

FILED

AUG 31 2004

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

NEATHERLIN HOMES, INC.,

Defendant.

SA 04 CA 0788 RF
Civil Action No.

COMPLAINT AND
JURY TRIAL DEMAND

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NATURE OF ACTION

This is an action under Title VII of the Civil Rights Act of 1964 as amended by the Pregnancy Discrimination Act of 1978, 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 Stephanie A. Govett, who was adversely affected by such practices. The U.S. Equal Employment Opportunity Commission (the "Commission") alleges that Stephanie A. Govett was subjected to unlawful discrimination when she was terminated from her position as a sales assistant with Defendant, Neatherlin Homes, Inc. (hereinafter "Neatherlin"), because of her pregnancy.

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

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jurisdiction of the United States District Court for the Western District of Texas, San Antonio 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, Neatherlin, has continuously been a Texas Corporation doing business in the State of Texas in the City of San Antonio and has continuously had at least fifteen employees.

5. At all relevant times, Defendant, Neatherlin, 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, Stephanie A. Govett filed a charge with the Commission alleging violations of Title VII by Defendant, Neatherlin.

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

8. Since at least February 28, 2003, the Defendant, Neatherlin, has engaged in unlawful employment practices at its San Antonio, Texas facility, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) as amended by Section 701(k), 42 U.S.C. § 200e(k). The unlawful practice was to discriminate against Stephanie A. Govett on the basis of her sex, female, by discharging her on or about February 28, 2003 from the position of sales assistant because she was pregnant.

9. The effect of the practices complained of in paragraph eight above has been to deprive Stephanie A. Govett 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 Stephanie A. Govett.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, Neatherlin, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in conduct which results in discharge because of pregnancy or any other employment practice which discriminates on the basis of sex;

B. Order Defendant, Neatherlin, 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, Neatherlin, to make whole Stephanie A. Govett, by providing appropriate back pay with prejudgment interest, in an amount 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 reinstatement of Stephanie A. Govett, or front pay in lieu thereof;

D. Order Defendant, Neatherlin to make whole Stephanie A. Govett, 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;

E. Order Defendant, Neatherlin to make whole Stephanie A. Govett, 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;

F. Order Defendant, Neatherlin to pay Stephanie A. Govett punitive damages for its malicious and reckless conduct described in paragraph eight above, in an amount 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

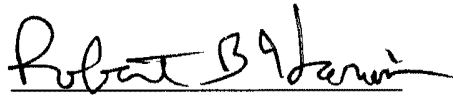
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

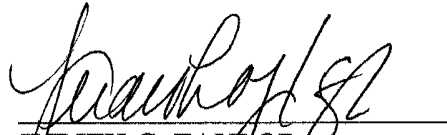
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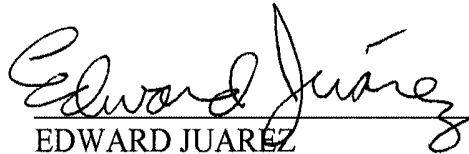
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