

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

UNITED STATES OF AMERICA, Plaintiff

v.

CITY OF DALLAS, TEXAS, Defendant

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, the United States of America, alleges:

1. This action is brought on behalf of the United States to enforce the provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*

2. This Court has jurisdiction of the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.

3. Defendant City of Dallas, Texas, is a political subdivision of the State of Texas, created pursuant to the laws of the State of Texas.

4. Defendant City of Dallas, Texas, is a person within the meaning of 42 U.S.C. § 2000e(a) and an employer within the meaning of 42 U.S.C. § 2000e(b).

5. Defendant City of Dallas, Texas, has retaliated against Lee A. Bush, in violation of § 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-3(a), among other ways, by:

(a) failing or refusing to grant Mr. Bush a promotion to the rank of sergeant with the City of Dallas Police Department because he opposed practices he reasonably believed to be unlawful under Title VII; and

(b) failing or refusing to take appropriate action to remedy the effects of the retaliation against Mr. Bush.

6. Lee A. Bush timely filed two charges with the Equal Employment Opportunity Commission (EEOC), EEOC Charge Nos. 310-98-3049 and 310-98-0226, alleging that because of his race, Black, and in retaliation against him for previously filing charges of discrimination with the EEOC and raising an internal grievance alleging race discrimination in the City of Dallas Police Department, he was subjected to adverse personnel actions, suspended for two days, and denied a promotion to the rank of sergeant in the City of Dallas Police Department. Pursuant to § 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated EEOC Charge No. 310-98-3049 and EEOC Charge No. 310-98-0226, and with respect to each charge of discrimination, separately found reason to believe that violations of Title VII of the Civil Rights Act of 1964 had occurred. The EEOC attempted unsuccessfully to conciliate the charges of discrimination through voluntary resolution and subsequently referred the charges of discrimination to the Department of Justice.

7. All conditions precedent to the filing of this suit have been performed or have occurred.

WHEREFORE, plaintiff prays that the Court grant the following relief:

(a) Enjoin the defendant from failing or refusing to:

(i) provide sufficient remedial relief to make whole Lee A. Bush for the loss he has suffered as a result of the retaliation against him as alleged in this complaint; and

(ii) take other appropriate nondiscriminatory measures to overcome the effects of the retaliation.

(b) Award compensatory damages to Lee A. Bush as would fully compensate him for injuries caused by the defendant's unlawful conduct, pursuant to and within the statutory limitations of § 102 of the Civil Rights Act of 1991, 42 U.S.C. p>§ 1981a.

(c) Award such additional relief as justice may require, together with plaintiff's costs and disbursements in this action.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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