

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CATARINA ROSE

v.

HALLIBURTON ENERGY SERVICES

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CIVIL ACTION NO. _____

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES CATARINA ROSE, hereinafter called Plaintiff, complaining of and about HALLIBURTON ENERGY SERVICES, hereinafter called Defendant and for cause of action shows unto the Court the following:

PARTIES AND SERVICE

1. Plaintiff, CATERINA ROSE, is an Individual whose address is 14224 CR 2166, Henderson, Texas 75652.

2. Defendant, HALLIBURTON ENERGY SERVICES, is believed to be a Texas Corporation and may be served with process through its Corporate Service Agent, CT Corporation Systems, 350 North St. Paul Street, Dallas, Texas 75201. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

3. The subject matter in controversy is within the jurisdictional limits of this court.

4. This court has supplemental jurisdiction over state law claims discussed below under 28 U.S.C. Section 1367(a) because they arise out of the same case or controversy.

NATURE OF ACTION

5. This is an action under Title 42 U.S.C. Section 2000e et. seq. As amended by the Civil rights Act of 1991 to correct unlawful employment practices on the basis of sex.

CONDITIONS PRECEDENT

6. All conditions precedent to jurisdiction have occurred or been complied with: a charge of discrimination was filed with the Equal Employment Opportunity Commission within three-hundred

days of the acts complained of herein and Plaintiff's Complaint is filed with ninety days of Plaintiff's receipt of the Equal Employment Opportunity Commission's issuance of a right to sue letter.

FACTS

7. Beginning with Plaintiff's date of hire with Defendant Halliburton, on or about August 15, 2007, and continuing until her last date of employment on or about June 7, 2008, Plaintiff was subjected to egregious sexual harassment and intimidation by male coworkers and supervisors. This harassment included, but was not limited to, a sexual assault by a male co-worker. When Plaintiff complained to her supervisor about the unwelcome comments and hostile work environment, and after reporting the sexual assault, hostility toward Plaintiff intensified at her place of employment.

8. On almost a daily basis, Plaintiff was (a) called a whore and a bitch; (b) told "this is a man's world; (c) "I'll make it so hard on you out here that you'll quit; (d) no one asked you to be here so deal with it; (e) stop whining and get over it; and (f) several other degrading and sexually explicit proposals of sexual activities that are not printable, but will be published at the trial of this matter.

9. Additionally, after the sexual misconduct, Plaintiff was forced to use her vacation time for the psychiatric evaluation that was necessary for her to take before returning to work. The employee who committed the alleged sexual misconduct was disciplined, but allowed to return to work after only a few days. The alleged misconduct became a joke at Plaintiff's place of employment and her supervisor(s) failed to take any appropriate action.

10. Due to the nature of the constant taunting, ridicule and name-calling, Plaintiff lost hours at work and advancement opportunities.

SEXUAL HARASSMENT

11. Defendant Halliburton, intentionally engaged in unlawful employment practices involving Plaintiff because she is female.

12. Defendant Halliburton, 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 would deprive or tend to deprive her of any employment opportunity or adversely affect her status because of Plaintiff's sex in violation of 42 U.S.C. Section 2000e (2)(a).

13. Defendant Halliburton intentionally classified Plaintiff in a manner that deprived her of an equal employment opportunity that was provided to male employees similarly situated in violation of 42 U.S.C. Section 2000e (2)(a).

14. Defendant Halliburton, by and through its officers, agents, servants, employees or representatives, sexually harassed Plaintiff, as described above, in violation of her rights under 42 U.S.C. Section 2000e (2)(a). Defendant Halliburton, knew or should have known of the harassment, yet failed to take prompt remedial action.

15. Plaintiff alleges that Defendant Halliburton, by and through its officers, agents, servants, employees or representatives, sexually harassed Plaintiff on the basis of sex with malice or with reckless indifference to the federal-protected rights of Plaintiff.

RESPONDEAT SUPERIOR AND RATIFICATION

16. Whenever in this complaint it is alleged that the Defendant Halliburton, did any act or thing, it is meant that the Defendant's officers, agents, servants, employees or representatives did such act and/or that at the time such act was done, it was done with the full authorization or ratification of the Defendant or was done in the normal and routine course and scope of employment of Defendant's officers, agents, servants, employees, or representatives.

CONSTRUCTIVE DISCHARGE

17. Defendant Halliburton, by and through its officers, agents, servants, employees or representatives, made the working conditions so intolerable that Plaintiff felt compelled to resign her position. A reasonable person in the same position would have also felt compelled to resign. Plaintiff suffered damages for which Plaintiff herein sues.

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

18. Defendant, Halliburton intentionally or recklessly allowed Plaintiff's co-workers to sexually harass her by taunting her and making strong sexual advances, several times a day, on a daily basis. Defendant's conduct was extreme and outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, as to be regarded as atrocious and utterly intolerable in a civilized community.

Defendant Halliburton's conduct proximately caused Plaintiff damage in that it caused her to suffer severe emotional distress.

