

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

v.

CASE NO. H-98-0280Jury

CITY OF WILLIS, TEXAS,

Defendant.

COMPLAINT

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 Willis, Texas, is a political subdivision of the State of Texas, created pursuant to the laws of the State of Texas.
4. Defendant City of Willis, 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 Willis, Texas, has discriminated against Jimmy D. Fletcher, on the basis of his race, Black, in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a)(1), among other ways, by:
  - (a) subjecting Mr. Fletcher to racial harassment during his employment in the defendant's Police Department, which adversely affected the terms, conditions and privileges of his employment; and
  - (b) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Mr. Fletcher.
6. Jimmy D. Fletcher timely filed a charge of discrimination with the EEOC, EEOC Charge No. 330-93-3446, in which he alleged that he had been subjected to racial harassment and retaliation during his employment with the City of Willis, Texas 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 Mr. Fletcher's charge and 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 charge of discrimination through voluntary resolution and subsequently referred the matter to the Department of Justice.
7. Defendant City of Willis, Texas has discriminated against Daniel S. Byerly, 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) retaliating against Mr. Byerly by constructively discharging him because he assisted Mr. Fletcher with

his complaints of racial harassment and retaliation; and

(b) failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Mr. Byerly.

8. Daniel S. Byerly timely filed a charge of discrimination with the EEOC, EEOC Charge No. 330-93-3640, in which he alleged that he had been retaliated against in employment in the City of Willis Police Department because he assisted Jimmy D. Fletcher with his complaints of racial harassment and retaliation. Pursuant to § 706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated Mr. Byerly's charge and 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 charge of discrimination through voluntary resolution and subsequently referred the matter to the Department of Justice.

9. 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 Jimmy D. Fletcher for the loss he has suffered as a result of the discrimination against him as alleged in this complaint; and

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

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

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

(i) provide sufficient remedial relief to make whole Daniel S. Byerly for the loss he has suffered as a result of the discrimination against him as alleged in this complaint; and

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

(d) Award compensatory damages to Daniel S. Byerly as would fully compensate him for injuries caused by the defendant's discriminatory conduct, pursuant to and within the statutory limitations of § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

(e) 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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UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
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UNITED STATES OF AMERICA,

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BARBARA J. MEACHAM'S REQUEST FOR LEAVE OF COURT TO APPEAR AS  
ATTORNEY-IN-CHARGE FOR PLAINTIFF

In accordance with Rule 1.K. of the Local Rules of the United States District Court for the Southern District of Texas ("Local Rules"), I, Barbara J. Meacham, request leave to appear as the attorney-in-charge for the United States, the plaintiff in this action. In support of this request, I state the following:

1. I am employed as an attorney by the United States Department of Justice in the Employment Litigation Section of the Civil Rights Division, with offices located in Washington, D.C., where I currently reside and am employed.
2. One of my responsibilities as an attorney in the Employment Litigation Section is to represent the plaintiff in United States districts courts in cases alleging violations of Title VII of the Civil Rights Act of 1964.3. I am an active member, in good standing, of the Ohio State Bar (Ohio Bar Number 0027844).
4. I was admitted to practice in the State of Texas on May 6, 1988, Texas State Bar Number 13877700, and shortly thereafter, was admitted to the Bar of the U.S. District Court for the Southern District of Texas and the U.S. District Court for the Northern District of Texas.
5. I have been an inactive member of the State Bar of Texas since July 1992. I have been in good standing throughout my membership in the State Bar of Texas. My membership in the bar of the Southern District of Texas expired for failing to reapply for admission and paying a fee under Local Rule 1.H.
6. I am also an inactive member of the Wisconsin Bar (Wisconsin State Bar Number 1018254) and have been a member of the Indiana Bar.
7. I have not been disbarred or suspended from any bar in the United States. I have never had a disciplinary action filed against me and there are no disciplinary actions pending against me in any court in the United States.
8. I understand that my appearance before the court confers the court's disciplinary jurisdiction upon me, as described in Appendix A of the Local Rules.

Respectfully submitted,

KATHERINE A. BALDWIN, CHIEF  
Employment Litigation Section  
Civil Rights Division

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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v. CASE NO. H-98-0280 Jury

CITY OF WILLIS, TEXAS,

ORDER

This Court has considered Barbara J. Meacham's request for leave to appear as the attorney-in-charge for the plaintiff in this case. The request is GRANTED.

DATED:

United States District Court Judge  
Southern District of Texas

CERTIFICATE OF SERVICE

I, Barbara J. Meacham, hereby certify that a copy of Barbara J. Meacham's Request for Leave of Court to Appear as Attorney-in-Charge for Plaintiff and proposed Order were mailed by regular U.S. mail, postage prepaid, on this 30th day of January 1998 upon the following counsel:

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