

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 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, Tiffany Billiards, Inc., (“Tiffany”), has continuously been a Texas corporation doing business in the State of Texas and the City of San Antonio, and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Tiffany 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, Gilda Martinez filed a charge with the Commission alleging violations of Title VII by Defendant Tiffany. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least May 2003, Defendant Tiffany and specifically its owner, official and/or manager engaged in unlawful employment practices at its San Antonio, Texas, facility, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e- 2(a) including the following:

- a. Subjecting Gilda Martinez and a class of similarly situated females to a hostile work environment based on their sex, female, through loud, sexually crude and physically intimidating tirades directed at their gender; and
- b. Constructively discharging Gilda Martinez and a class of similarly situated females whose conditions of employment became so intolerable due to the harsh

and potent sexual harassment and Defendant's lack of any sex harassment policy or complaint procedure, that they were forced to resign.

8. The effect of the practices complained of in paragraph seven above has been to deprive Gilda Martinez and a class of similarly situated females of equal employment opportunities and to otherwise adversely affect their status as employees because of their sex, female.

9. The unlawful employment practices complained of in paragraph seven above were and are intentional.

10. The unlawful employment practices complained of in paragraph seven above were and are done with malice or with reckless indifference to the federally protected rights of Gilda Martinez and a class of similarly situated females.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Tiffany, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment and creating intolerable conditions that force employees to quit, or any other employment practice which discriminates on the basis of sex, female;

B. Order Defendant, Tiffany to institute and carry out policies, practices, and programs which provide equal employment opportunities and a non-hostile work environment for females, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant, Tiffany to make whole Gilda Martinez and a class of similarly situated females 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 its unlawful employment practices, including but not limited to reinstatement of Gilda Martinez and a class of similarly situated females or front pay in lieu thereof;

D. Order Defendant, Tiffany to make whole Gilda Martinez and a class of similarly situated females by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including but not limited to medical expenses and job search expenses, in amounts to be determined at trial;

E. Order Defendant, Tiffany to make whole Gilda Martinez and a class of similarly situated females by providing compensation for past and future non-pecuniary losses resulting from the unlawful employment practices described in paragraph seven above, including but not limited to emotional pain, suffering, inconvenience, mental anguish, depression, humiliation, loss of confidence, loss of enjoyment of life and self-esteem, in amounts to be determined at trial;

F. Order Defendant, Tiffany to pay Gilda Martinez and a class of similarly situated females punitive damages for its malicious and/or reckless conduct, 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 in this action.

JURY TRIAL DEMAND

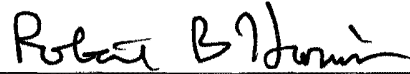
The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

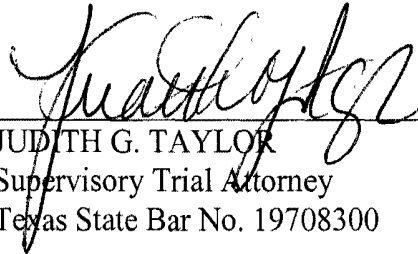
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