

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED  
SEP 27 2002  
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BY: *[Signature]*

EQUAL EMPLOYMENT OPPORTUNITY §  
COMMISSION, §  
Plaintiff, §

v. §

BROOKDALE LIVING COMMUNITIES OF §  
TEXAS, INC. D/B/A HERITAGE AT §  
GAINES RANCH RETIREMENT §  
COMMUNITY, §  
Defendant. §

**A02 CA 627 SS**  
Civil Action No.

COMPLAINT  
JURY TRIAL DEMAND

NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of religion, and to provide appropriate relief to Jessica C. Johnson-Shankle, who was adversely affected by such practices. The Equal Employment Opportunity Commission (the "Commission") alleges that the Defendant, Brookdale Living Communities of Texas, Inc. d/b/a Heritage at Gaines Ranch Retirement Community ("Heritage") subjected Jessica C. Johnson-Shankle to discrimination when Heritage failed to hire her and accommodate her because of her religion, Muslim.

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 committed within the jurisdiction of the United States District Court for the Western District of Texas, Austin 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 Heritage, has continuously been a Delaware corporation doing business in the State of Texas and the City of Austin, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Heritage, 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, Jessica C. Johnson-Shankle filed a charge with the Commission alleging violations of Title VII by Defendant Heritage. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least July 29, 2001, Defendant Heritage has engaged in unlawful employment practices at its Austin, Texas, facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). These practices include subjecting Jessica C. Johnson-Shankle, to discrimination by failing to hire her and accommodate her because of her religion, Muslim.

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Jessica C. Johnson-Shankle of equal employment opportunities and otherwise adversely

affect her status as an applicant because of her religion, Muslim.

9. The unlawful employment practices complained of in paragraph seven (7) above were intentional.

10. The unlawful employment practices complained of in paragraph seven (7) above were done with malice or with reckless indifference to the federally protected rights of Jessica C. Johnson-Shankle.

#### PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Heritage, 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 religion, Muslim;

B. Order Defendant Heritage to institute and carry out policies, practices, and programs which provide equal employment opportunities to individuals regardless of religious beliefs or practices (or lack thereof) and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant Heritage to make whole Jessica C. Johnson-Shankle, 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 the rightful-place hiring of Jessica C. Johnson-Shankle, or front pay in lieu thereof;

D. Order Defendant Heritage to make whole Jessica C. Johnson-Shankle, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven (7) above, including, but not limited to, relocation expenses and job

search expenses, in amounts to be determined at trial;

E. Order Defendant Heritage to make whole Jessica C. Johnson-Shankle by providing compensation for past and future non pecuniary losses resulting from the unlawful employment practices described in paragraph seven (7) above, including but not limited to emotional pain and suffering, humiliation, emotional distress, anxiety, inconvenience, and loss of enjoyment of life, in an amount to be determined at trial;

F. Order Defendant Heritage to pay Jessica C. Johnson-Shankle punitive damages for its malicious and reckless conduct described in paragraph seven (7) above, in amounts to be determined at trial;

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

H. Award the Commission its costs of this action.

JURY TRIAL DEMAND

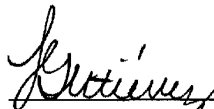
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

GWENDOLYN YOUNG REAMS  
Associate General Counsel

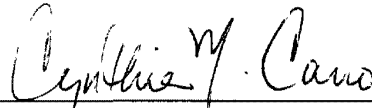


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