

ORIGINAL  
CJ - J

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

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
**FILED**  
JUL 27 1999  
NANCY DOHERTY, CLERK  
By \_\_\_\_\_  
Deputy

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION, }  
 }  
 }  
 Plaintiff, }  
 }  
 }  
 v. }  
 }  
 }  
 RED RIVER BEVERAGE COMPANY, )  
 DBA COWBOYS RED RIVER AND COWBOYS }  
 RED RIVER DANCE HALL AND SALOON, }  
 }  
 }  
 Defendant. }  
 \_\_\_\_\_ }  
 }

CIVIL ACTION NO.

**3-99CV1685-P**

C O M P L A I N T

JURY TRIAL DEMAND

NATURE OF THE 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 sex and unlawful employment actions taken in retaliation for filing a charge of discrimination under Title VII and to provide appropriate relief to Kimberly G. Hubbard who was demoted by Defendant because of her sex, female, and because of her pregnancy. Further, when Kimberly G. Hubbard filed a charge of discrimination under Title VII complaining against her demotion, Defendant retaliated against her, harassing her by constantly changing her work schedule, and eventually by discharging her.

### 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, Red River Beverage Company DBA Cowboys Red River and Cowboys Red River Dance Hall and Saloon ("Red River") 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, Red River, 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, Kimberly G. Hubbard filed charges with the Commission alleging violations of Title VII of the Civil Rights Act of 1964, as amended, by the Defendant, Red River. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During the employment of Kimberly G. Hubbard, the Defendant engaged in unlawful employment practices in violation of §703(a)(1) and §701(k) of Title VII, 42 U.S.C. § 2000e-2(a)(1) and §2000e(k), by demoting her from the higher paying position of bartender to the lower paying position of door girl, on account of her sex, female, and her pregnancy.

8. Defendant further engaged in unlawful employment practices in violation of §704 (a) of Title VII, 42 U.S.C. §2000e-3(a), by harassing Kimberly G. Hubbard by constantly changing her work schedule and by then terminating her employment because she had opposed employment practices made unlawful by Title VII and had filed a charge of discrimination with the Commission.

9. The result of the foregoing practices has been to deprive Kimberly G. Hubbard of equal employment opportunities because of her sex and to discriminate against her for exercising her rights afforded to her under Title VII.

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

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

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Red River, 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 pregnancy or which constitutes retaliation for opposing any practice made an unlawful employment practice under Title VII or for filing a charge of discrimination or testifying, assisting, or participating in an investigation, proceeding, or hearing under Title VII.

B. Order the Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for pregnant females, and which eradicate the effects of its past and present unlawful employment practices.

C. Order the Defendant to make whole Kimberly G. Hubbard 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 Kimberly G. Hubbard.

D. Order the Defendant to make Kimberly G. Hubbard 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 Kimberly G. Hubbard 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,

C. GREGORY STEWART  
General Counsel



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