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6 ATTORNEYS FOR PLAINTIFF

9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE DISTRICT OF OREGON

11 EQUAL EMPLOYMENT OPPORTUNITY
12 COMMISSION

13 Plaintiff,

14 v.

15 QWEST COMMUNICATIONS, INC.,

16 Defendant.
17

CIVIL ACTION NO.

CV '05 1521 HU

COMPLAINT

JURY TRIAL DEMAND

18
19 NATURE OF THE ACTION

20 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
21 Rights Act of 1991 to correct unlawful employment practices on the basis of national origin and
22 to provide appropriate relief to Gabriel Parra, Tracy J. Hebert, and Tony Rodriguez, Jr., each
23 who was adversely affected by such practices. The Equal Employment Opportunity Commission
24 alleges that Qwest Communications, Inc. subjected Mr. Parra and Mr. Rodriguez to
25 discriminatory discipline and termination based on their national origin (Mexican) and subjected

1 Mr. Hebert to discriminatory discipline and termination based on his association with Mr. Parra
2 and Mr. Rodriguez. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary
3 compensatory and punitive damages and injunctive relief, on behalf of Mr. Parra, Mr. Hebert and
4 Mr. Rodriguez.

5 JURISDICTION AND VENUE

6
7 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
8 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of
9 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)
10 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

11 2. The employment practices alleged to be unlawful were committed within the
12 jurisdiction of the United States District Court for the District of Oregon.

13 PARTIES

14
15 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is
16 the agency of the United States of America charged with the administration, interpretation and
17 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of
18 Title VII, 42 U.S.C. §2000e-5(f)(1).

19
20 4. At all relevant times, Defendant Qwest Communications, Inc. ("Qwest") has been
21 a corporation continuously doing business in the State of Oregon and has continuously had at
22 least 15 employees.

23
24 5. At all relevant times, Defendant Qwest has continuously been an employer
25 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

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2 6. More than thirty days prior to the institution of this lawsuit, Mr. Parra, Mr. Hebert
3 and Mr. Rodriguez each filed a charge with the Commission alleging violations of Title VII by
4 Defendant Qwest. All conditions precedent to the institution of this lawsuit have been fulfilled.

5 7. From at least March 2004, Defendant Qwest at its Eugene, Oregon facility has
6 engaged in unlawful employment practices in violation of §§ 703(a) and 704(a) of Title VII, 42
7 U.S.C. §§ 2000e-2(a) and -3(a). Defendant subjected Mr. Parra, Mr. Hebert and Mr. Rodriguez
8 to discriminatory discipline and termination.

9
10 8. The effect of the practices complained of in paragraph 7 above has been to
11 deprive Mr. Parra, Mr. Hebert and Mr. Rodriguez of equal employment opportunities.

12 9. The unlawful employment practices complained of in paragraph 7 above were
13 intentional.

14 10. The unlawful employment practices complained of in paragraph 7 above were
15 done with malice or with reckless indifference to the federally protected rights of Mr. Parra, Mr.
16 Hebert and Mr. Rodriguez.

PRAYER FOR RELIEF

17
18 Wherefore, the Commission respectfully requests that this Court:

19
20 A. Grant a permanent injunction enjoining Defendant, its officers, successors, agents,
21 assigns, and all persons in active concert or participation with it, from engaging in any
22 employment practices which discriminate or retaliate.
23
24
25

1 B. Order Defendant to institute and carry out policies, practices, and programs which
2 provide equal employment opportunities for all employees, and which eradicate the effects of its
3 past and present unlawful employment practices.

4 C. Order Defendant to make whole Mr. Parra, Mr. Hebert and Mr. Rodriguez by
5 providing appropriate back pay with prejudgment interest, in amounts to be determined at trial,
6 and other affirmative relief necessary to eradicate the effects of its unlawful employment
7 practices.

8 D. Order Defendant to make whole Mr. Parra, Mr. Hebert and Mr. Rodriguez by
9 providing compensation for past and future pecuniary losses resulting from the unlawful
10 employment practices described in paragraph 7 above, including past and future out-of-pocket
11 expenses, in amounts to be determined at trial.

12 E. Order Defendant to make whole Mr. Parra, Mr. Hebert and Mr. Rodriguez by
13 providing compensation for past and future nonpecuniary losses resulting from the unlawful
14 practices complained of in paragraph 7 above, including without limitation emotional pain,
15 suffering, and loss of enjoyment of life, in amounts to be determined at trial.

16 F. Order Defendant to pay Mr. Parra, Mr. Hebert and Mr. Rodriguez punitive
17 damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be
18 determined at trial.

19 G. Grant such further relief as the Court deems necessary and proper in the public
20 interest.

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

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JURY TRIAL DEMAND

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

DATED this 29th day of September, 2005.


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