

3. Defendant City of San Antonio is a home rule municipality operating a council-manager form of government within the boundaries of Bexar County, Texas. Defendant may be served with process upon Mayor Ron Nirenberg, City Hall, 100 Military Plaza, San Antonio, Texas 78205, or wherever he may be found.

4. At all relevant times, Defendant employed Ms. Villegas, Ms. Schneuker, and all similarly situated current and former employees within the meaning of the Texas Labor Code.

II. VENUE

5. Because the acts and omissions forming the basis of this suit occurred in Bexar County, Texas and all parties reside in Bexar County, Texas, venue is appropriate in the District Courts of Bexar County, Texas.

III. DISCOVERY CONTROL PLAN

6. Plaintiffs intend that discovery be conducted under Level 3. They affirmatively plead that they seek monetary relief exceeding \$1,000,000.00 and injunctive relief.

IV. JURISDICTION

7. Plaintiffs assert claims against Defendant for violations of the Texas Labor Code for which Defendant has waived sovereign immunity, thereby invoking the jurisdiction of this Court. Plaintiffs assert claims for damages that exceed the minimum jurisdictional limits of this Court. Plaintiffs hereby disclaim and do not assert any federal causes of action that would raise a federal question subject to removal.

8. On November 3, 2022, and within 180 days after Defendant discriminated and retaliated against her, Ms. Villegas timely filed a Charge of Discrimination against Defendant with the appropriate administrative agencies, including the United States Equal Employment

Opportunity Commission (“EEOC”) identified as Charge No. 31C-2023-00213 and the Civil Rights Division of the Texas Workforce Commission (“TWC”) identified as Charge No. 1A23246.¹

9. On November 3, 2022, and within 180 days after Defendant discriminated and retaliated against her, Ms. Schneker timely filed a Charge of Discrimination against Defendant with the appropriate administrative agencies, including the United States Equal Employment Opportunity Commission (“EEOC”) identified as Charge No. 31C-2023-00212 and the Civil Rights Division of the Texas Workforce Commission (“TWC”) identified as Charge No. 1A23245.²

10. Plaintiffs avail themselves of the 2021 amendments to the Texas Labor Code in which the Texas Legislature, *inter alia*, extended the period within which Plaintiffs could file charges of discrimination based upon sexual harassment from 180 days to 300 days.

11. On February 13, 2023, Ms. Villegas received a Notice of Right to File a Civil Action (hereinafter “Notice”) from the TWC.³

12. On February 14, 2023, Ms. Schneker received a Notice of Right to File a Civil Action (hereinafter “Notice”) from the TWC.⁴

13. By filing a Charge of Discrimination, receiving their Notices, and filing suit within 60 days of receiving their Notice, Plaintiffs have complied with all conditions precedent and exhausted all applicable administrative remedies prior to filing suit.

¹ See Exhibit 1, Charge of Discrimination, annexed hereto and incorporated by reference as if fully set forth herein.

² See Exhibit 2, Charge of Discrimination, annexed hereto and incorporated by reference as if fully set forth herein.

³ See Exhibit 3, Notice, annexed hereto and incorporated by reference as if fully set forth herein.

⁴ See Exhibit 4, Notice, annexed hereto and incorporated by reference as if fully set forth herein.

V.
STATEMENT OF FACTS

14. At all relevant times, Defendant employed Plaintiffs as maintenance workers at its Convention Center that “plays host to more than 300 events each year with over 750,000 convention delegates from around the world.⁵ Plaintiffs’ job duties involve the most menial of tasks including the back-breaking work of setting and organizing convention conference facilities, collecting and disposing of trash, and cleaning toilets and lavatories.

15. Patricia Musquiz Cantor (“Cantor”) serves as Defendant’s Director of Convention and Sports Facilities, who reports to the Assistant City Manager, who reports to the City Manager, who reports to them Mayor of San Antonio.⁶

16. Cantor claims to possess “strong technical and business qualifications with an impressive track record of more than 25 years hands-on experience in strategic planning, budget management, employee supervision, and project management. Proven ability to successfully analyze an organization’s critical business requirements, identify deficiencies and potential opportunities, and contribute to the development of cost-effective solutions for enhancing productivity and efficiency. Demonstrated ability to contribute ideas and strategies that improve competitiveness, increase revenue, and improve customer service offerings.”⁷ Cantor further alleges to “have the support of a great team. . .I’m surrounded by people I cand depend on, and how else could we make it?”⁸

⁵ “Assistant Director – City of San Antonio Convention & Sports Facilities Overseeing the Henry B. Gonzalez Convention Center,” (2023) found at <https://www.sanantonio.gov/Portals/0/Files/HR/City%20of%20San%20Antonio%20Position%20Overview%20CSF%20AD.pdf?ver=2023-01-31-172004-713> (last visited 4/10/23).

