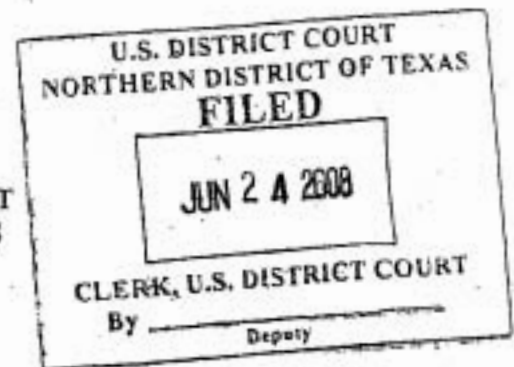


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF DALLAS, TEXAS,

Defendant.

Civil Action No. _____

3-08 CV 1063-K

JURY TRIAL DEMANDED

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 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 corporate, governmental body and a political subdivision of the State of Texas, established pursuant to the laws of Texas.
4. Defendant 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. On or about October 25, 2006, Frenchell Willis (hereinafter "Willis"), an African-American, began working as a general laborer in the Wastewater Operations Division ("Wastewater") of the Defendant's Water Utilities Department ("Water Department"). Willis's direct supervisor in Wastewater was Donald English (hereinafter "English").

6. On multiple occasions during Willis' employment in Wastewater, English used the racial slur, "nigger," while referring to Willis and stated that he wanted Willis discharged from employment with Wastewater.

7. On the morning of November 20, 2006, Willis overheard English say words to the effect of, "You don't have to worry about that nigger much longer. He won't be around to see his next paycheck."

8. Shortly thereafter, Willis, in front of English and another Wastewater employee, informed Shahrzad Tavana, the Wastewater Senior Engineer and one of English's supervisors, that he wanted to report discrimination. Tavana refused to receive Willis' report of discrimination at that time. Tavana instructed Willis to report to the field as scheduled and to return to the Wastewater office that afternoon.

9. At approximately 2:00 p.m. on November 20, 2006, Willis returned to the office as instructed by Tavana. Shortly after arriving at the office, Willis was terminated.

10. Defendant has subjected Willis to discrimination on the basis of his race in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

(a) terminating Mr. Willis on or about November 20, 2006, from his position as a general laborer in the Wastewater Operations Division of the Defendant's Water Utilities Department; and

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

11. Defendant has subjected Mr. Willis to retaliation in violation of Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), among other ways, by:

- (a) terminating Mr. Willis on or about November 20, 2006, for opposing conduct that he reasonably and in good faith 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. Willis.

12. The Equal Employment Opportunity Commission ("EEOC") received a timely charge (Charge No. 450-2007-00598) filed by Mr. Willis on or about November 21, 2006, alleging that he was discharged from a laborer's position with the Defendant because of his race and in retaliation for opposing acts made unlawful under Title VII. Pursuant to Section 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC investigated the charge, found reasonable cause to believe that Willis' allegations of racial discrimination and retaliation were true, attempted unsuccessfully to achieve through conciliation a voluntary resolution of the charge, and subsequently referred the matter to the Department of Justice.

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

WHEREFORE, the United States prays that the Court grant the following relief:

- (a) enjoin Defendant from subjecting employees to discriminatory employment policies and practices based on race;
- (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;

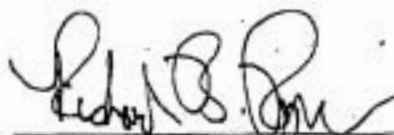
(c) enjoin Defendant from failing or refusing to provide sufficient remedial relief to the charging party, Frenchell Willis, to make him whole for the loss he has suffered as a result of the discrimination and retaliation against him as alleged in this Complaint;

(d) award compensatory damages to the charging party, Frenchell Willis, to fully compensate him 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 the United States' 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).



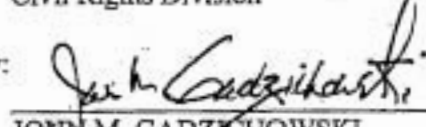
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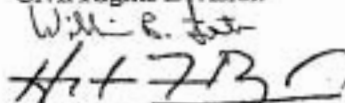
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