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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
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AMY G. LANGERMAN, #009174
Attorneys for Applicants/Intervenors

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

REGINA BATTLE; AUDRIA CLAYTON;
KATHY DENMAN; DENISE HAMILTON;
JASON HUGHES; and TEVIS MACK,

Applicants/Intervenors,

v.

DIRECT MARKETING SERVICES, INC.,
an Arizona Corporation; ACMR
ENTERPRISES, INC., a foreign
corporation; UNIVERSAL
TELESERVICES NETWORK CORP., a
foreign corporation; UNIVERSAL
TELESERVICES ARIZONA CORP., an
Arizona corporation; CSG, INC.,

Defendants.

NO. CV 99-1766 PHX SMM

APPLICANTS/INTERVENORS COMPLAINT

Applicants/Intervenors, by and through counsel undersigned,
state and allege as follows:

INTRODUCTION

1. The action arises under Title VII of the Civil Rights
Act of 1964 and Title I of the Civil Rights Act of 1991 to provide

(10)

1 appropriate relief to Regina Battle, Audria Clayton, Kathy Denman,
2 Denise Hamilton, Jason Hughes, and Tevis Mack who were subject to
3 unlawful discriminatory practices. Applicants/intervenors allege that
4 the defendants discriminated against them on the basis of their race,
5 African American; their association with African Americans; and their
6 sex, African American women. In addition, applicants/intervenors were
7 retaliated against for opposing discriminatory practices.

8 JURISDICTION

9 2. The Court has jurisdiction over this matter pursuant to
10 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized
11 and instituted pursuant to Section 706(f)(1) and (3) of Title VII of
12 the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and
13 (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42
14 U.S.C. § 1981a.

15 3. The employment practices alleged to be unlawful were
16 committed within the jurisdiction of the United States District Court
17 for the District of Arizona.

18 PARTIES

19 4. Regina Battle resides in Phoenix, Arizona and is an
20 African American female.

21 5. Audria Clayton resides in Glendale, Arizona and is an
22 African American female.

23 6. Kathy Denman resides in Avondale, Arizona and is an
24 African American female.

25 7. Denise Hamilton resides in Phoenix, Arizona and is an
26 African American female.

1 8. Jason Hughes resides in Phoenix, Arizona and is an
2 African American male.

3 9. Tevis Mack resides in Phoenix, Arizona and is an African
4 American male.

5 10. Upon information and belief, at all relevant times,
6 Defendant, Direct Marketing Services, Inc., an Arizona corporation;
7 ACMR Enterprises, Inc., a foreign corporation; Universal Teleservices
8 Arizona Corp., a foreign corporation; Universal Teleservices Network
9 Corp., a foreign corporation; and CSG, Inc. ("Defendants or Employers")
10 have been doing business in the State of Arizona and have had at least
11 fifteen (15) employees.

12 11. Upon information and belief, ACMR Enterprises, Inc.,
13 Universal Teleservices Arizona Corp.; Universal Teleservices Network
14 Corp.; and CSG, Inc. are holding companies, parent companies and/or
15 successors, directly or indirectly, of Direct Marketing Services, Inc.,
16 and are independently or vicariously liable for the acts set forth in
17 this complaint.

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

STATEMENT OF CLAIMS

22 13. More than thirty days prior to the institution of the
23 lawsuit by the EEOC on September 30, 1999, Regina Battle, Audria
24 Clayton, Kathy Denman, Denise Hamilton, Jason Hughes, and Tevis Mack
25 filed charges with the Commission alleging violations of Title VII by
26

1 Defendant Employers. All conditions precedent to the institution of
2 this lawsuit have been fulfilled.

3 14. Since at least August of 1995, Defendant Employers have
4 engaged in unlawful employment practices at their Scottsdale, Arizona
5 and Peoria, Arizona facilities, in violation of Section 703(a) of Title
6 VII, 42 U.S.C. § 2000e-2(a) by racially discriminating against Regina
7 Battle, Audria Clayton, Kathy Denman, Denise Hamilton, Jason Hughes,
8 and Tevis Mack. These violations include:

- 9 1. Race discrimination in wages, failure to promote,
10 demotion and discharge
- 11 2. Racial harassment and a racially hostile work
12 environment, and;
- 13 3. Discriminatory terms and conditions of employment
14 based on race.

