

I.

1. Plaintiff, Elva Griffin is an individual and currently resides in Aransas Pass, San Patricio County, Texas.

2. Plaintiff, Anita Herriges is an individual and currently resides in Bay City, Matagorda County, Texas.

3. Plaintiff, Aniyeritza Velazquez is an individual and currently resides in Port Lavaca, Calhoun County, Texas.

4. Plaintiff, Lynn Stoebner is an individual and currently resides in Inez, Calhoun County, Texas.

5. Defendant, FORMOSA PLASTICS CORPORATION, TEXAS, is a Delaware corporation authorized to do and doing business in the State of Texas with its principal place of business in Texas. Service is not necessary at this time.

6. Defendant, FORMOSA PLASTICS CORPORATION, U.S.A., is a Delaware corporation authorized to do and doing business in the State of Texas with its principal place of business in Texas. Service is not necessary at this time.

7. Defendant U.S. CONTRACTORS, INC., is a Texas corporation authorized to do and doing business in the State of Texas with its principal place of business in Texas. Service is not necessary at this time.

8. Defendant U.S. CONTRACTORS, LTD., is a Texas corporation authorized to do and doing business in the State of Texas with its principal place of business in Texas. Service is not necessary at this time.

9. For clarity, both Formosa Plastics Corporation, Texas, and Formosa Plastics Corporation, U.S.A., will hereinafter be referred to collectively as "Formosa." Also for clarity, both

U.S. Contractors, Inc., and U.S. Contractors, Ltd., will hereinafter be referred to collectively as “U.S. Contractors.”

II.

Violations of the Texas Commission on Human Rights Act and Title VII

A. ELVA GRIFFIN

10. On or about December 20, 2000, Elva Griffin was hired as a boilermaker making \$14.30 per hour working approximately 40 hours per week. From the first day she was on the job, Joe Frank Rodriguez made some comments to her. These comments included comments like (1) You are such a beautiful woman what are you doing out here, you should be at home, (2) Do you have a husband or a lover, (3) You are a beautiful woman for being a big woman, (4) Don't worry you will lose a lot of weight on this job, and (5) that there were no journeymen women on this job site and that he was surprised that they hired her.

11. On or about January 26, 2000 she was promoted to foreman and given a raise to \$14.49 per hour working approximately 40 hours per week. When she was promoted she was told she was going to have to prove herself to Formosa because she was a female. She was also told she would have to work extra hard to show she could do the job. Even after her promotion, Mr. Rodriguez's inappropriate conduct continued. In mid February, Mr. Rodriguez grabbed her butt and made comments about her big butt. A couple days later, she was wearing a v-neck t-shirt and he commented that her breasts were so big that they would jump out of her shirt.

12. In February she complained to Ron Hare about the problems she was having with Joe Frank Rodriguez. On or about March 7th, she was informed by Joe Frank Rodriguez that she was being bumped down for Cody O'Neill. She told Joe Frank Rodriguez and Speedy Wells that it was discrimination.

13. Sometime around March 12th or 14th, she complained to Speedy Wells again and told him that she was being treated differently because she was a woman. She also told him that she was being sexually harassed by Formosa and US Contractors employees.

14. Speedy Wells did not ask for any specifics. He asked if she thought he should call the people from Houston and she said yes if he thought it was important. He then told her she could write up a report if she wanted. She said that she believed that she would be retaliated against for talking to him.

15. On or about March 25th she was terminated. The reason given was reduction of force.

16. While employed at US Contractors, Ms. Griffin was discriminated against because of her sex and because of her complaints of sexual discrimination/harassment. In addition, she was wrongfully terminated because of her sex and because she made complaints of sexual discrimination and/or sexual harassment.

17. Ms. Griffin specifically alleges she was subject to a sexually hostile work environment in that:

- a. She was a member of a protected class in that she was female;
- b. She was subjected to unwelcome harassment;
- c. The harassment was based on her membership in the protected class;
- d. The harassment affected the terms, conditions and privileges of her employment; and
- e. The employer knew or should have known of the harassment but failed to take prompt remedial action.

18. Ms. Griffin further alleges that she was illegally retaliated against in that:

- a. She engaged in activity protected under The Texas Commission on Human

Rights Act and Title VII;

- b. She was demoted and discharged; and
- c. A causal link exists between the protected activity and the adverse employment action.

