

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

MICHELLE LYONS	§	
Plaintiff	§	
v.	§	CIVIL ACTION NO. _____
	§	
TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE	§	
Defendant	§	JURY DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Michelle Lyons, (hereafter identified as “Ms. Lyons” or “Plaintiff”), files this Original Complaint, complaining of the Texas Department of Criminal Justice (“TDCJ”), and for her cause of action, respectfully shows the following:

I.
INTRODUCTION

1. This action seeks equitable relief, actual damages, compensatory damages, attorney’s fees, expert witness fees, taxable costs of court, pre-judgment and post-judgment interest for the gender discrimination suffered by Plaintiff in the course of her employment with the Defendant. Plaintiff was the Director of Public Information for Defendant until she was demoted to Public Information Officer and received a cut in pay because of her gender.
2. Plaintiff’s cause of action arises under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*
3. Plaintiff demands a jury on all issues triable to a jury.

II.
PARTIES

4. Plaintiff, Michelle Lyons, is a resident of Huntsville, Texas.

5. Defendant Texas Department of Criminal Justice may be served with process through the Texas Secretary of State, Citations Unit, James E. Rudder Building, 1019 Brazos, Room 220, Austin, Texas 78701.

6. Whenever in this Complaint it is alleged that Defendant committed any act or omission, it is meant that the Defendant's officers, directors, vice-principals, agents, servants, or employees committed such act or omission and that at the time such act or omission was committed, it was done with the full authorization, ratification or approval of Defendant or was done in the routine normal course and scope of employment of the Defendant's officers, directors, vice-principals, agents, servants, or employees.

III.
JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction in this case pursuant to 28 U.S.C. § 1331 since Plaintiff is bringing this claim under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.* The Court has personal jurisdiction over Defendant since it maintains sufficient minimum contacts with the State of Texas.

8. Venue is proper in the Southern District of Texas, under 28 U.S.C. § 1391(b) since the events or omissions giving rise to this cause of action occurred in the Southern District of Texas.

9. This Court has jurisdiction over all claims in this action.

IV.
PROCEDURAL REQUISITES

10. Plaintiff filed a charge of race discrimination against Defendant under Charge Number 460-2012-01572 on March 5, 2012 with the Equal Employment Opportunity Commission (“EEOC”) and the Texas Workforce Commission, Civil Rights Division.

11. This lawsuit has been filed within (90) days of Plaintiff’s receipt of the Notice of Right to Sue letter.

12. All conditions precedent to filing this cause of action have been met.

V.
FACTS

13. Plaintiff is a female who began her employment as a Public Information Officer with the Texas Department of Criminal Justice in November 2001.

14. During her employment, Plaintiff performed her job at an exemplary level and was ultimately promoted to be the Director of Public Information for TDCJ, an exempt position under the FLSA.

15. During her employment, Defendant accused Plaintiff of keeping inaccurate time.

16. Plaintiff never violated any policy regarding keeping her time.

17. Plaintiff always kept her time as she had been instructed to do by her previous supervisors.

18. Defendant investigated the allegation regarding Plaintiff's failure to properly record her time.

19. During the Defendant's investigation into the allegation, Plaintiff explained that she always kept her time as she had been instructed to do by her previous supervisors, and never violated any policy regarding recording her time.

20. Nevertheless, following Defendant's investigation into the allegation, Defendant suspended Plaintiff for five days.

21. Following Defendant's investigation into the allegation, Defendant placed Plaintiff on probation for nine months.

22. Following Defendant's investigation into the allegation, Defendant demoted Plaintiff to Public Information officer, and cut her pay.

23. Several non-female employees in Plaintiff's department recorded their time in the same manner in which Plaintiff recorded her time.

24. In fact, during the investigation, Plaintiff specifically pointed to male co-workers who were recording their time in an identical manner.

25. However, the non-female employees in Plaintiff's department who recorded their time in the same manner Plaintiff recorded her time were not disciplined.

26. Each of the allegations made against Plaintiff was false.

27. Rather, the allegations were fabricated against Plaintiff with the intent of demoting her.

VI.
CAUSE OF ACTION—GENDER DISCRIMINATION

28. Each and every allegation contained in the foregoing paragraphs are realleged as if fully rewritten herein.

29. Plaintiff is a female employee, and thus belongs to a group Title VII intended to protect.

30. As described above, Defendant subjected Plaintiff to different terms and conditions of employment because of her gender, in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, *et seq.*, for which Plaintiff requests damages.

31. Other direct and/or circumstantial evidence demonstrates that Plaintiff was demoted because of her gender, and that Defendant intended to discriminate against Plaintiff because of her gender.

32. As a result of Defendant's actions, Plaintiff has suffered a loss of wages, both in the past and in the future, as well as emotional pain, mental anguish and a loss in benefits.

VII.
ATTORNEY'S FEES

33. Each and every allegation contained in the foregoing paragraphs are realleged as if fully rewritten herein.

34. Plaintiff is entitled to recover attorney's fees and costs for bringing this action pursuant to 42 U.S.C. § 1988.

VIII.
JURY DEMAND

35. Plaintiff requests a trial by jury on all issues triable by a jury in this case.

IX.
RELIEF REQUESTED

36. Plaintiff requests the following relief:
- a. For actual damages for the period of time provided by law including appropriate backpay and reimbursement for lost pension, insurance, and all other benefits;
 - b. For compensatory damages and punitive damages as allowed by law;
 - c. For pre-judgment and post-judgment interest as allowed by law;
 - d. For attorney's fees and costs of court; and
 - e. For such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

CLINE | AHMAD

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