

ERNESTO BORREGO,

Plaintiff,

v.

**MANAGEMENT & ENGINEERING
TECHNOLOGIES INTERNATIONAL, INC.,**

Defendant.

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Cause No. 2015-DCV-

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **ERNESTO BORREGO**, hereinafter called Plaintiff in the above-styled and numbered cause, and files this his Original Petition against **MANAGEMENT & ENGINEERING TECHNOLOGIES INTERNATIONAL INC.**, hereinafter called Defendant, and respectfully shows the Court the following:

I. DISCOVERY CONTROL PLAN

Discovery Control Plan Level III. Discovery is intended to be conducted under Level III of Rule 190 of the Texas Rules of Civil Procedure.

II. PARTIES

Plaintiff, **ERNESTO BORREGO**, is an individual who resides in El Paso County, Texas.

Defendant, **MANAGEMENT & ENGINEERING TECHNOLOGIES INTERNATIONAL, INC.** (“METI”), is a corporation licensed to do business in the State of Texas and may be served with citation by serving its registered agent, **RENARD U. JOHNSON**, 1381 Diamond Gate, El Paso, Texas 79936, or wherever he may be found.

III. JURISDICTION AND VENUE

Plaintiff brings this cause of action pursuant to Tex. Lab. Code §21.001 et seq.

Venue is proper in this Court because a substantial portion of the facts giving rise to this claim occurred in El Paso County, Texas.

IV. FACTS

Plaintiff is a Hispanic male of Mexican descent and origin. On or about April 9, 2007, Plaintiff was hired by Defendant in El Paso County, Texas as a Senior Applications Developer. As part of his employment with METI, Plaintiff was assigned to work as a contractor for the United States Department of Agriculture (USDA) Forest Service in Corvallis, Oregon. During 2009, Plaintiff was promoted to Strategic Lead Role in connection with his work assignment with the USDA Forest Service. In 2010, Plaintiff relocated from Corvallis, Oregon to El Paso, Texas and continued to work remotely for the USDA Forest Service from METI's headquarters in El Paso, Texas. On November 28, 2012, Defendant sent Plaintiff a letter placing him on probation for two weeks for alleged poor performance associated with his work for the USDA Forest Service. Defendant placed Plaintiff on probation for alleged poor performance based on information provided by the USDA Forest Service Project Manager, Kathy Sleavin (Anglo). Plaintiff complained to Michelle Rosalez, Program Manager for METI, that Ms. Sleavin's information was false and complained of unfair treatment by Ms. Sleavin because of his national origin (Mexican). Despite Plaintiff's complaints, Defendant failed to investigate or take any action whatsoever.

On April 25, 2013, Plaintiff submitted a written rebuttable to the letter he received placing him on probation and again voiced his allegation of discrimination by Ms. Sleavin. After he submitted his rebuttal letter to METI, Plaintiff was told by Ms. Rosalez that his employment was terminated. Plaintiff then received a letter of termination from Renard Johnson (African-American) on April 25, 2013 via email. Plaintiff did not violate any company policy and denied any conduct that could have resulted in disciplinary action, including termination. Defendant failed to follow any non-discriminatory policy in making the decision to terminate Plaintiff. Plaintiff was awarded his unemployment benefits and a determination issued by the Texas Workforce Commission found no misconduct on behalf of Plaintiff relating to his termination. Plaintiff alleges he was terminated for reasons unsupported by evidence under pre-text. Plaintiff alleges that his national origin (Mexican) was a motivating factor in the decision to terminate his employment. Plaintiff further alleges that his employment would not have been terminated when it was but for his complaints of and opposition to

discrimination and retaliation.

Plaintiff has been unable to obtain alternate employment which compensates him at the pay rate which he earned while employed by Defendant or provides the same benefits he earned while employed by Defendant. As a matter of reasonable probability, Plaintiff will be unable to obtain such alternate employment for a period of time in the future. Plaintiff has therefore sustained damages in the form of lost wages in the past and lost wages in the future, as well as the loss of past and future benefits of employment.

