

IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF LOUISIANA  
 LAKE CHARLES DIVISION

U. S. DISTRICT COURT  
 WESTERN DISTRICT OF LOUISIANA  
 FILED

SEP 23 2004

ROBERT W. SHEMWEILL, CLERK  
 BY [Signature] DEPUTY

EQUAL EMPLOYMENT OPPORTUNITY )  
 COMMISSION, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 TRAC-WORK, INC )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

**CV04-1981 LC**  
 CIVIL ACTION NO.

COMPLAINT  
 JUDGE MINALDI

JURY DEMAND

MAGISTRATE JUDGE WILSON

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 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 Richard Shelton and other African Americans who were adversely affected by such practices. The Commission alleges that Richard Shelton and other African Americans were subjected to a racially offensive and hostile environment at Defendant's work sites. Specifically, Mr. Shelton and other African Americans were referred to as "niggers" and "monkeys" on a daily basis by foreman Tim Stelly. Mr. Shelton complained to his supervisors but no action was taken to eliminate the racially offensive environment.

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 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) ("Title VII") 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, Lake Charles Division.

### PARTIES

3. Plaintiff, the 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 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Trac-Work, Inc., a Texas-based corporation (the "Employer"), has continuously been doing business in the State of Louisiana and the City of Lake Charles and has continuously had at least 15 employees.

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

### STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Richard Shelton filed a charge with the Commission alleging violations of Title VII by Defendant Trac-Work. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least September 2001, Defendant Trac-Work has engaged in unlawful employment practices at Lake Charles area work sites in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2. Because of their race, African American, Richard Shelton and other African Americans were subjected to a racially offensive and hostile environment at Defendant's work

sites. Specifically, Mr. Shelton and other African Americans were referred to as “niggers” and “monkeys” on a daily basis by foreman Tim Stelly. Mr. Shelton complained to his supervisors but no action was taken to eliminate the racially offensive environment.

8. The effect of the practice(s) complained of in paragraph seven above has been to deprive Richard Shelton of equal employment opportunities and otherwise adversely affect his status as an employee because of his race.

9. The unlawful employment practices complained of in paragraph seven above were intentional.

10. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Richard Shelton and other African American employees.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Trac -Work, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in use of racial slurs and any other employment practice which discriminates on the basis of race .

B. Order Defendant Trac-Work, Inc to institute and carry out policies, practices, and programs which provide equal employment opportunities for African Americans, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Trac Work to make whole Richard Shelton and other affected African Americans, by providing affirmative relief necessary to eradicate the effects of its unlawful employment practices, including permanently enjoining of the use of racial slurs.

D. Order Defendant Trac-Work, Inc. to make whole Richard Shelton and other African American employees by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph seven above, including pain and suffering, emotional distress, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

E. Order Defendant Trac-Work-Inc. to pay Richard Shelton and other African American employees punitive damages for its malicious and reckless conduct described in paragraphs seven above, in amounts to be determined at trial.

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

G. Award the Commission its costs of this action.

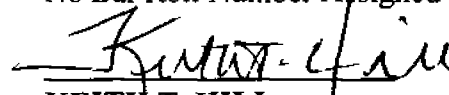
**JURY TRIAL DEMAND**

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

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SERVE DEFENDANT:

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SEP 28 2004

VIA FEDERAL EXPRESS

ROBERT H. SHEMWELL, CLERK  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

September 27, 2004

Robert H. Shemwell  
District Clerk of Court  
United States District Court  
Western District of Louisiana  
800 Lafayette Street, Suite 2100  
Lafayette, La. 70501

CV04-1981 LC

JUDGE MINALDI

MAGISTRATE JUDGE WILSON

Re: EEOC v. Trac-Work, Inc.; filing of original Complaint by U.S. agency

Dear Mr. Shemwell:

The plaintiff U. S. Equal Employment Opportunity Commission submits the enclosed original Complaint with jury demand, civil cover sheet and financial cover sheet. Please accept the Complaint for filing in the Lake Charles Division and clock and return the four copies that we have provided for service and our own record-keeping.

Thank you for your attention to this matter.

Sincerely,

N. Eleanor Graham  
Senior Trial Attorney

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Enclosures