

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
FILED  
OCT 15 2004  
ROBERT H. SHEMWELE CLERK  
BY [Signature] DEPUTY

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
Lake Charles Division**

**U.S. EQUAL EMPLOYMENT )  
OPPORTUNITY COMMISSION, )  
 )  
Plaintiff, )  
 )  
v. )  
EADS AEROFRAME SERVICES, LLC )  
 )  
Defendant. )**

**CIVIL ACTION NO. 04-2013**

**JUDGE MINALDI**

**MAGISTRATE JUDGE WILSON**

**JURY TRIAL DEMAND**

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**AMENDED COMPLAINT**

**NOW INTO COURT**, through undersigned counsel, comes Plaintiff, the United States Equal Employment Opportunity Commission, and files its Amended Complaint. This Amended Complaint is filed to withdraw any claims or prayer for retaliatory relief.

**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 race and to provide appropriate relief to Michael A. Fontenot, and other similarly situated African American, Hispanic and White employees who were adversely affected by such practices. In addition, the U.S. Equal Employment Opportunity Commission alleges that Michael A. Fontenot and other similarly situated African American and Hispanic and White employees were subjected to a racially offensive work environment, by EADS AEROFRAME SERVICES, LLC.

### **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 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), 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 Louisiana.

### **PARTIES**

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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. Section 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, EADS AEROFRAME SERVICES, LLC., has continuously been a foreign corporation doing business in the State of Louisiana and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, EADS AEROFRAME SERVICES, LLC., has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e-(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Michael A. Fontenot filed charges of discrimination with the Commission alleging violations of Title VI I of the Civil Rights Act of 1964, as amended. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least on or about the beginning of August of 2002, Defendant has engaged in unlawful employment practices in violation of section 703(a)(1) and (2) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections 2000e-2(a)(1) and (2), of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. The unlawful practices consisted of subjecting Michael A. Fontenot, and other similarly situated African American and Hispanic employees to a racially hostile environment by permitting employees to be referred to in derogatory terms such as "Niggers" and "Wetbacks", and other extreme racist comments. In addition, a White employee was threatened and harassed as a result of his association with African American and Hispanic employees. Further, Michael Fontenot and other African American and Hispanic employees complained about the racial harassment. After making a formal complaint about the racial harassment, Michael Fontenot and one of the Hispanic employees were both transferred to the night shift by the Defendant. Defendant was made aware of the continuing racial harassment, but took no action to address the harassing behavior.

8. The unlawful employment practices complained of in paragraph 7 above were intentional.

9. The unlawful employment practices complained of in paragraph 7 above were done with malice or reckless indifference to the federally protected rights of Michael A Fontenot and other similarly situated Black and Hispanic employees.

#### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in concert or participation with it, from engaging in employment practices which discriminate on the basis of race.

- B. Order Defendant, its officers, successors, assigns, to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant, its officers, successors, assigns, to make Michael A. Fontenot and other similarly situated African American, Hispanic and White employees, by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, lowered self esteem and humiliation, in amounts to be determined at trial.
- D. Order Defendant, its officers, successors, assigns to pay Michael A. Fontenot and other similarly situated African American, Hispanic and White employees punitive damages for its malicious and reckless conduct, as described in paragraph 7 above, in amounts to be determined at trial.
- E. Grant such further relief as the Court deems necessary and proper in the public interest.
- F. Award the Commission its cost of this action.

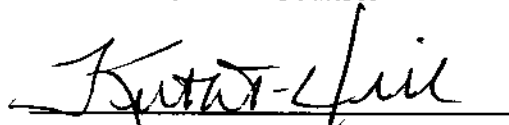
**JURY TRIAL DEMAND**

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

**ERIC S. DREIBAND**  
General Counsel

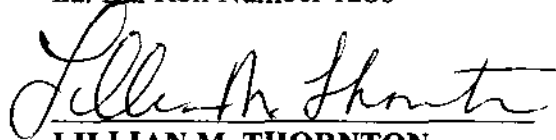
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RETURN RECEIPT REQUESTED

**RECEIVED**

**OCT 15 2004**

October 14, 2004

ROBERT H. SHEM WELL, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

Honorable Robert H. Shemwell  
Clerk of Court  
Western District of Louisiana  
800 Lafayette Street, Suite 2100  
Lake Charles, Louisiana 70501

Re: EEOC v. Eads Aeroframe Services, LLC  
C. A. No. CV04-2103

Dear Mr. Shemwell:

Enclosed with this letter you will find an Original and (4) copies of the Amended Complaint along with Original and (2) copies of the Summons..

It is requested that when you time stamp the extra copies I have provided and return to me in the enclosed self-addressed envelope.

Thanking you in advance for your cooperation in this matter.

Sincerely,

Keith T. Hill  
Regional Attorney

A handwritten signature in cursive script, appearing to read "Ella M. Rivers".

Ella M. Rivers  
Paralegal Specialist

Enclosures

KTH/EMR/EMR#pamended:complaint for Eads Aeroframe Services, LLC