

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
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JUDGE
DAVID B. ...
BY *lh*

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
ICON BENEFIT ADMINISTRATORS)
INC. F/K/A TED L. PARKER &)
ASSOCIATES, INC.,)
)
Defendant.)
_____)

CIVIL ACTION NO. _____
5 - 03 CV 0039 - C
COMPLAINT

Jury Trial Demanded

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 religion, gender, and retaliation, and to provide appropriate relief to Richard R. Vasquez and Ilka M. Ramirez who were adversely affected by such practices. As will be described with further particularity in paragraph seven below, the Equal Employment Opportunity Commission (the "Commission") alleges that Icon Benefit Administrators, Inc. f/k/a Ted L. Parker & Associates, Inc. ("Icon") violated Title VII of the Civil Rights Act of 1964 when it discharged Mr. Vasquez because of his religious beliefs, and/or in retaliation for his opposition to what he reasonably believed to be religious discrimination, and when it discharged Ms. Ramirez because of her religious beliefs and/or her gender.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343

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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 El Paso Division of the United States District Court for the Western District of Texas.

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, Icon (the "Employer"), has continuously been a Texas corporation doing business in the State of Texas and the City of Lubbock, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer 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, Richard R. Vasquez and Ilka M. Ramirez each filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least October, 1998, Defendant Employer has engaged in unlawful employment practices at its Lubbock, Texas facilities, in violation of Section 703 and 704(a) of Title

VII, 42 U.S.C. §2000e-2 and 42 U.S.C. §2000e-3(a).

- a. More specifically, in October, 1998, Defendant Employer discharged Richard R. Vasquez because of his religious beliefs, and/or in retaliation for his protests against what he reasonably believed to be religious discrimination.
- b. Additionally, in February, 2000, Defendant Employer discharged Ilka M. Ramirez because of her religious beliefs and/or because of her gender.

8. The effect of the practices complained of in paragraph seven above has been to deprive Richard R. Vasquez of equal employment opportunities and otherwise adversely affect his status as employee, because of his religious beliefs and/or because of his having engaged in activity which is protected by Title VII.

9. The effect of the practices complained of in paragraph seven above has been to deprive Ilka M. Ramirez of equal employment opportunities and otherwise adversely affect her status as employee, because of her religious beliefs and/or her gender.

10. The unlawful employment practices complained of in paragraph seven above were intentional.

11. The unlawful employment practices complained of in paragraph seven above were done with malice or with reckless indifference to the federally protected rights of Richard R. Vasquez and Ilka M. Ramirez.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from terminating any of its

employees because of their religious beliefs, and/or their gender and any other employment practice which discriminates on the basis of religion and/or gender;

B. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in retaliation, or from any employment practices which retaliates, or which facilitates, condones, or encourages retaliation;

C. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for non-members of Ted L. Parker's church, and for women, and which eradicate the effects of its past and present unlawful employment practices;

D. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities to individuals who participate in activity which is protected under Title VII, and which eradicate the effects of its past, and present unlawful employment practices;

E. Order Defendant Employer to make whole Richard R. Vasquez and Ilka M. Ramirez, by providing appropriate backpay 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 Richard R. Vasquez and Ilka M. Ramirez, or front pay to those two individuals, in lieu thereof;

F. Order Defendant Employer to make whole Richard R. Vasquez and Ilka M. Ramirez, 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 relocation expenses, job search expenses, and medical expenses not covered by the Employer's employee

benefit plan, in amounts to be determined at trial;

G. Order Defendant Employer to make whole Richard R. Vasquez and Ilka M. Ramirez by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraph seven above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;

H. Order Defendant Employer to pay Richard R. Vasquez and Ilka M. Ramirez punitive damages for its malicious and reckless conduct described in paragraph seven above, in amounts to be determined at trial;

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

J. Award the Commission its costs of this action.

JURY TRIAL DEMAND

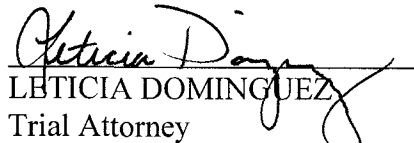
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully Submitted,

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