

JUDGE
DAVID BRIONES

FILED
2000 SEP 28 P 1:07
DISTRICT
COURT OF THE DISTRICT
OF TEXAS
BY 9

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
WESTLODGE HOSPITALITY, INC. d/b/a)
EL PASO TRAVELODGE-CITY CENTER,)
WW LODGING LIMITED, L.L.C. d/b/a)
EL PASO TRAVELODGE-CITY CENTER,)
)
Defendants.)
_____)

EPOOCA0297

CIVIL ACTION NO. _____

COMPLAINT

Jury Trial Demanded

NATURE OF THE ACTION

This is an action under Title I of the Americans with Disabilities Act of 1990, and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability, and to provide appropriate relief to Carlos Sanchez, who was adversely affected by such practices. As alleged with greater particularity in paragraphs 8 through 12 below, Plaintiff, Equal Employment Opportunity Commission, alleges that Defendant, Westlodge Hospitality, Inc., and Defendant WW Lodging Limited, L.L.C. discharged Carlos Sanchez, a qualified individual with a disability, from his employment in their hotel, because of his 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 Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"),

42 U.S.C. §§ 2000e-5(f)(1) and (3), and pursuant to 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 Western District of Texas, El Paso Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "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 Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant, Westlodge Hospitality, Inc., a corporation incorporated in Delaware, and Defendant WW Lodging Limited, L.L.C., also incorporated in Delaware, (the "Employers") have continuously been doing business in the State of Texas and the City of El Paso, and have continuously had at least fifteen (15) employees.

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

6. At all relevant times, Defendant Employers have been covered entities under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Carlos Sanchez filed a charge with the Commission alleging violations of Title I of the ADA by Defendant Employers. All conditions precedent to the institution of this lawsuit have been fulfilled.

8. On or about October 18, 1998, Defendant Employers engaged in unlawful employment practices at their Travelodge Hotel located at 409 E. Missouri in El Paso, Texas, in violation of Section 102(a) of Title I of the ADA, 42 U.S.C §12112(a).

9. Carlos Sanchez has spina bifida, and has had numerous spinal surgeries.

10. As a result, Carlos Sanchez uses a wheelchair for mobility.

11. Carlos Sanchez is an individual with a disability, as defined by the ADA.

12. On or about October 18, 1998, Defendant Employers discharged Carlos Sanchez from his position as a night auditor at their hotel, because he is an individual with a disability, as defined by the ADA.

13. The effect of the practices complained of in paragraphs 8 through 12 above has been to deprive Carlos Sanchez of equal employment opportunities, and otherwise adversely affect his status as an employee, because of his disability.

14. The unlawful employment practices complained of in paragraphs 8 through 12 above were intentional.

15. The unlawful employment practices complained of in paragraphs 8 through 12 above were done with malice, or with reckless indifference to the federally protected rights of Carlos Sanchez.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employers, their officers, successors, assigns, and all persons in active concert or participation with them, from terminating qualified employees with disabilities, because of their disabilities, and any other employment practice which discriminates on the basis of disability.

B. Order Defendant Employers to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of their past and present unlawful employment practices, including but not limited to posting notices regarding their compliance with the ADA.

C. Order Defendant Employers to make whole Carlos Sanchez by providing appropriate backpay 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 reinstatement, or front pay, in lieu thereof.

D. Order Defendant Employers to make whole Carlos Sanchez by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 8 through 12 above, including, but not limited to, relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial.

E. Order Defendant Employers to make whole Carlos Sanchez by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 8 through 12 above, including, but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined

at trial.

F. Order Defendant Employers to pay Carlos Sanchez punitive damages for their malicious and reckless conduct, as described in paragraphs 8 through 12 above, in amounts 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 of this action.

JURY TRIAL DEMAND

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

Dated: 9/28/2000

Respectfully submitted,

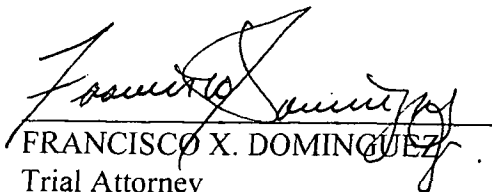
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