

3

RECEIVED  
JAN 02 2000

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

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

FILED  
USDC, WESTERN DISTRICT OF LA  
ROBERT H. SHEM WELL, CLERK  
DATE 1, 3, 01  
BY TW

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

WELLS FARGO FINANCIAL  
LOUISIANA, INC.

Defendant.

CIVIL ACTION NO.

CV 00-0455-M

JURY TRIAL AND  
DEMAND

U.S. DISTRICT JUDGE ROBERT G. JAMES  
U.S. MAGISTRATE JUDGE JAMES D. KIM.

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 correct the name of the Defendant, Wells Fargo Financial Louisiana, Inc., which was erroneously identified as Norwest Financial Louisiana, Inc.

NATURE OF THE ACTION

This action is brought 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 and to provide appropriate relief to Kristy Holland-Mason ("Holland-Mason"), who was adversely affected by such practices. The Plaintiff Equal Employment Opportunity Commission ("EEOC" or "Commission") alleges that Defendant, Wells Fargo Financial Louisiana, Inc., ("Norwest" or

8

“Defendant”) denied Holland-Mason several promotions because of her race, African-American and sex, and forced Holland-Mason to resign due to the stress created by the denial of the promotions. The specifics are alleged with greater particularity in paragraph 8 below.

#### JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 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) ("Title VII"), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981A.

2. The employment practices alleged to be unlawful were at all material times 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 the 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times and continuously to this date, the Defendant has been a foreign corporation doing business in the State of Louisiana and had at least 15 employees.

5. At all relevant times and continuously to this date, Defendant has been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title

VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

6. At all relevant times, all material facts occurred within the jurisdiction of this Court.

#### STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit Williams filed a charge with the Commission alleging violations of Title VII by the Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least on or about July 1997, Defendant has engaged in unlawful employment practices in Monroe, Louisiana, in violation of Section 703(a)(1) and (2) of Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. Sections 2000e-2(a)(1) and (2). The unlawful practices consist of denying Holland-Mason a position as a Branch Manager on at least two separate occasions and hiring a less qualified White male for both positions, even where Holland-Mason was highly recommended for the Branch Manager position by another Branch Manager. Ms. Holland-Mason complained about the discrimination in the workplace, which deprived her of equal employment opportunities and otherwise adversely affected her status as an employee because of her race, African-American and sex. In response, Ms. Holland-Mason was offered an intermediate position which paid a little more money but was not offered any Branch Manager positions, the promotion she desired and was qualified to perform. From the evidence, it appears as though both of the White males who were promoted to Branch Manager were promoted from the same position, Assistant Manager, that Ms. Holland-Mason possessed. Ms. Holland-Mason did not believe she could ever be promoted to a Branch

Manager's position. As a result, Ms. Holland Mason felt forced to resign due to the enormous stress (which created an intolerable working condition) Defendant placed her under when it failed to promote her to any Branch Manager's position because of her race, African-American, and sex.

9. The effect of the practices complained of in paragraph 8 above has been to deprive Holland-Mason of equal employment opportunities, otherwise adversely affect her status as an employee because of her race, African-American, and sex.

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

11. The unlawful employment practices complained of in paragraph 8 above were done with malice or reckless indifference to the federally protected rights of Kristy Holland-Mason.

12. The unlawful employment practices complained of in paragraph 8 above caused Holland-Mason to lose wages incur expenses to search for another job, loss of self-esteem, emotional trauma, and loss of other expenses to be proved at trial.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

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

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 whole Kristy Holland-Mason by awarding appropriate backpay with prejudgement interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful place reinstatement of Holland-Mason to a Branch Manager position, front pay, should rightful place reinstatement be unavailable, job search expenses and other expenses in amounts to be determined at trial.

D. Order Defendant, its officers, successors, assigns, to make whole Holland-Mason by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 8 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.

E. Order Defendant, its officers, successors, assigns to pay Holland-Mason punitive damages for its malicious and reckless conduct, as described in paragraph 8 above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

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

C. GREGORY STEWART  
General Counsel  
No Bar Roll Number Assigned

KEITH T. HILL  
Regional Attorney  
Bar Roll No. 15200000



MICHELLE T. BUTLER  
Supervisory Trial Attorney  
Bar Roll No. 1286



YANCY A. CARTER  
Senior Trial Attorney  
Bar Roll Number 24335

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

New Orleans District Office  
701 Loyola Avenue, Suite 600  
New Orleans, Louisiana 70113  
Telephone: (504) 589-6817  
(504) 589-2701  
Facsimile: (504) 589-2805

AGENT FOR SERVICE OF PROCESS:

Michael K. Wolverton  
106 Park Plaza, Suite 305  
Covington, LA 70433