

ORIGINAL

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

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
SEP 29 2003
CLERK, U.S. DISTRICT COURT
By _____ Deputy

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, }

Plaintiff, }

v. }

BLOCK'S LIGHTHOUSE SUPPER CLUB, }
INC., BLOCK'S LIGHTHOUSE INC.; BLOCK }
FAMILY INC.; THE LIGHTHOUSE }
CLUB, INC.; AND }
V.F.B. FAMILY LIMITED PARTNERSHIP, }

Defendants. }

CIVIL ACTION NO.
3 - 03 CV 2229 - N
COMPLAINT

JURY TRIAL DEMANDED

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 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 Charging Party Allyson Bergstrom and other similarly situated aggrieved individuals. The Equal Employment Opportunity Commission alleges that the Defendants discriminated against Allyson Bergstrom because of her sex (female) in violation of Title VII, by subjecting her to a sexually hostile work environment, resulting in her termination. The EEOC further alleges that the Defendants violated Title VII when they subjected other similarly situated aggrieved individuals to discrimination because of their sex (female), by subjecting them to a sexually hostile work environment.

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) (3) of Title VII of the Civil Rights Act of 1964, as amended, (“Title VII”), 42 U.S.C. § 2000e-5 (f)(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 and are now being committed within the jurisdiction of the United States District Court for the Northern 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. 2000e-5(f)(1) and (3).

4. At all relevant times, Defendants have continuously been and are now doing business in the State of Texas.

5. At all relevant times, Defendants have 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, the Charging Party Allyson Bergstrom filed a charge of discrimination with the Commission, alleging violations of Title VII by the Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 2001, the Defendants have engaged in conduct in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). Specifically, the Defendants discriminated against Charging Party Allyson Bergstrom and similarly situated aggrieved individuals based upon sex (female) by subjecting them to a sexually hostile work environment. The behavior complained of herein also resulted in the termination of Ms. Bergstrom. The Charging Party and aggrieved individuals were employed in Defendants' Lighthouse Supper Club. Throughout their employment, the Charging Party and other aggrieved individuals were subjected to sexual harassment, including but not limited to suggestive, lewd and offensive comments as well as unwelcome touching. The Defendants failed to have in place, and/or communicate to employees, a policy prohibiting such discriminatory treatment. Further, Defendants failed to take prompt, effective, remedial action to correct the conduct complained about by the Charging Party and other similarly situated aggrieved individuals.

8. The effect of the practices complained of in paragraph 7 above has been to deprive the Charging Party Allyson Bergstrom and other similarly situated aggrieved individuals of equal employment opportunities because of their sex.

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

10. The unlawful employment practices complained of in paragraph 7 above were committed with malice or with reckless indifference to the federally protected rights of Allyson Bergstrom and other similarly situated aggrieved individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, their officers, successors,

assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of sex.

B. Order the Defendants to institute and carry out policies, practices and programs that provide equal employment opportunities for Allyson Bergstrom and other similarly situated aggrieved individuals and other employees and which eradicate the effects of the Defendants' past unlawful employment practices.

C. Order the Defendants to make whole Allyson Bergstrom and other aggrieved individuals, by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, pecuniary damages, out-of-pocket losses and other affirmative relief necessary to eradicate the effects of the Defendants' unlawful employment practices, including but not limited to front pay in lieu of reinstatement.

D. Order the Defendants to make whole Allyson Bergstrom and other similarly situated aggrieved individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 10, above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

E. Order the Defendants to make whole Allyson Bergstrom and other similarly situated aggrieved individuals by providing compensation for past and future pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 10, above, in amounts to be determined at trial.

F. Order the Defendants to pay Allyson Bergstrom and other similarly situated aggrieved individuals punitive damages for its malicious conduct or reckless indifference described in

paragraphs 7 and 10 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.

H. Award the Commission its costs in this action.

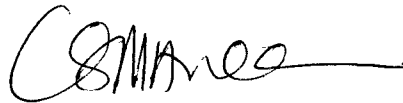
JURY TRIAL DEMAND

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

Respectfully submitted,

ERIC S. DREIBAND
General Counsel

ROBERT CANINO,
Oklahoma Bar No. 11782
Regional Attorney



SUZANNE ANDERSON
Texas Bar No. 14009470
Supervisory Trial Attorney

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Dallas District Office
207 S. Houston Street, 3rd Floor
Dallas Texas 75202