

✓ ORIGINAL

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
JUN 12 2001  
CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_ Deputy

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**  
  
**Plaintiff,**  
  
v.  
  
**ASHER INVESTMENTS, INC., DBA  
BISTRO A**  
  
**Defendant.**

**CIVIL ACTION NO.**  
**3 - 01 CV 1113 - D**  
**COMPLAINT**  
  
**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended ("Title VII") and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and unlawful employment actions taken in retaliation for opposing practices made unlawful of discrimination under Title VII and to provide relief to Gwendolyn J. Watel ("Watel"), a former employee of Defendant. The Defendant subjected Watel to a sexually hostile work environment and discharged her in retaliation for her complaints of sexual harassment.

**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)(3) of the Civil Rights

Act of 1964, as amended, ("Title VII"), 42 U.S.C § 2000e-5(f)(3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Sec. 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division.

### **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 of the Civil Rights Act of 1964, as amended and is expressly authorized to bring this action by Section 706(a) of Title VII, 42 U.S.C. § 2000e-5(a).

4. At all relevant times, Defendant, Asher Investments, Inc. dba Bistro A ("Bistro A") has continuously been and is now doing business in the State of Texas and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, Bistro A, has continuously been an employer engaged in an industry affecting commerce under 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, Gwendolyn J. Watel filed a charge with the Commission alleging violations of Title VII of the Civil Rights Act of 1964, as amended, by the Defendant, Bistro A. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During the employment of Watel, the Defendant engaged in unlawful employment practices in violation of §703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by discriminating against Watel based upon her sex (female) by subjecting her to a sexually hostile work environment.

8. Defendant further engaged in unlawful employment practices in violation of §704 (a) of Title VII, 42 U.S.C. §2000e-3(a), by terminating Watel because she had opposed employment practices made unlawful by Title VII.

9. The result of the foregoing practices has been to deprive Watel of equal employment opportunities because of her sex, female, and to discriminate against Watel for exercising her rights under Title VII.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7 and 8 above were done with malice or with reckless indifference to the federally protected rights of Watel.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Asher Investments, Inc., dba Bistro A, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of sex or which constitutes retaliation for opposing any practice made an unlawful employment practice under Title VII.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for female employees, deter sexual harassment, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Watel; by providing appropriate back pay with prejudgment interest in amounts to be determined at trial, front pay, pecuniary damages, compensatory damages including out-of-pocket expenses, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to rightful place reinstatement of Watel.

D. Order the Defendant to make Watel whole by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, including, but not limited to, pain and suffering, humiliation, embarrassment, emotional distress, anxiety, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to pay Watel punitive damages for its malicious conduct or reckless indifference described and referenced in paragraphs 7 and 8 above, in an amount 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 in this action.

### **JURY TRIAL DEMAND**

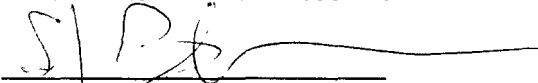
The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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