19. Finally, Ms. Griffin asserts she was discriminated against and discharged because she was female in that:

- a. She was qualified for the positions from which she was demoted and discharged;
- b. Her employer's articulated reasons for adverse actions were a pretext for discrimination;
- c. Other male employees who were similarly situated were treated differently;
- d. Male employees were hired for jobs Ms. Griffin was qualified to perform shortly near the time of her termination.

B. ANITA HERRIGES

20. Anita Herriges went to work for US Contractors in July of 2000. She was hired for firewatch making \$9.99 per hour. She worked there approximately seven weeks and then was laid off. In October 2000, she was hired as a pipefitter helper making \$9.99 per hour. On or about December 15, 2000 she was given a raise to boilermaker and made \$12.55 per hour. On or about April 5, 2000 she was terminated. The reason given was reduction of force. Five weeks before her termination she trained a new hire by the name of Larry Carter. Mr. Carter was trained to do the same job as Ms. Herriges.

21. Prior to being terminated, Ms. Herriges had never been written up for any reason at all and had received good evaluations. At the time she was terminated, Larry Carter was not fired even though she had more experience and seniority. Since her termination several other male employees have been hired as boilermaker and boilermaker helpers.

22. Ms. Herriges was discriminated against and wrongfully terminated because she is female in that:

- a. She was qualified for the positions from which she was discharged;
- b. Her employer's articulated reasons for adverse actions were a pretext for discrimination;
- c. Other male employees who were similarly situated were treated differently;
- d. Male employees were hired for jobs Ms. Herriges was qualified to perform near the time of her termination.

C. ANIYERITZA VELAZQUEZ

23. Annie Velazquez began working for US Contractors in September of 2000. She worked for the major equipment unit and firewatch making \$8.73 per hour at approximately 40-60 hours per week. She was laid off in November and then rehired in November as a parking attendant. At this job she worked 20 hours per week making \$9.99 per hour. Later, in November of 2000, she was hired to Olefins II as a boilermaker helper. She made \$9.99 per hour working approximately 40 hours per week.

24. Joe Benitez, a general foreman for US Contractors, would make comments to her while she was in the field. He told her that she should go sweep and pick up trash because that was woman's work. Other workers would look at her while she was working and would make comments like "look at her a __." Severo Lopez, a Formosa employee, would make advances towards her, ask her to come to his house and ask her out on several occasions. They made comments and harassed her on a daily basis in front of Mr. Benitez. Mr. Benitez would do nothing to stop it. She complained to him that she was being discriminated against, but he still would not let her do certain jobs because there were too many men. He told her she should be at home making tortillas. He

would tell her she could go home and clean his house now.

25. While she was there, she asked Joe Benitez what she could do to get a raise. He told her to bring her tools. She brought her tools, but she still did not get a raise. She then asked what she would have to do to take her boilermaker test. He told her she would have to learn some stuff and that she would have to wait three months to take the test. She then contacted the main office and was told that she could come and take the test any time she felt like it. She went and took the test and passed. She was evaluated and given a raise to \$11.36 per hour on March 19th. Other people who passed the boilermaker test were usually started at \$12.20 per hour. Male employees at the location where Ms. Velazquez worked were treated differently.

26. On or about March 25th, she was fired. The reason given was reduction in force. Just prior to her termination for reduction in force US Contractors hired three new male employees for her crew. Two worked as boilermakers and one worked as a boilermaker helper.

27. Ms. Velazquez was subjected to harassment and discrimination because of her sex on a daily basis. She was finally wrongfully terminated because of her sex. After her termination, her job responsibilities were fulfilled by male employees hired around the time she was fired.

28. Ms. Velazquez specifically alleges she was subject to a sexually hostile work environment in that:

- a. She was a member of a protected class in that she was female;
- b. She was subjected to unwelcome harassment;
- c. The harassment was based on her membership in the protected class;
- d. The harassment affected the terms, conditions and privileges of her employment; and
- e. The employer knew or should have known of the harassment but failed to take prompt remedial action.

29. Ms. Velazquez further shows she was discriminated against and discharged because she was female in that:

- a. She was qualified for the positions from which she was demoted and discharged;
- b. Her employer's articulated reasons for adverse actions were a pretext for discrimination;
- c. Other male employees who were similarly situated were treated differently;
- d. Male employees were hired for jobs Ms. Velazquez was qualified to perform near the time of her termination.