19. In addition to severe emotional distress, Plaintiff has suffered and will continue to suffer additional damages as a proximate result of Defendant's conduct in that, in all reasonable probability, Plaintiff will continue to suffer this mental and anguish for long time into the future. Plaintiff has suffered damages for which Plaintiff sues herein.

INVASION OF PRIVACY

20. Defendant Halliburton, by and through its officers, agents, servants, employees or representatives, intentionally invaded Plaintiff's privacy by intruding on her solitude, seclusion, or private affairs. This invasion was highly offensive to Plaintiff and would be highly offensive to a reasonable person. Plaintiff was injured because of the conduct of Defendant. Plaintiff suffered damages for which Plaintiff herein sues.

21. Defendant Halliburton, by and through its officers, agents, servants, employees or representatives, verbally publicized facts regarding Plaintiff's private life which were not of legitimate public concern. The publicity was highly offensive to Plaintiff and would be highly offensive to a reasonable person. Plaintiff was injured as a result of the conduct of Defendant. Plaintiff suffered damages for which Plaintiff herein sues.

NEGLIGENCE

22. Defendant, Halliburton, owed a legal duty of protection to Plaintiff. Defendant breached this duty which proximately caused injury to Plaintiff. Plaintiff seeks all available damages for injuries caused by Defendant's negligence.

RETALIATION

23. Plaintiff alleges that Defendant Halliburton, by and through its officers, agents, servants, employees or representatives, instituted a campaign of retaliation which included ridicule, name calling, taunting, additional sexual advances, and Plaintiff was forced to perform duties that were clearly too much for one person to perform, and in weather that was unbearable. This retaliation was and is due to Plaintiff exercising her rights by filing a charge of discrimination with the Equal Employment Opportunity Commission.

SLANDER

24. Defendant Halliburton, by and through its officers, agents, servants, employees or representatives, orally made false statements of fact on many occasions by referring to Plaintiff and calling her a whore and/or a bitch. This was done frequently and when Plaintiff reported the events, she was then targeted and the harassment intensified. Plaintiff suffered damages for which Plaintiff herein sues by reason of defamation.

TORTIOUS INTERFERENCE WITH CONTRACT

25. Plaintiff alleges that there was a contract or contractual relationship between Plaintiff and Defendant Halliburton that was subject to interference. Plaintiff alleges that Defendant Halliburton willfully and intentionally interfered with this contract and such interference was the proximate cause of Plaintiff's damages for which Plaintiff herein sues.

DAMAGES

26. Plaintiff sustained the following damages as a result of the actions and/or omissions of Defendant Halliburton, described hereinabove:

- a. All reasonable and necessary Attorney's fees incurred by or on behalf of Plaintiff;
- b. Back pay from the date that Plaintiff was denied equal pay for equal work and interest on the back pay in an amount of compensation Plaintiff as the Court deems equitable and just;
- c. All reasonable and necessary costs incurred in pursuit of this suit;
- d. Emotion pain;
- e. Expert fees as the Court deems appropriate;
- f. Front pay in an amount the Court deems equitable and just to make Plaintiff whole;
- g. Inconvenience;
- h. Interest;
- I. Loss of enjoyment of life;
- j. Mental anguish in the past;
- k. Mental anguish in the future;

- l. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff and such charges are reasonable and were usual and customary charges for such services in Rusk County, Texas;
- m. Loss of earnings in the past;
- n. Loss of earning capacity which will, in all probability, be incurred in the future;
- o. Loss of benefits;
- p. Deprivation of seclusion;
- q. Humiliation;
- r. Loss of time;
- s. Physical discomfort;
- t. Loss of Consortium in the past, including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations;
- u. Loss of Consortium in the future including damages to the family relationship, loss of care, comfort, solace, companionship, protection, services, and/or physical relations; and
- v. Injury to reputation.

EXEMPLARY DAMAGES

27. Plaintiff would further show that the acts and/or omissions of Defendant Halliburton, complained of herein were committed with malice or reckless indifference to the protected rights of the Plaintiff. In order to punish said Defendant for engaging in unlawful business practices and to deter such actions and/or omissions in the future, Plaintiff also seeks recovery from Defendant for exemplary damages.

SPECIFIC RELIEF

28. Plaintiff seeks the following specific relief which arises out the actions and/or omissions of Defendant described hereinabove:

- a. Prohibit by injunction the Defendant from engaging in unlawful employment practices.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff CATARINA ROSE, respectfully prays that Defendant HALLIBURTON ENERGY SERVICES, be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant, for damages in an amount within the jurisdictional limits of the Court, together with interest as allowed by law; costs of court, and such other and further relief to which the Plaintiff may be entitled, at law or in equity.

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY

Respectfully submitted,

WILDER & WILDER, P.C.

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By: _____
CLAY WILDER
TEXAS BAR NO. 21462500

ATTORNEY FOR PLAINTIFF,
CATARINA ROSE