

ORIGINAL

U.S. COURTS

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1 A. LUIS LUCERO, JR.
2 BARBARA J. STANDAL
3 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF IDAHO

10 EQUAL EMPLOYMENT OPPORTUNITY
11 COMMISSION,

11 Plaintiff,

12 v.

13 THE AMALGAMATED SUGAR
14 COMPANY LLC,

15 Defendants.

CIV 98 - 0378 - S - BIW

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

17 NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
19 Rights Act of 1991 to correct unlawful employment practices on the basis of national origin and
20 to provide appropriate relief to Baltazar Garza, Alfonso Baez, Sergio Hernandez, Pioquinto
21 Gomez and Felix Gonzalez who were adversely affected by such practices. The Equal
22 Employment Opportunity Commission alleges the defendant, The Amalgamated Sugar Company
23 LLC, violated Title VII by failing to hire or rehire Garza, Baez, Hernandez, Gomez and
24 Gonzalez, based on their national origin, Hispanic.

1 JURISDICTION AND VENUE

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 Section 706(f)(1) and (3) of
4 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and
5 Section 102 of Civil Rights Act of 1991, 42 U.S.C. § 1981a.

6 2. The employment practices alleged to be unlawful were and are now being
7 committed within the jurisdiction of the United States District Court for Idaho.

8 PARTIES

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

13 4. At all relevant times, defendant, The Amalgamated Sugar Company LLC, has
14 continuously been a corporation doing business in the State of Idaho and has continuously had at
15 least 15 employees.

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

19 STATEMENT OF CLAIMS

20 6. More than thirty days prior to the institution of this lawsuit, Baltazar Garza filed a
21 charge alleging violations of Title VII by defendant, The Amalgamated Sugar Company LLC.
22 All conditions precedent to the institution of this lawsuit have been fulfilled.

23 7. On or about September 19, 1996, defendant engaged in unlawful employment
24 practices at its facilities in Nampa, Idaho, in violation of Section 703 (a) of Title VII, 42 U.S.C.
25 §2000-2(a). These practices included failure to hire or rehire Baltazar Garza, Alfonso Baez,

1 Sergio Hernandez, Pioquinto Gomez and Felix Gonzalez as seasonal, general laborers because
2 they spoke Spanish and were not proficient in English. The defendant excluded the above-
3 named five Hispanic workers who had worked as seasonal laborers successfully at defendant's
4 plant in the past.

5 8. The effect of the practice complained of in paragraph 7 has been to deprive
6 Baltazar Garza, Alfonso Baez, Sergio Hernandez, Pioquinto Gomez and Felix Gonzalez of equal
7 employment opportunities and otherwise adversely affect their status as employees, and their
8 terms and conditions of employment because of their national origin.

9 9. The unlawful employment practices complained of in paragraph 7 were
10 intentional.

11 10. The unlawful employment practices complained of in paragraph 7 above were
12 done with malice or with reckless indifference to the federally protected rights of Baltazar Garza,
13 Alfonso Baez, Sergio Hernandez, Pioquinto Gomez and Felix Gonzalez.

14 **PRAYER FOR RELIEF**

15 Wherefore, the Commission respectfully requests that this court:

16 A. Grant a permanent injunction enjoining defendant, The Amalgamated Sugar
17 Company LLC, its officers, agents, successors, assigns, and all persons in active concert or
18 participation with it, from engaging in any other employment practice which discriminates on the
19 basis of national origin.

20 B. Order defendant to institute and carry out policies, practices, and programs which
21 provide equal employment opportunities for Hispanic employees and eradicate the effects of its
22 past and present unlawful employment practices.

23 C. Order defendant to make whole Baltazar Garza, Alfonso Baez, Sergio Hernandez,
24 Pioquinto Gomez, and Felix Gonzalez, by providing appropriate back pay with prejudgment
25 interest, in amounts to be determined at trial, and other equitable and affirmative relief necessary

1 to eradicate the effects of its unlawful employment practices.

2 D. Order defendant, The Amalgamated Sugar Company LLC, to make whole
3 Baltazar Garza, Alfonso Baez, Sergio Hernandez, Pioquinto Gomez and Felix Gonzalez, by
4 providing compensation for past and future pecuniary losses resulting from the unlawful
5 employment practices described in paragraph 7 above, including past and future out-of-pocket
6 expenses, in amounts to be determined at trial.

7 E. Order defendant to make whole Baltazar Garza, Alfonso Baez, Sergio Hernandez,
8 Pioquinto Gomez and Felix Gonzalez by providing compensation for past and future
9 nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above,
10 including without limitation to emotional pain, suffering, mental anguish and loss of enjoyment
11 of life, in amounts to be determined at trial.

12 F. Order defendant to pay Baltazar Garza, Alfonso Baez, Sergio Hernandez,
13 Pioquinto Gomez and Felix Gonzalez punitive damages for its malicious or reckless conduct
14 described in paragraph 7 above, in amounts to be determined at trial.

15 G. Grant such further relief as the court deems necessary and proper in the public
16 interest.

17 H. Award the Commission its costs of this action.

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1 JURY TRIAL DEMAND

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

3 DATED this 24 day of September, 1998.

4 A. LUIS LUCERO, JR.
5 Regional Attorney

C. Gregory Stewart
General Counsel

6 BARBARA J. STANDAL
7 Supervisory Trial Attorney

Gwendolyn Young Reams
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8 BY: 

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