

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States District Court
Southern District of Texas
[Redacted] Filed

FEB 29 2004

Michael N. Milby, Clerk of Court

EQUAL EMPLOYMENT OPPORTUNITY §
COMMISSION, §
§
 Plaintiff, §
and §
§
TINA S. ROBERSON, §
 Plaintiff-Intervenor, §
v. §
§
BROOKS WELL SERVICING, INC. D/B/A §
KEY ENERGY SERVICES, INC., GULF §
COAST DIVISION, §
§
 Defendant. §

Civil Action No. C-03-331
JURY TRIAL DEMAND

PLAINTIFF’S FIRST AMENDED ORIGINAL COMPLAINT

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, female, and to provide appropriate relief to Tina S. Roberson, who was adversely affected by such practices. The U.S. Equal Employment Opportunity Commission (the “Commission”) alleges that Tina S. Roberson, a female, was sexually harassed during her employment at Brooks Well Servicing, Inc. d/b/a Key Energy Services, Inc., Gulf Coast Division (“Key Energy Services, Inc.”), in violation of Section 703(a) of Title VII. The Commission further alleges that the conduct to which Tina S. Roberson was subjected was so severe and pervasive that it created a sexually hostile work environment.

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 United States District Court for the Southern District of Texas, Corpus Christi 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 Key Energy Services, Inc. has continuously been foreign corporation doing business in the State of Texas, and the City of Alice, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Key Energy Services, Inc. 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, Tina S. Roberson filed a charge with the Commission alleging violations of Title VII by Defendant Key Energy Services, Inc.

7. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. Since at least 1999, Defendant Key Energy Services, Inc. has engaged in unlawful

employment practices at its Alice, Texas, facility in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by creating and fostering a hostile work environment based on sex.

a. More specifically, Tina S. Roberson, a female, was sexually harassed by Operations Manager Q. Buentello, a male supervisor, who made sexual advances towards her, and subjected her to inappropriate sexual comments and sexual innuendos, and other egregious verbal conduct, including asking her for sex.

b. Further, Ms. Roberson was also subjected to inappropriate sexual comments and sexual innuendos by other male Key Energy Services, Inc.'s employees.

9. The effect of the practices complained of in paragraph eight above has been to deprive Tina S. Roberson of equal employment opportunities and to otherwise adversely affect her status as an employee, because of her sex.

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

11. The unlawful employment practices complained of in paragraph eight above were done with malice or with reckless indifference to the federally protected rights of Tina S. Roberson.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Key Energy Services, Inc., 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 from any other employment practice which discriminates on the basis of sex;

B. Order Defendant Key Energy Services, Inc. to institute and carry out policies,

practices, and programs which provide equal employment opportunities for females and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant Key Energy Services, Inc. to make whole Tina S. Roberson, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph eight above, including, but not limited to, relocation expenses, job search expenses and medical expenses, in an amount to be determined at trial;

D. Order Defendant Key Energy Services, Inc. to make whole Tina S. Roberson, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraph eight above, including, but not limited to, emotional pain, suffering, humiliation, embarrassment, emotional distress, stress, anxiety, inconvenience, and loss of enjoyment of life, in an amount to be determined at trial;

E. Order Defendant Key Energy Services, Inc. to pay Tina S. Roberson punitive damages for its malicious and reckless conduct described in paragraph eight 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; and

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

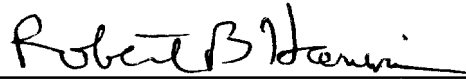
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

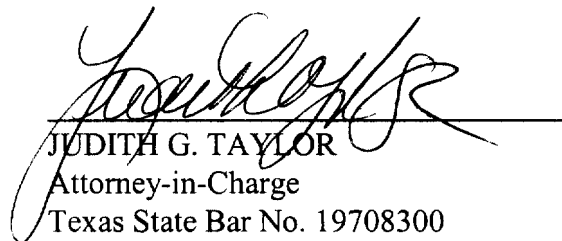
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