



her to sexual harassment on the basis of her sex, female, in violation of Section 703(a) of Title VII, and retaliated against Alicia Mansel by, amount other things, discharging her for complaining of this sexual harassment in violation of Section 704(a) of Title VII and by and through and by and through its agents and supervisors engaged in assault and/or battery of Plaintiff-Intervenor, Alicia Mansel.

#### 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 and the assaults or batteries alleged to be unlawful were committed within the jurisdiction of the United States District and Court for the Western District of Texas, San Antonio, Division.

#### PARTIES

3. Plaintiff-Intervenor, Alicia Mansel, is a citizen of the United States and the State

of Texas, and resides in Houston, Harris County, Texas.

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 has continuously had at least fifteen (15) 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 day (30) prior to the institution of this lawsuit, Alicia Mansel filed a charge with the Commission alleging violation 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 to a hostile work environment based on her sex, female, through inappropriate sexual touching; loud, sexually crude and physically intimidating tirades directed at her 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; and,
  - b. Retaliating against Alicia Mansel by, among other things, discharging her for complaining about the sexual harassment.
8. The effect of the practices complained of in paragraph seven above has been to deprive Alicia Mansel of equal employment opportunities and to otherwise adversely affect her status as an employee because of her 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.
11. Agents and supervisors' of Defendant assaulted and/or committed battery against

Alicia Mansel by engaging in unwelcome touching of her body, including her breasts, repeated hugging and groping of Ms. Mansel, entering the women's restroom at Defendant's warehouse facility and locking the door and turning off the lights while Ms. Mansel was in the restroom and elbowing her into a doorframe at Defendant's warehouse facility.

12. The assault or battery alleged herein are part and parcel of the facts and circumstances that give rise to the claims of sexual harassment made by Alicia Mansel.
13. The unlawful assaults and/or batteries complained of in paragraphs eleven and twelve above were and are intentional.
14. The unlawful assaults and/or batteries complained of in paragraphs eleven and twelve above were done with malice or reckless indifference to the rights of Alicia Mansel.

#### PRAYER FOR RELIEF

Wherefore, the Plaintiff respectfully requests that this Court:

- A. Order Defendant, Builders Gypsum to make whole Alicia Mansel by providing appropriate back pay with prejudgment interest, in amounts to be determined at

trial, and other affirmative relief necessary to eradicate the efforts of its unlawful employment practices, including but not limited to front pay in lieu of reinstatement;

- B. Order Defendant, Builders Gypsum to make whole Alicia Mansel by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs seven, eleven and twelve above, including but not limited to medical expenses and job search expenses, in amounts to be determined at trial;
  
- C. Order Defendant, Builders Gypsum to make whole Alicia Mansel by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described un paragraphs seven, eleven and twelve 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;
  
- D. Order Defendant, Builder Gypsum to make whole Alicia Mansel paying damages to Alicia Mansel for the violation of her person while employed by Defendant Builders Gypsum as described in paragraphs seven, eleven and twelve above including, but 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 amount to be determined at trial;

- E. Order Defendant, Builders Gypsum to pay Alicia Mansel punitive damages for its malicious and/or reckless conduct as described in paragraphs seven, eleven and twelve 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 Alicia Mansel its costs in this action;
- H. Award Alicia Mansel reasonable attorneys fees and her costs in this action; and,
- I. Pre and post judgment interest at the maximum amount allowed by law.

Alicia Mansel reserves and reasserts her request for a jury trial, first made in her Complaint in Intervention, on all questions of fact raised by this complaint.

Respectfully submitted,

HOPE H. CAMP, JR., P.C.  
Pacific Plaza, Suite 611

14100 San Pedro Avenue  
San Antonio, Texas 78232-4363  
(210) 495-0900  
(210) 495-0997 (fax)

By: Hope H. Camp, Jr.  
Hope H. Camp, Jr.  
Texas Bar Number 03691600

ATTORNEY FOR PLAINTIFF-  
INTERVENOR, ALICIA MANSEL

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been on this the 25<sup>th</sup> day of May 2006, forwarded by way of facsimile and/or regular mail to counsel of record to-wit:

E. Burke Hubner  
EEOC  
Holland & Knight, LLP  
112 East Pecan Street, Suite 2700  
San Antonio, Texas 78205

Eduardo Juarez, Esq.  
5410 Fredericksburg Road, Ste. 200  
San Antonio, Texas 78229

R. Mark Dietz, Esq.  
Dietz & Jarrard, P.C.  
106 Fannin Ave. East  
Round Rock, Texas 78664

Hope H. Camp, Jr.  
HOPE H. CAMP, JR.