⁶ <https://www.sa.gov/Directory/Departments/CMO/Leadership/Chart> (last visited 4/10/23).

⁷ <https://www.linkedin.com/in/patricia-muzquiz-cantor-275a2258> (list visited 4/13/23)

⁸ <https://www.pcma.org/institutional-knowledge-leaving-venue-management/> (last visited 4/13/23)

17. Far from having a “great team” in place, under her watch, the Henry B. Gonzalez Convention Center (“Convention Center”) has become a den where male supervisors prey on their female subordinates, exploiting the most vulnerable class of maintenance workers who perform back-breaking labor for menial pay.

18. At least six male supervisors at the Convention Center have recently resigned or have been terminated because of sexual harassment, sexual assault, battery, and abuse of their female subordinates. Plaintiffs, who are/were maintenance workers at the Convention Center, were subject to physical and sexual assault, harassment, and discrimination by four different male supervisors in the workplace. The misconduct included sexual harassment, unwelcome physical groping, forced kissing, false imprisonment, physical assault, sexual assault, sexual text messages, belittling, retaliation, and other types of abusive and harassing conduct.

19. Plaintiffs’ contemporaneous reports of the various incidents in their chain of command were ignored, thereby creating a workplace where sexual harassment was the norm and male supervisors abused their positions of power over all female subordinates. For several of the perpetrators at issue herein, quiet resignations and terminations occurred months or even years after the harassment and abuse.

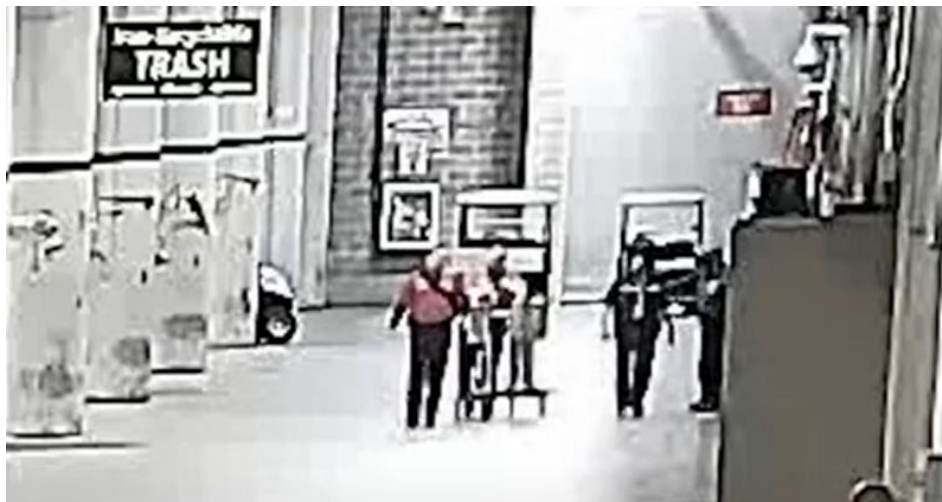
20. Plaintiffs’ reports of the harassment in their chain of command only escalated the frequency and intensity of the abuse, and today, both Plaintiffs suffer from PTSD, anxiety, depression, and a whole host of mental health issues. In fact, Ms. Schneuker’s anxiety and stress was so severe that she requested an in-division transfer, which was denied by the Defendant. As a result, Ms. Schneuker saw no other option than to quit her job with Defendant, giving up the attendant salary and benefits.

A. Plaintiff Maria Villegas

21. At all relevant times herein, Ms. Villegas, female, was employed as a maintenance worker at the Henry B. Gonzalez Convention Center. During her employment, Ms. Villegas was physically and sexually assaulted, harassed, and retaliated against by several of her supervisors at the Convention Center, including Juan Cortez and Gilberto Martinez, who were employed by Defendant as supervisors.

22. At all relevant times, Juan Cortez (“Cortez”), a Building Maintenance Officer, was Ms. Villegas’ supervisor. On August 13, 2021, at approximately 6:22 p.m. and while on duty, Ms. Villegas was walking toward Exhibit Hall 3 of the Convention Center with two colleagues. As Ms. Villegas and her colleagues passed Cortez’s office, he walked out and asked where the group was going. After a brief conversation, Ms. Villegas turned away from Cortez to continue with her colleagues toward Exhibit Hall 3.

