

1 WILLIAM R. TAMAYO, #084965(CA)
2 JONATHAN T. PECK, #12303 (VA)
3 EVANGELINA FIERRO HERNANDEZ, #168879 (CA)
4 EQUAL EMPLOYMENT OPPORTUNITY
5 COMMISSION
6 San Francisco District Office
7 350 The Embarcadero, Suite 500
8 San Francisco, California 94105
9 Telephone: (415) 625-5622
10 Facsimile : (415) 625-5657

11 Attorneys for Plaintiff

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 EQUAL EMPLOYMENT OPPORTUNITY)
15 COMMISSION,)

16 Plaintiff,)

17 v.)

18 SIGNATURE FLIGHT SUPPORT)
19 CORPORATION,)

20 Defendant.)

CIVIL ACTION NO. CV 05-01101 JSW

C O M P L A I N T
Civil Rights - Employment Discrimination

JURY TRIAL DEMAND

21 **NATURE OF THE ACTION**

22 _____ This is an action under Title VII of the Civil Rights Act of 1964, as amended (“Title
23 VII”), and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on
24 the basis of race and to provide appropriate relief to Charging Party Donald Hamilton, Jr., who
25 was adversely affected by such practices. The Commission alleges that the defendant unlawfully
26 discriminated against Mr. Hamilton by subjecting him to differential terms and conditions of
27 employment, discipline and demotion based on his race, African-American.

28 ///

///

COMPLAINT

JURISDICTION AND VENUE

1
2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
3 1343, and 1345. This action is authorized and instituted pursuant to Sections 706 (f) (1) and (3)
4 of Title VII, 42 U.S.C. §2000e-5 (f) (1) and (3) and Section 102 of the Civil Rights Act of 1991,
5 42 U.S.C. §1981a.

6 2. The employment practices alleged to be unlawful were committed in the City and
7 County of San Francisco, California, which is within the jurisdiction of the United States
8 District Court for the Northern District of California.

PARTIES

9
10 3. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”), is
11 the agency of the United States of America charged with the administration, interpretation, and
12 enforcement of Title VII and is expressly authorized to bring this action by Sections 706 (f) (1)
13 and (3) of Title VII, 42 U.S.C. §2000e-5 (1) and (3).

14 4. At all relevant times, Defendant, Signature Flight Support (the “Employer”) has
15 continuously been doing business in the State of California and in the City and County of San
16 Francisco, California, and has continuously employed at least fifteen employees.

17 5. At all relevant times, Defendant Employer has continuously been an employer
18 engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of
19 Title VII, 42 U.S.C. §2000e-(b), (g), and (h),

STATEMENT OF CLAIMS

20
21 6. More than thirty days prior to the institution of this lawsuit, Mr. Hamilton filed a
22 Charge of Discrimination with the Commission alleging violations of Title VII by Defendant
23 Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

24 7. Since at least January 3, 2003, Defendant Employer has engaged in unlawful
25 employment practices at its San Francisco, California location in violation of Section 703 (a) of
26 Title VII, 42 U.S.C. §2000e-2 (a). These practices include subjecting Mr. Hamilton to disparate
27 treatment in his terms and conditions of employment, unlawful disciplinary action and
28 unlawfully demoting Mr. Hamilton based on race, African American.

COMPLAINT

1 8. The effect of the practices complained of above has been to deprive Mr. Hamilton
2 of equal employment opportunities and to otherwise adversely affect his employment status as an
3 employee because of his race.

4 9. The unlawful employment practices complained of above were intentional.

5 10. The unlawful employment practices complained of above were and are done with
6 malice and/or reckless indifference to the federally protected rights of Mr. Hamilton.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, the Commission respectfully request that this Court:

9 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
10 successors, assigns, and all persons in active concert or participation with it, from engaging in
11 racial discrimination and any other employment practices which discriminate on the basis of race.

12 B. Order Defendant Employer to institute and carry out policies, practices, and
13 programs which provide equal employment opportunities for their black employees and which
14 eradicate the effects of its past and present unlawful employment practices.

15 C. Order Defendant Employer to make whole Mr. Hamilton by providing appropriate
16 compensation for past and future pecuniary losses resulting from the unlawful employment
17 practices described above, in amounts to be determined at trial, and other affirmative relief
18 necessary to eradicate the effects of its unlawful employment practices,

19 D. Order Defendant Employer to make whole Mr. Hamilton by providing
20 compensation for past and future non-pecuniary losses caused by the above unlawful conduct
21 described above, including pain and suffering, emotional distress, indignity, loss of enjoyment of
22 life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

23 E. Order Defendant Employer to pay Mr. Hamilton punitive damages for its
24 malicious and reckless conduct described above, in amounts to be determined at trial.

25 F. Grant such further relief as the Court deems necessary and proper in the public
26 interest.

27 G. Award the Commission its costs of this action.

28 ///

COMPLAINT