30. Ms. Velazquez further alleges that she was illegally retaliated against in that:

- a. She engaged in activity protected under The Texas Commission on Human Rights Act and Title VII;
- b. She was demoted and discharged; and
- c. A causal link exists between the protected activity and the adverse employment action.

D. LYNN STOEBNER

31. Lynn Stoebner was wrongfully terminated for making a complaint of sexual harassment/discrimination. In January 2001, Lynn Stoebner was hired as an expeditor/runner making \$9.99 per hour at approximately 40 hours per week. In February, she was given a raise to \$11.36 per hour. Early in February Ms. Stoebner made an oral complaint about Joe Frank Rodriguez digging through her purse and harassing her because she was female.

32. On or about March 27, Lynn Stoebner and a friend of hers named Abby Martinez went to Speedy Wells to complain about a Formosa employee named Severo Lopez. They told Speedy Wells that Severo Lopez and Joe Frank Rodriguez picked on the women that were out there. They complained that he was following them around and they felt he was harassing them because they were female. On or about March 30th, they went to human resources at Formosa. On or about

April 4th Lynn Stoebner was terminated. The reason given was reduction of force.

33. Ms. Stoebner specifically alleges that she was illegally retaliated against in that:
 - a. She engaged in activity protected under The Texas Commission on Human Rights Act and Title VII;
 - b. She was demoted and discharged; and
 - c. A causal link exists between the protected activity and the adverse employment action.

34. Ms. Stoebner further alleges she was subject to a sexually hostile work environment in that:

- a. She was a member of a protected class in that she was female;
- b. She was subjected to unwelcome harassment;
- c. The harassment was based on her membership in the protected class;
- d. The harassment affected the terms, conditions and privileges of her employment; and
- e. The employer knew or should have known of the harassment but failed to take prompt remedial action.

35. Finally, Ms. Stoebner asserts she was discriminated against and discharged because she was female in that:

- a. She was qualified for the positions from which she was demoted and discharged;
- b. Her employer's articulated reasons for adverse actions were a pretext for discrimination;
- c. Other male employees who were similarly situated were treated differently;
- d. Male employees were hired for jobs Ms. Stoebner was qualified to perform near the time of her termination.

III.
Exhaustion Of Administrative Procedures

36. Plaintiffs ELVA GRIFFIN, ANITA HERRIGES, ANIYERITZA VELAZQUEZ AND LYNN STOEBNER timely filed Charges of Discrimination with the Texas Commission on Human Rights and the Equal Employment Opportunity Commission on July 9, 2001, July 9, 2001, July 16, 2001, and July 16, 2001, respectively (Attached hereto Exhibits "A", "B", "C", and "D").

37. Plaintiffs filed their Original Petition on July 3, 2003, and filed their amended pleading bringing a civil action under the Texas Commission on Human Rights Act within sixty (60) days of requesting their Notice of Right to Sue from the Texas Commission on Human Rights as well as within two (2) years from the date they filed their original charges of discrimination.

38. All other conditions precedent have been performed or have occurred.

IV.
Plaintiffs Join EEOC in its claim under Title VII

39. Plaintiffs join/intervene in the claims filed by the EEOC in this cause to prosecute their personal claims for sexual harassment and retaliatory discharge in violation of Title VII of the Civil Rights Act of 1964, as amended and Title I of the Civil Rights Act of 1991. Plaintiffs have the right to intervene in this lawsuit under Title VII and Fed. R. Civ. P. 24(a)(1). More than thirty days prior to the institution of this lawsuit, Elva Griffin, Anita Herriges, Lynn Stoebner and Aniyeritza Velazquez filed charges with the Commission alleging violations of Title VII by Defendant U.S. Contractors.

40. All conditions precedent to the institution of this lawsuit have been fulfilled.

41. Since at least June 2001, Defendant U.S. Contractors has engaged in unlawful employment practices at a project site in Calhoun County, Texas, in violation of Section 703 (a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by:

- a. subjecting Elva Griffin, Lynn Stoebner, and Aniyeritza Velazquez to sexual harassment from male supervisors, co-workers, and other males on the job site;
- b. disparately discharging Elva Griffin, Anita Herriges, Lynn Stoebner, and Aniyeritza Velazquez based on their sex; and
- c. discharging Elva Griffin, Lynn Stoebner, and Aniyeritza Velazquez after they complained about sex discrimination.

