

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 and are now being committed within the jurisdiction of the United States District Court for the Western District of Texas, San Antonio Division.

PARTIES

3. Plaintiff, 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, Builders Gypsum Supply, L.L.P., f/d/b/a Builders Gypsum Supply Co., Inc. (“Builders Gypsum”), has continuously been a Texas corporation doing business in the State of Texas and the City of San Antonio, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Builders Gypsum 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, Alicia Mansel filed a charge with the Commission alleging violations of Title VII by Defendant Builders Gypsum. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least August 2002, Defendant Builders Gypsum engaged in unlawful employment practices at its San Antonio, Texas, facility, in violation of Section 703(a) of Title VII, 42 U.S.C. §2000e-2(a) and Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a) including the following:

- a. Subjecting Alicia Mansel and a class of similarly situated females to a hostile work environment based on their sex, female, through inappropriate sexual touching; loud, sexually crude and physically intimidating tirades directed at their gender, including sexually imbued gestures, sounds and innuendos; and then failing to take any prompt and effective remedial action after becoming aware of this conduct;
- b. Retaliating against Alicia Mansel by, among other things, discharging her for complaining about the sexual harassment; and
- c. Similarly retaliating against a class of similarly situated females and/or constructively discharging them by making their conditions of employment so intolerable due to the sexual harassment and/or retaliation that they felt forced to resign.

8. The effect of the practices complained of in paragraph seven above has been to deprive Alicia Mansel and a class of similarly situated females of equal employment opportunities and to otherwise adversely affect their status as employees because of their sex, female, and in retaliation for opposing such unlawful practices.

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

10. The unlawful employment practices complained of in paragraph seven above were and are done with malice or with reckless indifference to the federally protected rights of Alicia Mansel and a class of similarly situated females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Builders Gypsum, its officers, successors, assigns, and all persons in active concert or participation with it, from subjecting its female employees to a sexually hostile work environment because of their sex and creating intolerable conditions that force employees to quit, or any other employment practice which discriminates on the basis of sex, female;

B. Grant a permanent injunction enjoining Builders Gypsum, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any form of retaliation;

C. Order Defendant, Builders Gypsum to institute and carry out policies, practices, and programs which provide equal employment opportunities and a non-hostile work environment for females, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Defendant, Builders Gypsum to make whole Alicia Mansel and a class of similarly situated females by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement of Alicia Mansel and a class of similarly situated females or front pay in lieu thereof;

E. Order Defendant, Builders Gypsum to make whole Alicia Mansel and a class of similarly situated females by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including but not limited to medical expenses and job search expenses, in amounts to be determined at trial;

F. Order Defendant, Builders Gypsum to make whole Alicia Mansel and a class of

similarly situated females by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including but not limited to emotional pain, suffering, inconvenience, mental anguish, depression, humiliation, loss of confidence, loss of enjoyment of life and self-esteem and other non-pecuniary losses, in amounts to be determined at trial;

G. Order Defendant, Builders Gypsum to pay Alicia Mansel and a class of similarly situated females punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial;

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

I. 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,

JAMES L. LEE
Deputy General Counsel

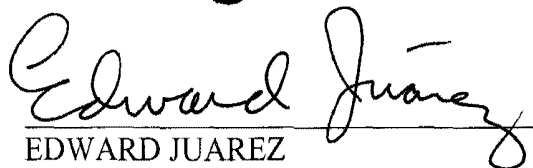
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