March 29, 2004. During course of said employment, plaintiff was caused to suffer repeatedly from malicious verbal attacks and other acts constituting harassment by supervisor under the employ of Defendant. Defendant discontinued payment to plaintiff on certain hours worked on location. On or about March 29, 2004 plaintiff was terminated after he protested non-payment for hours worked.

RACE AND COLOR DISCRIMINATION

8. Defendant, Endeavor Energy Resources, intentionally engaged in unlawful employment practices involving Plaintiff because of his race and color.

9. Defendant, Endeavor Energy Resources, intentionally discriminated against Plaintiff

in connection with the compensation, terms, conditions and privileges of employment or limited, segregated or classified Plaintiff in a manner that would deprive or tend to deprive him of any employment opportunity or adversely affect his status because of Plaintiff's race and color in violation of 42 U.S.C. Section 2000e (2)(a).

10. Defendant, Endeavor Energy Resources, intentionally classified Plaintiff in a manner that deprived him of an equal employment opportunity that was provided to other non-black employees similarly situated in violation of 42 U.S.C. Section 2000e (2)(a).

11. Defendant, Endeavor Energy Resources, also violated Plaintiff's rights under 42 U.S.C. Section 1981.

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
BY ENDEAVOR ENERGY RESOURCES**

12. Defendant Endeavor Energy Resources intentionally or recklessly harassed the plaintiff in the form of racial slurs. Defendant's conduct was extreme and outrageous and proximately caused Plaintiff severe emotional distress. Plaintiff suffered damages for which Plaintiff herein sues.

DAMAGES

13. Plaintiff sustained the following damages as a result of the actions and/or omissions of Defendant described hereinabove:

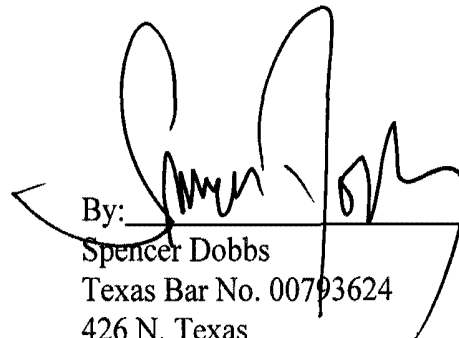
- a. Actual damages;
- b. All reasonable and necessary Attorney's fees incurred by or on behalf of Plaintiff;
- c. All reasonable and necessary costs incurred in pursuit of this suit;

- d. Emotional pain;
- e. Mental anguish in the past; and
- f. Mental anguish in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Abel Armendariz, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; together with interest as allowed by law; costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,


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PLAINTIFF HEREBY DEMANDS TRIAL BY JURY