

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

**SEP 29 2006**

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY                       
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SAN ANTONIO

Defendant.

Civil Action No.

**SA06CA0839 XR**

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, 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. ("Title VII").
2. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345.
3. Defendant City of San Antonio is a corporate, governmental body and a political subdivision of the State of Texas, established pursuant to the laws of the State of Texas. The San Antonio Police Department ("SAPD") exercises police functions on behalf of the City of San Antonio.
4. Defendant City of San Antonio 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 San Antonio, through the SAPD, has discriminated against Cheri Estrada, who is employed as a detective with the SAPD, on the basis of her sex (female) and

condition (pregnancy), in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

(a) requiring Cheri Estrada, by policy and practice, to assume a limited-duty position on the sole basis of her pregnancy, regardless of her ability to work; and

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

6. The Equal Employment Opportunity Commission ("EEOC") received timely charges filed by Cheri Estrada (Charge No. 360 2004 00023) alleging, among other things, that she had been discriminated against in employment because of her sex (female) and condition (pregnancy) by the SAPD. Pursuant to §706 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5, the EEOC investigated the charges, found reasonable cause to believe that the allegations of sex discrimination in employment were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the matters, and subsequently referred the charges to the United States Department of Justice.

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

7. WHEREFORE, plaintiff United States prays that this Court grant the following relief:

(a) Enjoin defendant City of San Antonio from failing and refusing to:

(1) provide sufficient remedial relief to make Cheri Estrada whole for the loss she has suffered as a result of the discrimination against her as alleged in this Complaint; and

(2) take other appropriate nondiscriminatory measures to overcome the effects of the discrimination; and

(b) Order defendant SAPD to provide sufficient compensatory damages to charging party Cheri Estrada to fully compensate her for the pain and suffering caused by defendant SAPD's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

(c) Award such additional relief as justice may require, including equitable relief, together with its 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 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

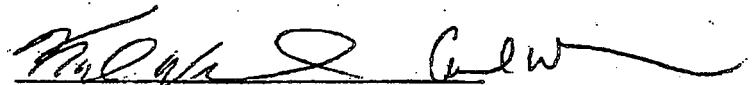
ALBERTO GONZALEZ  
Attorney General

WAN J. KIM  
Assistant Attorney General  
Civil Rights Division

By:



DAVID J. PALMER  
Chief  
Employment Litigation Section  
Civil Rights Division



KAREN D. WOODARD  
Deputy Chief  
CARL D. WASSERMAN  
Trial Attorney  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Ave., NW  
PHB, Fourth Floor  
Washington, D.C. 20530  
(202) 353-8015 - phone  
(202) 514-1005 - fax

JOHNNY SUTTON  
United States Attorney

By:



JOHN E. PANISZCZYN  
Assistant United States Attorney  
601 NW Loop 410, Suite 600  
San Antonio, Texas 78216  
Tel.: (210) 384-7325 Fax: (210) 384-7312  
Texas Bar No. 15443855