15 15. Since at least August of 1995, Defendant Employers have
16 engaged in unlawful employment practices at their Scottsdale, Arizona
17 and Peoria, Arizona facilities, in violation of Section 703(a) of Title
18 VII, 42 U.S.C. § 2000e-2(a) by intersectional racial and sexual
19 discrimination against Regina Battle, Audria Clayton, Kathy Denman and
20 Denise Hamilton. These violations includes:

- 21 1. Lower wages;
- 22 2. Failure to promote;
- 23 3. Discrimination; and;
- 24 4. Discharge.

25 16. Since at least August of 1995, Defendant Employers have
26 engaged in unlawful employment practices at their Scottsdale, Arizona

1 and Peoria, Arizona facilities in violation of Section 704(a) of Title
2 VII, 42 U.S.C. § 2000e-3(a) by retaliating against Kathy Denman and
3 Jason Hughes for opposing discriminatory practices.

4 17. Since at least August of 1995, Defendant Employers have
5 engaged in unlawful employment practices at their Scottsdale, Arizona
6 and Peoria, Arizona facilities, in violation of Section 703(a) of Title
7 VII, 42 U.S.C. § 2000e-2(a) by discriminating against Denise Hamilton
8 on the basis of her sex - female and her pregnancy.

9 18. The effect of the practices complained of in paragraphs
10 14 - 17 above has been to deprive Regina Battle, Audria Clayton, Kathy
11 Denman, Denise Hamilton, Jason Hughes, and Tevis Mack of equal
12 employment opportunities and otherwise adversely affect their status as
13 employees, because of their race and/or sex.

14 19. The unlawful employment practices complained of in
15 paragraphs 14 - 17 above were and are intentional.

16 20. The unlawful employment practices complained of in
17 paragraphs 14 - 17 above were and are done with malice or with reckless
18 indifference to the federally protected rights of Regina Battle, Audria
19 Clayton, Kathy Denman, Denise Hamilton, Jason Hughes, and Tevis Mack.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, applicants/intervenors respectfully request that
22 this Court:

23 1. Order Defendant Employers to make whole Regina Battle,
24 Audria Clayton, Kathy Denman, Denise Hamilton, Jason Hughes, and Tevis
25 Mack by providing appropriate backpay with prejudgment interest, in
26 amounts to be determined at trial, and other affirmative relief

1 necessary to eradicate the effects of their unlawful employment
2 practices, including, but not limited to, reinstatement, front pay,
3 and/or promotion of Regina Battle, Audria Clayton, Kathy Denman,
4 Denise Hamilton, Jason Hughes, and Tevis Mack.

5 2. Order Defendant Employers to make whole, Regina Battle,
6 Audria Clayton, Kathy Denman, Denise Hamilton, Jason Hughes, and Tevis
7 Mack by providing compensation for past and future pecuniary losses
8 resulting from the unlawful employment practices described in
9 paragraphs 14 - 17 above in an amount to be determined at trial.

10 3. Order Defendant Employers to make whole Regina Battle,
11 Audria Clayton, Kathy Denman, Denise Hamilton, Jason Hughes, and Tevis
12 Mack by providing compensation for past and future nonpecuniary losses
13 resulting from the unlawful practices complained of in paragraphs 14 -
14 17 above, including emotional pain, suffering, inconvenience, mental
15 anguish, loss of enjoyment of life and humiliation, in amounts to be
16 determined at trial.

17 4. Order Defendant Employers to pay Regina Battle, Audria
18 Clayton, Kathy Denman, Denise Hamilton, Jason Hughes, and Tevis Mack
19 punitive damages for Defendant Employers' malicious and reckless
20 conduct described in paragraphs 14 - 17 above, in amounts to be
21 determined at trial.

22 5. Order Defendant Employers to pay Regina Battle, Audria
23 Clayton, Kathy Denman, Denise Hamilton, Jason Hughes, and Tevis Mack
24 their attorneys fees and costs incurred in connection with this action,
25 in amounts to be determined following trial.

1 6. Grant such further relief as the Court deems necessary
2 and proper.

3 JURY TRIAL DEMAND

4 Applicants/intervenors request a jury trial on all questions
5 of fact raised by their complaint.

6 Respectfully submitted this 23 day of November, 1999.

7 THE LANGERMAN LAW OFFICES, P.A.

8
9 By  _____

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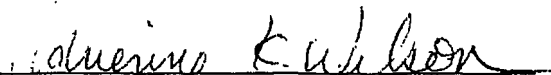
CERTIFICATE OF SERVICE

I certify that on this, 3rd day of November, 1999, copies of the foregoing Applicants/Intervenors Complaint were mailed first class, postage prepaid, to:

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