

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF ELSA, TEXAS,

Defendant.

Civil Action No. _____

JURY TRIAL DEMANDED

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. § 2000c, *et seq.* ("Title VII").

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

3. Defendant, the City of Elsa, is a city located in Hidalgo County, Texas.

4. Defendant is a "person" within the meaning of 42 U.S.C. § 2000c(a) and an "employer" within the meaning of 42 U.S.C. § 2000c(b).

5. Defendant has subjected Patricia Decanini to discrimination on the basis of her sex, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000c-2(a), among other ways, by:

(a) Removing Ms. Decanini's duties as Bailiff and Warrant Officer in or about October 2002, and assigning those duties to a male; and

(b) Failing or refusing to take appropriate action to remedy the effects of the discriminatory treatment of Ms. Decanini.

6. Defendant has subjected Patricia Decanini, Maricela Estimbo, and Alfrida Reyes to retaliation, in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), among other ways, by:

(a) Discharging Ms. Decanini for opposing conduct that she reasonably and in good faith believed to be unlawful under Title VII and for filing a charge of discrimination under Title VII;

(b) Discharging Ms. Estimbo for opposing conduct that she reasonably and in good faith believed to be unlawful under Title VII and for filing a charge of discrimination under Title VII; and

(c) Discharging Ms. Reyes for opposing conduct that she reasonably and in good faith believed to be unlawful under Title VII and for filing a charge of discrimination under Title VII.

7. The Equal Employment Opportunity Commission ("EEOC") received a timely charge (Charge No. 360A300262) filed by Ms. Decanini on November 25, 2002, alleging that she had been discriminated against on the basis of sex when her duties as Bailiff and Warrant Officer were removed. Ms. Decanini amended her charge with the EEOC on March 20, 2003 to add an allegation that she had been suspended and discharged because of her sex and in retaliation for protesting unlawful discrimination, including filing a charge of discrimination with the EEOC. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that Ms. Decanini's allegations were true,

attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the matter to the Department of Justice.

8. The EEOC received a timely charge (Charge No. 360A300265) filed by Ms. Estimbo on November 27, 2002, alleging that she had been transferred involuntarily from her position as Court Coordinator because of her sex and in retaliation for having opposed the discriminatory removal of Decanini's Bailiff and Warrant Officer duties. Ms. Estimbo filed a second timely charge with the EEOC (Charge No. 360-2003-03286) on June 20, 2003, alleging that she had been discharged because of her sex and in retaliation for protesting unlawful discrimination, including filing a charge of discrimination with the EEOC. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated both of Ms. Estimbo's charges, found reasonable cause to believe that Ms. Estimbo's allegations were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charges, and subsequently referred the matters to the Department of Justice.

9. The EEOC received a timely charge (Charge No. 360A300807) filed by Ms. Reyes on March 25, 2003, alleging that she had been demoted from her position as City Secretary because of her sex and in retaliation for having opposed the discriminatory removal of Decanini's Bailiff and Warrant Officer duties. Ms. Reyes filed a second timely charge with the EEOC (Charge No. 360-2003-05247) on August 25, 2003, alleging that she had been discharged because of her sex and in retaliation for protesting unlawful discrimination, including filing a charge of discrimination with the EEOC. Pursuant to Section 706 of Title VII, 42 U.S.C.

§ 2000e-5, the EEOC investigated both of Ms. Reyes's charges, found reasonable cause to believe that Ms. Reyes's allegations were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charges, and subsequently referred the matters to the Department of Justice.

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

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

(a) Enjoin Defendant from subjecting employees to discriminatory employment policies and practices based on sex;

(b) Enjoin Defendant from engaging in retaliatory employment policies and practices against employees who protest what they reasonably believe to be unlawful discrimination under Title VII, and for filing charges of discrimination with the EEOC;

(c) Enjoin Defendant from failing or refusing to provide sufficient remedial relief to charging parties Patricia Decanini, Maricela Estimbo, and Alfrieda Reyes to make them whole for the losses they have suffered as a result of the discrimination and retaliation against them as alleged in this Complaint;

(d) Award compensatory damages to charging parties Patricia Decanini, Maricela Estimbo and Alfrieda Reyes to fully compensate them for the injuries caused by Defendant's discriminatory and retaliatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and

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

JURY DEMAND

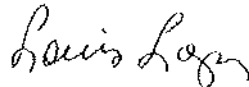
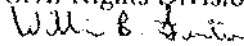
The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981(a).

R. ALEXANDER ACOSTA
Assistant Attorney General
Civil Rights Division

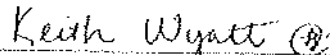
By:



DAVID J. PALMER (DC Bar No. 417834)
Chief, Employment Litigation Section
Civil Rights Division



WILLIAM B. FENTON (DC Bar No. 414990)
Deputy Section Chief
LOUIS LOPEZ (DC Bar No. 461662)
HECTOR F. RUIZ, JR. (Texas Bar No. 24029814)
Attorneys-in-Charge
Employment Litigation Section, PHB
Civil Rights Division
United States Department of Justice
950 Constitution Avenue, NW, Room 4920
Washington, DC 20530
(202) 353-1845
(202) 514-1105 (fax)



KEITH WYATT (Texas Bar No. 22092900)
DAVID GUERRA (Texas Bar No. 08575200;
Southern District of Texas Bar No. 14435)
Assistant United States Attorneys
Southern District of Texas
910 Travis Street
Houston, TX 77208
(713) 567-9000