42. Since at least June 2001, Defendant U.S. Contractors has engaged in unlawful employment practices at a project site in Calhoun County, Texas, in violation of Section 704 (a) of Title VII, 42 U.S.C. §2000e-3(a) by:

- a. subjecting Elva Griffin to a retaliatory demotion; and
- b. discharging Elva Griffin, Lynn Stoebner, and Aniyeritza Velazquez, after they complained about sex discrimination, or for otherwise participating in a protected activity under Title VII.

43. The effect of the practices complained of in the paragraphs above has been to deprive Elva Griffin, Anita Herriges, Lynn Stoebner, and Aniyeritza Velazquez of equal employment opportunities and to otherwise adversely affect their status as employees, because of their sex and retaliation.

44. The unlawful employment practices complained of in the paragraphs above were and are done with malice or with reckless indifference to the federally protected rights of Elva Griffin, Anita Herriges, Lynn Stoebner, and Aniyeritza Velazquez.

V.

Damages

45. As a direct and proximate result of the Defendant's aforementioned acts, omissions and conduct, Plaintiffs suffered a loss of earning capacity in the past which will in all likelihood continue in the future for an indefinite period of time. As a direct and proximate result of Defendant's aforementioned acts, omissions and conduct, Plaintiffs have had and continue to suffer

humiliation, shame, embarrassment, loss of self-esteem, loss of self-confidence, anxiety, sleeplessness, worry, fear, severe mental anguish and emotional distress; and in all likelihood Plaintiffs will continue to suffer in such manner for an indefinite period of time in the future. As a direct and proximate result of Defendant's aforementioned acts, omissions and conduct, Plaintiffs ELVA GRIFFIN and ANIYERITZA VELAZQUEZ have incurred medical and psychological bills in the past and in all likelihood will incur medical or psychological bills in the future.

VI.
Equal Pay Act

46. Plaintiff Aniyeritza Velzquez brings this claim under The Equal Pay Act.

Aniyeritza Velazquez would show that she was paid less than men who were hired to work in the same capacity she was hired to work. There was no justification for this discrepancy in pay.

VII.
Tortuous Interference With Employment Contract

47. Plaintiffs began working for U.S. Contractors at various times in the year 2000. Throughout their employment with U.S. Contractors, the Plaintiffs worked at the Formosa Plastics Plant near Point Comfort, Texas. The Plaintiffs were well qualified for their respective jobs and performed the job tasks as required by their employer. The Plaintiffs were each given raises and/or additional responsibilities during their employment. Each of the Plaintiffs was fired between the dates of March 25, 2001, and April 5, 2001. These terminations were proximately caused by the Formosa's tortuous interference with the Plaintiffs' contracts of employment.

VIII.

48. The Defendants Formosa, tortuously interfered with each of the Plaintiffs' contracts of employment. The Plaintiffs had an ongoing employment relationship with U. S. Contractors. Formosa interfered with this contract by pressuring U.S. Contractors to terminate the female

employees that were working at the Formosa Plastics plant near Point Comfort, Texas. Defendants Formosa further interfered with the Plaintiffs' employment contracts by engaging in conduct that made performance of Plaintiffs' job responsibilities more burdensome. Formosa's acts were done without legal justification. Defendants Formosa had actual knowledge of the Plaintiffs' employment and willfully and intentionally committed these acts which were calculated to cause damage to the Plaintiffs in their employment. The above-described conduct proximately caused the Plaintiffs' terminations and other damages.

IX.

49. As a result of the above-described conduct the Plaintiffs have suffered extensive damages. The Plaintiffs have suffered a loss of earning capacity in the past and will, in reasonable probability, continue to suffer from a loss of earning capacity in the future. Furthermore, Defendants' conduct has caused Plaintiffs to suffer from mental anguish and emotional distress and they will, in reasonable probability, continue to suffer these damages in the future. For these damages Plaintiffs seek an amount in excess of the jurisdictional limits of the Court.

X.

50. In the above-described conduct, the Defendants acted with malice. Specifically (1) the Defendants acted with a specific intent to cause substantial injury to the Plaintiffs, and (2) the Defendants' conduct, when viewed objectively from the standpoint of the Defendants at the time it occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to the Plaintiffs, and the Defendants proceeded with conscious indifference to the rights, safety, or welfare of the Plaintiffs despite the Defendants' actual, subjective awareness of the risk involved. The Plaintiffs therefore seek punitive damages in accordance with Chapter 41 of the Civil Practice and Remedies Code in an amount in excess of the jurisdictional limits of the Court.

