

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

United States District Court
Southern District of Texas
FILED
MAR 27 2000
MICHAEL N. MILBY CLERK

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

NATIONWIDE HOUSING SYSTEMS, INC.

Defendant

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Civil Action No.

COMPLAINT **C - 00 - 125**
JURY TRIAL DEMAND

NATURE OF ACTION

This is an action under the Age Discrimination in Employment Act, to correct unlawful employment practices on the basis of age, and to provide appropriate relief to Mr. James Stovall, an individual 40 years of age or older who was qualified but was not hired for a General Manager position. This complaint alleges that Nationwide Housing Systems, Inc., failed to hire a member of the protected age group who was qualified externally for the General Manager position at its Corpus Christi location.

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 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§216(c) and 217.

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 Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA, and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. §626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Defendant, Nationwide Housing Systems, Inc. ("Nationwide"), has continuously been a Texas corporation doing business in the State of Texas and the City of Corpus Christi, and has continuously had at least 20 employees.

5. At all relevant times, Defendant Nationwide has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§630(b), (g) and (h).

CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representative attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference, and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. On or about June 24, 1997, Defendant Nationwide engaged in unlawful employment practices at its Corpus Christi, Texas location in violation of §623(a) of the ADEA, 29 U.S.C. § 623(a). Such practices include Defendant Nationwide's failure to hire James Stovall, a protected age group member, as General Manager at its Corpus Christi location.

8. The effect of the practices complained of in paragraph seven above has been to deprive James Stovall, a member of the protected age group, of equal employment opportunities and to otherwise adversely affect his status as an employee because of his age.

9. The unlawful employment practices complained of in paragraph seven above were and are willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as evidenced by the comments made by the Vice-President of the San Antonio Region, Charles Kearney concerning his search for a young man to fill the vacant General Manager position.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Nationwide, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in discriminatory hiring practices, from compelling its employees to participate in those practices, and from any other employment practice which discriminates on the basis of age against individuals 40 years and older.

B. Order Defendant Nationwide to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals 40 years of age and older, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Nationwide to make whole James Stovall, a member of the protected age group who was adversely affected by the unlawful practices described above, by providing appropriate back pay, and equal sums as liquidated damages. If the trier of fact should find that the unlawful employment practices complained of were not willful within the meaning of the ADEA,

then the Commission respectfully requests that the Court grant awards of prejudgment interest on the back pay awards.

D. Order Defendant Nationwide to make whole James Stovall, a member of the protected age group who was adversely affected by the unlawful practices described above, by providing the affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to rightful-place instatement or front pay in lieu thereof;

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

F. 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.

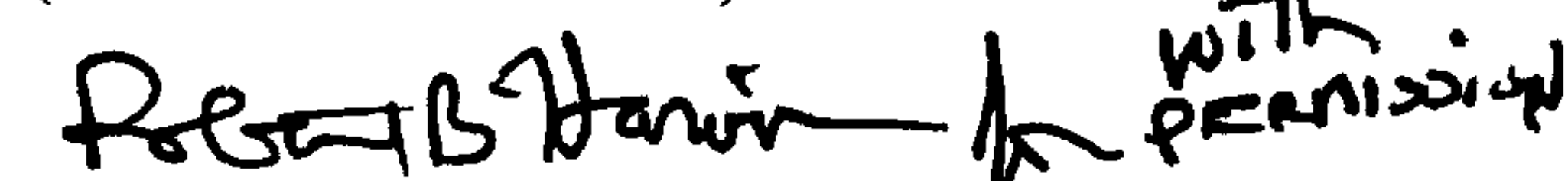
Respectfully submitted,

C. GREGORY STEWART
General Counsel


GWENDOLYN YOUNG REAMS
Associate General Counsel



ROBERT B. HARWIN
Regional Attorney
State Bar No. 076083
(District of Columbia)



LINDA GUTIERREZ
Supervisory Trial Attorney
Texas State Bar No. 08642750
Southern District No. 14464



R. CHRIS PITTARD
Trial Attorney
Texas State Bar No. 00794465
Southern District No. 23449

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

San Antonio District Office
5410 Fredericksburg Rd., Ste. 200
San Antonio, TX 78229-3555
(210) 281-7673
(210) 281-7669 FAX

ATTORNEYS FOR PLAINTIFF