As a proximate result of his termination, Plaintiff has experienced emotional pain, suffering, inconvenience, mental anguish, and a loss of enjoyment of life, and as a matter of reasonable probability, Plaintiff will continue to experience emotional pain, suffering, inconvenience, mental anguish, and a loss of enjoyment of life for a period of time in the future.

Plaintiff has been forced to retain the undersigned counsel to protect and enforce his rights, and has incurred the obligation to pay reasonable and necessary attorney's fees.

V. ADMINISTRATIVE PREREQUISITES

Plaintiff complied with all necessary administrative prerequisites. On or about October 22, 2013, Plaintiff filed a formal charge of discrimination, Charge No. 453-2014-00025, simultaneously with the Equal Employment Opportunity Commission (E.E.O.C.) and the Texas Workforce Commission Civil Rights Division. On September 12, 2014, Plaintiff was issued a Notice of Right to Sue from the E.E.O.C. on Charge No. 453-2014-00025.

VI. CAUSES OF ACTION

Plaintiff brings this lawsuit against Defendant pursuant to TEX. LAB. CODE §21.001, *et seq.* The above-described acts and omissions of Defendant in discriminating against Plaintiff on the basis of his national origin and in retaliation for his complaints of and opposition to discrimination are in violation of §21.001 *et seq.* of the TEX. LAB. CODE.

Defendant intentionally engaged in unlawful employment practices involving Plaintiff

because of his national origin. The unlawful employment practices in violation of the Texas Commission on Human Rights Act herein complained of occurred in the course of Plaintiff's employment with Defendant and was carried on by Defendant's agents, servants, and employees. Defendant intentionally discriminated against Plaintiff in connection with the compensation, terms, conditions and privileges of employment or limited, segregated or classified Plaintiff in a manner that deprived or tended to deprive him of an employment opportunity and/or adversely affect his status because of Plaintiff's national origin in violation of the Texas Labor Code. Plaintiff was treated dissimilarly because of his national origin. As a direct and proximate result of these actions, Plaintiff suffered national origin discrimination.

Furthermore, Defendant retaliated against Plaintiff for having opposed unlawful employment discrimination with respect to the terms, conditions, privileges, advantages and benefits of his employment with Defendant. Specifically, Plaintiff was held to stricter standards of performance, and denied benefits of employment because of his opposition to unlawful employment discrimination practices. In addition, Plaintiff was treated dissimilarly because of his opposition to unlawful employment discrimination practices. As a direct and proximate result of these actions, Plaintiff suffered retaliation.

The actions of Defendant as outlined above were done with malice or with reckless indifference to the rights of Plaintiff and are the type of actions for which the law allows the imposition of punitive damages. The discriminatory and retaliatory actions of Defendant were the proximate cause of damages to Plaintiff as more particularly described below.

VII. DAMAGES

The damages proximately caused to Plaintiff by Defendant's conduct include back pay and benefits, front pay and benefits, compensatory damages, reasonable and necessary attorney's fees,

reinstatement, pre-judgment and post-judgment interest as allowed by law and costs of Court. Pursuant to Texas Rule of Civil Procedure 47, Plaintiff pleads that he seeks an award for all of the above in an amount of monetary relief over Two Hundred Thousand dollars (\$200,000.00) but not more than One Million dollars (\$1,000,000.00).

VIII. PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear herein, and that following a trial by jury, that the Court enter judgment in his favor against Defendant, and award Plaintiff his actual damages as set forth above, compensatory damages, punitive damages, reasonable and necessary attorney's fees through the appeal process, reinstatement, pre-judgment and post-judgment interest as allowed by law, costs of court, and for such other and further relief, at law or in equity, to which Plaintiff may be entitled.

Respectfully submitted,

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