

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DEC 15 2004

U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

Plaintiff,

V.

NEXION HEALTH AT BROADWAY,
INC. D/B/A BROADWAY LODGE

Defendant.

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CIVIL ACTION NO. SA-04-CA-0872-FB

TERRANCE JOHNSON'S COMPLAINT IN INTERVENTION

Intervenor, Terrance Johnson files this Complaint in Intervention as a party-plaintiff, as authorized by Federal Rule of Civil Procedure 24.

**I.
PARTIES**

1.

Intervenor, Terrance Johnson is an individual who is a citizen of the State of Texas, City of San Antonio.

2.

Plaintiff, Equal Employment Opportunity Commission ("EEOC") has appeared herein and may be served through its counsel of record.

3.

Defendant, Nexion Health at Broadway, Inc. d/b/a Broadway Lodge ("Broadway Lodge") has appeared herein and may be served through its counsel of record.

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9.

Intervenor is an African-American employee protected under Title VII.

10.

Defendant is an employer within the meaning of Title VII.

11.

Defendant intentionally discriminated against Intervenor in violation of Title VII by creating a racially hostile work environment. Specifically, Intervenor was subjected to racial comments and treatment by one of Defendant's residents. The conduct and comments were of a continuing nature during Intervenor's employment with Defendant.

12.

Intervenor complained about the conduct to Defendant. Defendant did not exercise reasonable care to prevent, investigate and cure Intervenor's allegations of racial harassment. Instead, Defendant ratified the wrongful conduct by failing to take appropriate remedial action after Defendant became aware of the conduct.

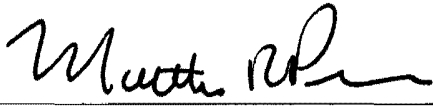
13.

Defendant's intentional discrimination also resulted in a tangible employment action against Intervenor. After Intervenor complained about the racial harassment, Defendant began to unjustly criticize Intervenor's work and began to build a bogus paper trail to justify Intervenor's termination. Intervenor was terminated on or about July 23, 2003 because of his race. Defendant's reasons for the termination were a pretext for the unlawful discrimination. Defendant's conduct violated Title VII and 42 U.S.C § 1981.

- c. Past and future compensatory damages;
- d. Exemplary and/or punitive damages;
- e. An award of attorney's fees at trial and on appeal;
- f. Costs of court including expert fees;
- g. Prejudgment and postjudgment interest as provided by law; and
- h. All other relief the court deems appropriate.

Respectfully submitted,

GRAVELY & PEARSON, L.L.P.
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By: 
Matthew R. Pearson
State Bar No. 00788173
Marc E. Gravelly
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ATTORNEYS FOR INTERVENOR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument will be sent via regular mail on this 7 day of December, 2004 to the following counsel of record:

Edward Juarez, Trial Attorney
Equal Employment Opportunity Commission
San Antonio District Office
5410 Fredericksburg Rd., Suite 200
San Antonio, Texas 78229

Terrence B. Robinson
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MATTHEW R. PEARSON