

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
SERVICE ELECTRONICS, INC.)
)
Defendant.)

CIVIL ACTION NO.
304 CV 1729 - P
COMPLAINT

COMPLAINT

This is an action under Title I of the Americans with Disabilities Act of 1990 to correct unlawful employment practices on the basis of disability and to provide appropriate relief to Sharon S. Mejia, who was denied hire by Defendant, Service Electronics, Inc. The Equal Employment Opportunity Commission ("Commission") alleges that the Defendant violated the Americans with Disabilities Act by failing to hire her for a Material Handler/Data Entry position based on her disability or perceived disability.

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 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference §§706(f)(1),(3) and 707(a) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e-5(f)(1),(3) and 2000e-6(a), and pursuant to §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981A.

2. The employment policies and practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Texas, Dallas Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission, is the agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by §107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference §§706(f)(1),(3) and 707(a) of Title VII, 42 U.S.C. §2000e-5(f)(1),(3) and 2000e-6(a).

4. At all relevant times, Defendant, Service Electronics, Inc., has continuously been and is now doing business in the State of Texas and has continuously had at least fifteen employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce under § 101(5) of the ADA, 42 U.S.C. § 12111(5), and § 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference §§ 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e-(g) and (h).

6. At all relevant times, Defendant has been a covered entity under §101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

7. More than 30 days prior to the institution of this lawsuit, Sharon Mejia filed a charge of discrimination with the Commission alleging violation of Title I of the ADA by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. The Defendant, Service Electronics, Inc., has engaged in unlawful employment practices, in violation of § 102 of Title I of the ADA, 42 U.S.C. § 12112, by failing to hire Sharon Mejia for the available position of Material Handler/Data Entry because of her disability, hearing impairment, or because Defendant regarded Ms. Mejia as disabled.

9. The effect of the practices complained of in paragraph 8, above, has been to deprive Sharon Mejia of equal employment opportunities and has otherwise adversely affected her status as an applicant.

10. The unlawful policies and practices complained of in paragraph 8, above, were committed intentionally.

11. The unlawful policies and practices complained of in paragraph 8, above, were committed with malice or with reckless indifference to the federally protected rights of Sharon Mejia.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction ensuring compliance with the ADA, and enjoining Defendant, Service Electronics, Inc., its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability or perceived disability.

B. Order the Defendant to institute and carry out policies, practices and programs that provide equal employment opportunities for qualified individuals with disabilities and which eradicate the effects of the Defendant's past and present unlawful practices.

C. Order the Defendant to make whole Sharon Mejia by providing appropriate back

pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of the Defendant's unlawful employment practices, including but not limited to rightful place instatement of Ms. Mejia and/or front pay.

D. Order the Defendant to make whole Sharon Mejia by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph 8 above, including but not limited to emotional pain, suffering, inconvenience, humiliation, mental anguish, and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendant to pay Sharon Mejia punitive damages for its malicious conduct or reckless indifference described in paragraph 8, 10, and 11 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.

G. Award the Commission its costs in this action.

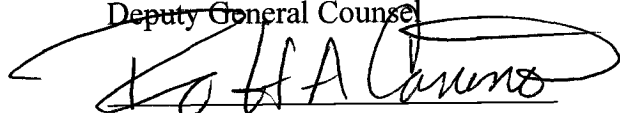
JURY TRIAL DEMAND

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

Respectfully submitted,

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