XI.
Intentional Infliction of Emotional Distress

51. During the Plaintiffs' employment with U.S. Contractors the Defendants and their employees made statements and engaged in other conduct that was outrageous and beyond all possible bounds of decency, causing Plaintiffs extreme emotional distress. Plaintiffs are entitled to compensation for such distress.

XII.

52. As a direct and proximate result of Defendants' acts and omissions alleged in this petition, Plaintiffs suffered extreme and severe emotional distress that resulted in physical manifestations.

XIII.
Assault/Battery and Negligent Hiring and Supervision

53. In February of 2001, Joe Frank Rodriguez intentionally grabbed Elva Griffin's buttocks and made a lewd comment. This touching was unwelcome and offensive to Mrs. Griffin. As a result of this conduct Mrs. Griffin has endured shame, embarrassment, mental anguish and emotional distress for which she now seeks damages in an amount in excess of the jurisdictional limits of the Court.

54. At the time Defendant Joe Frank Rodriguez was hired by Defendant U. S. Contractors, Defendant Joe Frank Rodriguez had a history of being convicted of a sex-related crime and sentenced to prison. U. S. Contractors was negligent in employing and supervising Mr. Rodriguez. The Defendant U. S. Contractors has a duty to its employees to protect them and to provide a safe work environment. Defendant U. S. Contractors knew or should have known, prior to Defendant Joe Frank Rodriguez's assault on Elva Griffin and other outrageous conduct, that he was unfit for a position that required him to work with and around women. Defendant

U.S. Contractors was negligent, reckless and grossly negligent in screening, hiring, retaining, and supervising Joe Frank Rodriguez as an employee.

XIV.

55. As a result of the above-described conduct the Plaintiffs have suffered extensive damages. The Plaintiffs have suffered a loss of earning capacity in the past and will, in reasonable probability, continue to suffer from a loss of earning capacity in the future. Furthermore, Defendants' conduct has caused Plaintiffs to suffer from mental anguish and emotional distress and they will, in reasonable probability, continue to suffer these damages in the future. For these damages Plaintiffs seek an amount in excess of the jurisdictional limits of the Court.

XV.

56. In the above-described conduct, the Defendants acted with malice. Specifically (1) the Defendants acted with a specific intent to cause substantial injury to Plaintiffs, and (2) the Defendants' conduct, when viewed objectively from the standpoint of the Defendants at the time it occurred, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to the Plaintiffs, and the Defendants proceeded with conscious indifference to the rights, safety, or welfare of the Plaintiffs despite the Defendants' actual, subjective awareness of the risk involved. The Plaintiffs therefore seek punitive damages in accordance with Chapter 41 of the Civil Practice and Remedies Code in an amount in excess of the jurisdictional limits of the Court.

XVI.

Attorneys' Fees

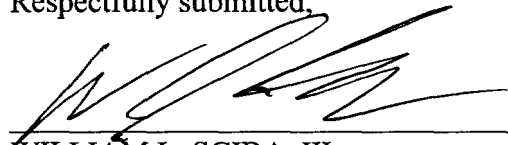
57. Plaintiffs have obtained the undersigned attorneys to represent them in this matter and have agreed to pay reasonable and necessary attorneys' fees. Plaintiffs request the Court to enter Judgment against Defendants for reasonable and necessary attorneys' fees incurred in this matter,

including but not limited to attorneys' fees for the preparation of trial of this case and all post-trial and Appellant procedures which may result therefrom.

58. WHEREFORE, Plaintiffs pray that the Defendants be duly cited to appear and answer herein; that upon a final trial of this cause, Plaintiffs will recover:

- a.. judgment against Defendants, jointly and severally, for Plaintiffs' damages as set forth above, in an amount in excess of the minimum jurisdictional limits of this Court;
- b. attorneys' fees;
- c. exemplary damages;
- d. interest on said judgment at the legal rate from date of judgment;
- e. pre-judgment interest as allowed by law;
- f. costs of Court; and
- g. such other and further relief to which Plaintiffs may be entitled.

Respectfully submitted,



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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing document is being forwarded to all counsel of record by certified mail, return receipt requested and/or via facsimile before 5:00 p.m. on this the 29th day of June, 2004.