23. As Ms. Villegas turned her back to Cortez, Cortez stepped toward Ms. Villegas, grabbed her hair, and pulled her head back forcefully. Ms. Villegas felt a “pop” at the base of her head and instantly felt pain in her neck. She was in a state of shock from the assault. The assault was captured on a security camera:



24. As a result of the assault, Ms. Villegas sought medical attention and was diagnosed with neck strain and was temporarily put on lifting restrictions by her doctor. The same day, Ms. Villegas reported the assault to her union representative who then reported it to Defendant. Ms. Villegas also reported the assault to the San Antonio Police Department.

25. Three days later, on August 16, 2021, Cortez summoned Ms. Villegas to his office and informed her he was conducting his own investigation into the assault. Cortez demanded that she cooperate with him, which intimidated her. Shocked, fearful, confused, and emotionally distraught, Ms. Villegas complied with Cortez's demands and answered questions that he put to her, believing that she had to cooperate with his sham investigation.

26. During the investigation Defendant initiated, at least one male eye-witness corroborated Ms. Villegas' account of the incident and Cortez, himself, admitted that he assaulted Ms. Villegas' by pulling her hair. Defendant concluded that Cortez violated City Administrative Directive 4.08, which prohibits "physical conduct sufficiently severe, offensive or intimidating that may be reasonable construed to be hostile in nature" and "[v]erbally or physically abusive or intimidating language or gestures." According to policy, Defendant should have immediately terminated Cortez for assaulting Ms. Villegas. Instead, Defendant merely suspended Cortez for 5 days, transferred him to another location in the Convention Center, and took no further action.

27. Cortez was not a first-time offender. He previously assaulted Ms. Villegas in July 2021 when he forcibly grabbed Ms. Villegas' arm and put it behind her back like a police officer would do during an arrest. Cortez's actions made Ms. Villegas' arm sore for days. At the time, she did not report the incident for fear that she would not be believed.

28. Because of Defendant's failure to take appropriate action against Cortez, Ms. Villegas sent an email to Mayor Ron Nirenberg on August 30, 2021, begging for help. Ms.

Villegas pleaded, “[t]here is a clear pattern of abuse against women by this supervisor [Juan Cortez] that has gone for too long, and against too many and it needs to STOP.”

29. During that intervening year, and despite two complaints, including one to the Mayor’s office, Defendant forced Ms. Villegas to work in the same facility as abuser, Cortez. He would menace her when he would see her.

30. Nearly a year later, on June 16, 2022, a local television outlet published a story entitled, “Hair pulling, groping, verbal attacks: Female Convention Center employees detail trauma caused by male supervisors.”⁹ The story chronicled the shocking abuse and Defendant’s failure or refusal to take corrective action.

31. Within days after the story aired, on June 27, 2022, the Bexar County District Attorney’s Office filed criminal assault charges against Cortez, which are pending trial. The Bexar County District Attorney also imposed a “no contact order” prohibiting Cortez from verbal or physical contact with Ms. Villegas. It is a travesty that the media did more to protect and defend Ms. Villegas than her own employer.

32. Further, Defendant repeatedly failed to enforce the “no contact order” when, on numerous occasions, it permitted Cortez to attend meetings in close contact Ms. Villegas where he would give her menacing looks and glances in retaliation for her complaints.

33. Yet Cortez is not the only supervisor who harassed and abused Ms. Villegas.

34. At the times relevant alleged herein, Gilberto Martinez (“Martinez”), a Building Maintenance Officer, also held supervisory authority over Ms. Villegas. On November 5, 2021,

⁹ Collier, Dillon, (June 16, 2022, updated July 15, 2022), found at <https://www.ksat.com/news/defenders/2022/06/16/hair-pulling-groping-verbal-attacks-female-convention-center-employees-detail-trauma-caused-by-male-supervisors/> (last visited 4/10/23). *See also* Collier, Dillon, “Convention center supervisor arrested for workplace violence incident, allowed to return to work,” (July 27, 2022), found at <https://www.ksat.com/news/ksat-investigates/2022/07/27/convention-center-supervisor-arrested-for-workplace-violence-incident-allowed-to-return-to-work/>

Martinez, as a pretext, told Ms. Villegas that he had paperwork for her to sign in his office, which is a private office without security cameras. Once he lured her into his office, he locked the door, and attempted to forcefully kissed her, fondle her breasts, and grope her body. Ms. Villegas resisted, tried to fight back, and cried for Martinez to stop. Horrified and humiliated, she wrestled with him, ultimately pushed him away, and fled.

