

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**TELESERVICES MARKETING
CORPORATION AND GENERAL
TELEMARKETING INTERNATIONAL INC.,**

Defendant.

CIVIL ACTION NO. 4-04-CV-75

AMENDED COMPLAINT

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to make whole Charging Party, Babiker A. Babiker. The Commission alleges that the Defendants, Teleservices Marketing Corporation (hereafter "Teleservices" or "TMC") and General Telemarketing International Incorporated (hereafter "GTII"), violated Title VII of the Civil Rights Act of 1964, as amended, by terminating Mr. Babiker because of his national origin (Sudanese).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and(3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. Sections 2000e-5(f)(1) and (3), 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 Eastern District of Texas.

PARTIES

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an 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(a) of Title VII, 42 U.S.C. Section 2000e-5(a).

4. At all relevant times, Defendants, Teleservices and GTII, have continuously been and are now doing business in the State of Texas, and have continuously had at least fifteen employees.

5. At all relevant times, Defendants have continuously been employers engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e-(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Mr. Babiker filed a charge with the Commission alleging violations of Title VII by the Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Beginning about August 2000, Defendants discriminated against Mr. Babiker in violation of Section 703(a) of Title VII, 42 U.S.C. Section 2000e-2. Specifically, Defendants terminated Mr. Babiker because of his national origin, Sudanese, when a customer complained about Mr. Babiker, describing Mr. Babiker as having "very broken English."

8. The effect of the practices complained of above has been to deprive Mr. Babiker of equal employment opportunities because of his national origin (Sudanese).

9. The unlawful employment practices complained of in paragraph 7, above, were intentional.

10. The unlawful employment practices complained of in paragraph 7, above, were done with malice or reckless indifference to the federally protected rights of Mr. Babiker.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, Teleservices and GTII, their officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates in violation of Title VII and, specifically, from terminating employees because of their national origin in violation of Title VII.

B. Order the Defendants to institute and carry out policies, practices, and programs which provide equal employment opportunities for Mr. Babiker, and which eradicate the effects of past and present unlawful employment practices.

C. Order the Defendants to make whole Mr. Babiker 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 unlawful employment practices, including but not limited to reinstating Mr. Babiker.

D. Order the Defendants to make whole Mr. Babiker by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including but not limited to, pain and suffering, humiliation, embarrassment, emotional distress, anxiety and loss of enjoyment of life, in amounts to be determined at trial.

E. Order the Defendants to make whole Mr. Babiker, by providing compensation for past

and future pecuniary losses resulting from the unlawful practices complained of in paragraphs 7, above, in amounts to be determined at trial.

F. Order the Defendants to pay punitive damages for its malicious or reckless conduct described in paragraph 7, above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper.

H. Award the Commission its costs in this action.

JURY TRIAL DEMAND

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


Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing has been served on all counsel of record for the Defendant at the address below via United States first class mail, postage prepaid, on this the 2 day of Mar, 2005.



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