

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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Robert M. ...

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
HONSTEIN OIL CO.,)
d/b/a CHEVRON EXPRESS)
)
Defendant.)
_____)

CIV 99 0075 JP

COMPLAINT H. GALVAN

JURY TRIAL DEMANDED

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 bases of sex and retaliation, and to make whole Ramona Encinias and Cynthia Ridgeway who were sexually harassed while employed by defendant Honstein Oil Co., d/b/a Chevron Express. In addition, defendant retaliated against and discharged Ramona Encinias for her opposition to the sexual harassment and/or for participation in proceedings protected by Title VII. Also, the sexual harassment she endured and defendant's failure to appropriately remedy her work environment, resulted in Ms. Ridgeway's discharge.

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, et seq ("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 and are now being committed within the jurisdiction of the United States District Court for the District of New Mexico.

PARTIES

3. The Plaintiff, the 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. §2000e-5(f)(1) and (3).

4. At all relevant times to this action, the defendant Honstein Oil Co., d/b/a Chevron Express, (the "defendant" or "Employer") was a Santa Fe, New Mexico Corporation which continuously did and is now doing business in the State of New Mexico and the metropolitan Las Vegas, New Mexico area as Chevron Express, and has continuously had at least fifteen employees.

5. At all relevant times, the defendant has continuously been and is now 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. §2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ramona Encinias and Cynthia Ridgeway each filed a charge with the Commission alleging violations of Title VII by Chevron Express. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July, 1997, defendant has engaged in unlawful employment practices at its Las Vegas, New Mexico metropolitan area facility in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. §§2000e-2(a) and 3(a). These practices include the sexual harassment of Ms. Encinias and Ms. Ridgeway. The sexual harassment and failure of defendant to appropriately remedy Ms. Ridgeway's work environment resulted in her discharge. In addition, defendant retaliated against and discharged Ms. Encinias because she opposed the sexual harassment and/or participated in proceedings protected under Title VII. Ms. Encinias' opposition to the sexual harassment was protected activity under Title VII.

8. The effect of the practices complained of above has been to deprive Ms. Encinias and Ms. Ridgeway of equal employment opportunities and otherwise adversely affect their status as employees because of their sex and with respect to Ms. Encinias in retaliation for opposition to practices made unlawful and/or participation in proceedings protected by Title VII.

9. The unlawful employment practices complained of in paragraphs 7-8 were intentional.

10. The unlawful employment practices complained of in paragraphs 7-8 were done with malice and/or reckless indifference to the federally protected rights of the charging parties.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant Honstein Oil Co., d/b/a Chevron Express, their officers, successors, assigns and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of sex, including sexual harassment and/or is in retaliation for any employee engaging in protected activity.

B. Order defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals who are female or who engage in protected activity, and which eradicate the effects of its past and present unlawful employment practices.

C. Grant a judgment requiring defendant to pay appropriate back wages in an amount to be proved at trial, and prejudgment interest, to Ms. Encinias and Ms. Ridgeway, who were adversely affected by the unlawful practices described above.

D. Order defendant to make whole Ms. Encinias and Ms. Ridgeway, who were adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful place reinstatement and/or front pay, and providing compensation for past and future pecuniary losses, including any costs incurred for obtaining medical treatment or counseling, in amounts to be proved at trial.

E. Order defendant to make whole Ms. Encinias and Ms. Ridgeway who were adversely affected by the unlawful employment practices described above, by providing

compensation for non-pecuniary losses, including emotional pain, suffering, loss of enjoyment of life, and humiliation in amounts to be determined at trial.

F. Order defendant to pay Ms. Encinias and Ms. Ridgeway, who were adversely affected by the unlawful employment practices described above, punitive damages for its malicious and/or reckless conduct, in amounts to be determined at trial.

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

I. Award the Commission its costs in this action.

JURY TRIAL DEMANDED

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

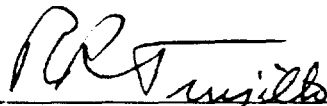
DATED this 22nd day of January, 1999.

Respectfully submitted,


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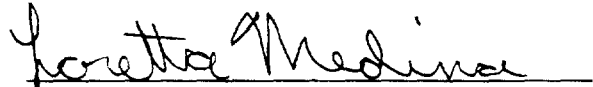
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A handwritten signature in black ink that reads "Loretta Medina". The signature is written in a cursive style and is positioned above a horizontal line.

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