35. Ms. Villegas reported the sexual assault through her chain of command to her supervisor. The supervisor did nothing. Instead, she told Ms. Villegas, “[Mr. Martinez] is such a nice [Building Maintenance Officer]. He doesn’t give us hard work and gives us our lunches [lunch breaks], so don’t do anything.” Ms. Villegas was devastated that the supervisor would protect Martinez instead of her. Ms. Villegas believed that it would be futile to report Martinez’s sexual assault because it would be a “she said, he said” situation and Defendant had already once failed to take action when Cortez physically assaulted her.

36. At this same time, Martinez stalked Ms. Villegas on Facebook, and sent lewd, lascivious, and harassing messages to her through Facebook Messenger asking to see her vagina and asking for oral sex. For example, on November 19, 2021, two days after he sexually assaulted her, Martinez sent Ms. Villegas an email that referred to her tamale, which is slang for vagina, and asked her to kiss his hotdog (emoji), which is an obvious reference to his penis:



37. Again, because of Defendant's non-action regarding Cortez's assault of Ms. Villegas, she did not immediately report Martinez's offensive and harassing communications. It was not until May 2022, when a female maintenance worker confided in Ms. Villegas that Martinez had asked her to send naked pictures of herself, that Ms. Villegas reported all of his conduct. Ms. Villegas was so troubled and concerned for the safety and well-being of her co-worker that she reported Martinez's sexual assault and offensive and harassing communications directly to Defendant's Human Resource Department.

38. In response to her complaint, Defendant asked Ms. Villegas to journal her experience and recommended that she get counseling. Upset that Defendant failed to take any action, Ms. Villegas obtained union representation and advocated for a full investigation. Rather than act on Ms. Villegas' complaint and investigate, Defendant quietly let Martinez resign on June 1, 2022.

B. Plaintiff Sarah Schneuker

39. At all relevant times herein, Ms. Schneuker, female, was employed as a maintenance worker at the Henry B. Gonzalez Convention Center. During her employment, Ms. Schneuker was physically and sexually assaulted, harassed, and retaliated against by several of her supervisors at the Convention Center, including James Ferrara ("Ferrara") and Robert Crespo ("Crespo"). She also witnessed Martinez harass other female maintenance workers until his resignation.

40. Crespo sexually harassed Ms. Schneuker by constantly making loud, disgusting, lewd, and lascivious comments, and guttural sounds when flirting with or when around female employees. On one occasion, Crespo said to Ms. Schneuker, "I would touch my girlfriend then she would start squirming her body, and you know when you women start to do that you want it."

41. Ms. Schneuker also heard him say, referring to a convention attendee, “This woman was sitting down and her legs were open and I could see her pubic hair and she wasn’t wearing any panties.”

42. Crespo would also make comments about gays and lesbians and make fun of them by pretending to be gay or moan and groan like he was having sex with a man. Ms. Schneuker found these comments offensive and sickening.

43. Crespo would also demean and insult his female subordinates, including Ms. Schneuker, by yelling, screaming, and making them cry. He would yell at Ms. Schneuker, “Don’t interrupt me when I’m talking, can’t you just be quiet!?” “Pay attention!!” Crespo did not demean and insult male maintenance workers in the same manner.

44. He would often belittle Plaintiff Schneuker in the presence of her male colleagues by saying, “Do...I...need...to...explain...it...again...do...you...understand...Sarah?” or “Do you have a problem with your hearing?” He would also say, referring to Plaintiff Schneuker, “You need to clean out your ears.” He would frequently roll his eyes, referring to Plaintiff Schneuker. Again, Crespo did not treat male maintenance workers in the same way.

45. On another occasion, Crespo leered at Ms. Schneuker’s breasts while bragging to other employees that he was enjoying a “peep show.” Ms. Schneuker was so embarrassed, offended, humiliated, and mortified that she began adding safety pins to her work shirt to protect her privacy and prevent Crespo from leering at her.

46. On September 17, 2021, Ms. Schneuker filed a complaint about Crespo’s conduct. After Defendant initiated an investigation, Defendant concluded that Crespo engaged in misconduct because Crespo admitted to the misconduct and because the incidents were

corroborated by male witnesses. On September 22, 2021, Crespo was placed on administrative leave with pay, and he resigned a day later.

