

2. The employment practices alleged to be unlawful were committed within the 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 Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6.

4. At all relevant times, Defendant, Pass & Seymour, Inc., an electrical products manufacturer, has continuously been a foreign corporation doing business in the State of Texas, and the City of San Antonio, and has continuously had at least 15 employees.

5. At all relevant times, Defendant, Pass & Seymour, 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).

6. At all relevant times, Defendant, Kennmark Group, Ltd., an employment agency, has continuously been a domestic limited partnership doing business in the State of Texas, and the City of San Antonio, and has continuously had at least 15 employees.

7. At all relevant times, Defendant, Kennmark Group, Ltd., 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).

8. At all relevant times, Defendant, Kennmark Group, Ltd., has procured employees for employers and has been an employment agency within the meaning of Section 701(c) of Title VII, 42 U.S.C. §2000(e)(c).

STATEMENT OF CLAIMS

9. More than thirty days prior to the institution of this lawsuit, a charge was filed with the Commission by Paul Steven Miller, a member thereof, alleging violations of Title VII by Defendants Pass & Seymour, Inc. and Kennmark Group, Ltd. All conditions precedent to the institution of this lawsuit have been fulfilled.

10. Since at least January of 1997 and continuing thereafter, Defendant, Pass & Seymour, Inc., acting individually and as a joint enterprise with Kennmark Group, Ltd., has engaged in a pattern-or-practice of unlawful employment practices at its San Antonio, Texas, facility in violation of Sections 703(a)(1) and (2) of Title VII, 42 U.S.C. §§2000e-2(a)(1) and (2). Such practices include Defendant, Pass & Seymour, Inc.'s repeated, regular and routine failure to employ males as manufacturing assemblers because of their sex, as well as Pass & Seymour, Inc.'s repeated conduct to limit applicants for employment in a way which deprived or tended to deprive males of employment opportunities because of their sex.

11. Since at least January of 1997 and continuing thereafter, Defendant, Kennmark Group, Ltd., acting individually and as a joint enterprise with Pass & Seymour, Inc., has engaged in a pattern-or-practice unlawful employment practices at its San Antonio, Texas facilities in violation of Sections 703(a)(1) and (2), and (b), of Title VII, 42 U.S.C. §§2000e-2(a)(1), and (2), and (b). Such practices include Defendant, Kennmark Group, Ltd.'s, repeated, regular and routine failure to employ males as manufacturing assemblers because of their sex, as well as Kennmark Group, Ltd.'s repeated conduct to limit applicants for employment in a way which deprived or tended to deprive males of employment opportunities because of their sex. Kennmark Group, Ltd., as an employment agency, also repeatedly failed or refused to refer for employment a class of males because of their sex.

12. The effect of the practices complained of in paragraphs ten and eleven above have been to deprive a class of males of equal employment opportunities and to otherwise adversely affect their status as employees or applicants, because of their sex.

13. The unlawful employment practices complained of in paragraphs ten and eleven above were and are intentional.

14. The unlawful employment practices complained of in paragraphs ten and eleven above were done with malice or with reckless indifference to the federally protected rights of a class of males.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendants Pass & Seymour, Inc. and Kenmark Group, Ltd., jointly and severally, their officers, successors, assigns, and all persons in active concert or participation with them, 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 sex;

B. Order Defendants Pass & Seymour, Inc. and Kenmark Group, Ltd., jointly and severally, to institute and carry out policies, practices, and programs which provide equal employment opportunities for males, and which eradicate the effects of their past and present unlawful employment practices;

C. Order Defendants Pass & Seymour, Inc. and Kenmark Group, Ltd., jointly and severally, to make whole a class of males, by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the

effects of their unlawful employment practices, including, but not limited to, rightful-place hiring or front pay in lieu thereof;

D. Order Defendants Pass & Seymour, Inc. and Kennmark Group, Ltd., jointly and severally, to make whole a class of males, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs ten and eleven above, including, but not limited to relocation expenses, job search expenses and medical expenses, in an amount to be determined at trial;

E. Order Defendants Pass & Seymour, Inc. and Kennmark Group, Ltd., jointly and severally, to make whole a class of males, by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices complained of in paragraphs ten and eleven above, including, but not limited to, emotional pain, suffering, humiliation, embarrassment, emotional distress, stress, anxiety, inconvenience, and loss of enjoyment of life, in amount to be determined at trial;

F. Order Defendants Pass & Seymour, Inc. and Kennmark Group, Ltd., jointly and severally, to pay a class of males punitive damages for their malicious and reckless conduct described in paragraphs ten and eleven above, in 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

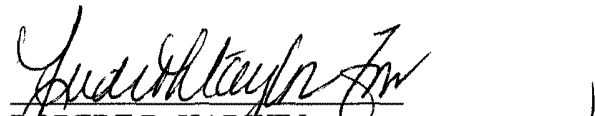
The Commission requests a jury trial on all questions of fact raised by its complaint.


Respectfully submitted,

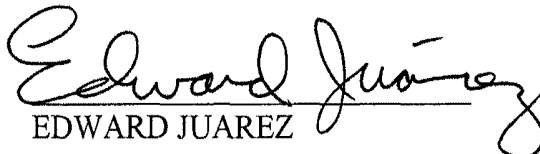
ERIC S. DREIBAND
General Counsel

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel


ROBERT B. HARWIN
Regional Attorney *in permission*
District of Columbia Bar No. 076083


JUDITH G. TAYLOR
Supervisory Trial Attorney
Texas Bar No. 19708300


EDWARD JUAREZ
Trial Attorney
Texas Bar No. 24014498

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

San Antonio District Office
5410 Fredericksburg Rd., Suite 200
San Antonio, Texas 78229-3555
Telephone: (210) 281-7613
Telecopier: (210) 281-7669

ATTORNEYS FOR PLAINTIFF