

ROBERT SANCHEZ
DISTRICT CLERK

MARY HELEN LECHUGA,

Plaintiff,

v.

EL PASO INDEPENDENT SCHOOL
DISTRICT,

Defendant.

§
§
§
§
§
§
§
§
§
§

2010 JUL 21 PM 3 10

EL PASO COUNTY, TEXAS

BY _____ Cause No. 2010-2735
DEPUTY

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW MARY HELEN LECHUGA, hereinafter called Plaintiff in the above-styled and numbered cause, and files this her *Original Petition* against EL PASO INDEPENDENT SCHOOL DISTRICT, hereinafter called Defendant, and would show the Court as follows:

I.

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

II.

Plaintiff is a female individual over age forty (40), who resides in El Paso, El Paso County, Texas.

Defendant, EL PASO INDEPENDENT SCHOOL DISTRICT, is a local school district and political subdivision of the State of Texas and may be served with citation by serving the Superintendent, LORENZO GARCIA, at 6531 BOEING DRIVE, EL PASO, TEXAS 79925, or wherever he may be found.

III.

Plaintiff brings this cause of action pursuant to *Texas Labor 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.

Plaintiff was born in 1957. In 1997 Defendant hired Plaintiff to work for them in El Paso County, Texas. During her employment with Defendant, Plaintiff has received good evaluations, promotions and regular pay raises. On or about December 15, 2008, Plaintiff was demoted from her position of Director ESOL Priority Schools Division by the District Superintendent Lorenzo Garcia. Mr. Garcia removed Plaintiff from her position without justification or valid reason. Plaintiff was told the reason for her demotion was that she had changed the ESOL model without permission, that she was not involved in the supervision at Jefferson High School and displayed a negative attitude. Thereafter, Plaintiff filed a formal charge of discrimination with the Equal Employment Opportunity Commission and the Texas Workforce Commission Civil Rights Division on or about February 9, 2009 alleging discrimination. After filing her charge, Plaintiff was subjected to retaliation by Mr. Lorenzo Garcia, including being physical assault by him on May 22, 2009. Plaintiff alleges the demotion and adverse employment actions taken by Defendant were unsupported by evidence under pre-text of discrimination. Plaintiff further alleges her age and sex were motivating factors in her demotion and the adverse actions taken by her employer.

V.

This Court has jurisdiction pursuant to *Chapter 21, Texas Labor Code.*

On or about February 9, 2009, Plaintiff filed a formal charge of discrimination bearing charge no. 453200900598 simultaneously with the Equal Employment Opportunity Commission

(E.E.O.C.) and the Texas Workforce Commission Civil Rights Division. On or after April 30, 2010, Plaintiff was issued her Notice of Right to Sue from the Equal Employment Opportunity Commission on charge no. 453200900598. Plaintiff was also issued her Notice of Right to File a Civil Action from the Texas Workforce Commission Civil Rights Division on or after July 13, 2010, on charge no. 453200900598.

This petition was timely filed and all conditions precedent to the filing of this suit have been performed or have occurred.

VI.

Plaintiff brings this cause of action pursuant to *Texas Labor Code §21.001 et seq.*

The above-described acts and omissions of Defendant in discriminating against Plaintiff on the basis of her age and sex are in violation of *§21.001 et seq. of the Texas Labor Code*. The actions of Defendant as outlined above were the proximate cause of damages to Plaintiff as more particularly described below.

VII.

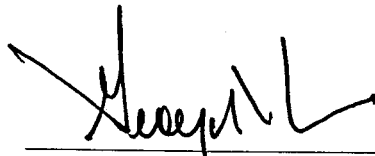
The damages proximately caused to Plaintiff by Defendant's conduct include back pay and benefits, front pay and benefits, compensatory damages in the past and future, reasonable and necessary attorney's fees, pre-judgment and post-judgment interest as allowed by law, costs of Court and other compensatory damages. Plaintiff seeks an award for all of the above in an amount within the jurisdictional limits of this Court.

VIII.

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 her favor against

Defendant, and award Plaintiff her actual damages as set forth above, compensatory damages, reasonable and necessary attorney's fees through the appeal process, 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,



GEORGE P. ANDRITSOS

Attorney for Plaintiff

3116 Montana

El Paso, Texas 79903

Tel: (915) 566-9995

Fax: (915) 566-9996

State Bar No. 00786987