47. Ms. Schneuker was also subjected to harassment by her supervisor and crew leader Ferrara, who created a hostile environment by harassing her because of her gender. Ferrara would constantly stalk Ms. Schneuker. If she made the slightest mistake, he would yell and scream at her. Ferrara did not treat the male maintenance workers the same way.

48. Ms. Schneuker made various complaints about Ferrara in her chain of command, including telling a supervisor that he made her feel uncomfortable and begging, "Please, please, please don't put me with him" with her hands together like she was praying. Despite these complaints of Ferrara's harassment, Defendant took no steps to stop the harassment, which allowed Ferrara to continue abusing Ms. Schneuker.

49. Throughout the month of April 2022, Ms. Schneuker was terrified to go to work, for fear that she would be isolated, singled out, and screamed at by Ferrara, unlike her male colleagues. Ms. Schneuker's anxiety, stress, and apprehension made her physically ill and nauseous to the point she left the Convention Center early one afternoon and vomited in her car.

50. Because no action was taken in her chain of command, Ms. Schneuker decided to visit the Mayor's office to file a complaint about her suffering on April 28, 2022. Ms. Schneuker met with a woman at the Mayor's office and attempted to explain her plight, but the woman repeatedly interrupted to respond to texts or emails and to take calls on her cell phone regarding other matters. The apathetic and inattentive woman repeatedly told Ms. Schneuker to report the incidents in her chain of command obviously dismissing Ms. Schneuker's complaints.

51. Ms. Schneuker became emotionally distraught at the woman's disregard for her plight and began crying in grief. The woman reported that Ms. Schneuker was emotionally and

mentally unstable. The Mayor's office had her involuntarily committed in a psychiatric hospital for three days. Thereafter, Ms. Schneuker was diagnosed with PTSD and was on disability per her doctor's orders.

52. As the time for her to return to work approached, Ms. Schneuker requested an intra-division transfer from the Convention Center to a new work location to avoid being in Ferrara's presence and being subjected to continued harassment. Defendant initially ignored her repeated requests, but later denied her request despite possessing first-hand knowledge of Ms. Schneuker's emotional state due to the commitment proceedings and the disability leave.

53. Ms. Schneuker was so overwhelmed by the abuse she suffered at the hands of Ferrara, and miserable that her request for a transfer was denied, that she was forced to quit her employment with Defendant, giving up a raise and certain benefits.

54. Defendant deliberately made Ms. Schneuker's working conditions so intolerable that she was forced into an involuntary resignation, which is a constructive discharge. Defendant is as liable for any illegal conduct involved as if it had formally discharged her.

C. Plaintiffs were not the only victims

55. At the time the story entitled "Hair pulling, groping, verbal attacks" aired, further allegations of misconduct and abuse against the Cortez surfaced. Upon information and belief, Cortez put a can of cold soda on the neck of a female maintenance worker, yelled at subordinate females, and, in one instance, yanked a female worker on a dolly out from under a stage by her ankles.¹⁰

56. Another female maintenance worker reported that a different male supervisor followed her into a room without cameras and asked her if she wanted to play a game, where she

¹⁰ "Convention center supervisor arrested....," *supra*.

was asked to undo a button on her blouse each time, he said a phrase out loud. When the female maintenance worker said, “I’m not here to play games,” the supervisor attempted to forcibly unbutton her blouse. The incident was reported to Defendant, who did nothing. The supervisor eventually stepped down.¹¹

57. Just this year, on January 20, 2023, another Convention Center supervisor, Michael Talamantes, was permitted to resign amid allegations that he was sexually inappropriate in the workplace with two female employees, and his actions included groping, choking, attempted rape, and exposing himself in an elevator.¹²

VI. RESPONDEAT SUPERIOR

58. The wrongful acts of the Defendant’s supervisors were committed in the actual or apparent course and scope of their employment with Defendant. The Defendant’s supervisors used the authority delegated to them to discriminate against, sexually harass, retaliate, and assault Plaintiffs. Because the Defendant’s supervisors were agents of Defendant and served in a supervisory role, Defendant is liable for their discriminatory and abusive conduct under the doctrine of *respondeat superior*.

VII. CLASS ALLEGATIONS

59. Plaintiffs bring this action on behalf of the following Class pursuant to Texas Rule of Civil Procedure 23: “All females who are current or former employees of the City of San

¹¹ See “Hair pulling, groping, verbal attacks....,” *supra*.

¹² Collier, Dillon, “Convention center employee accused of groping female coworkers, exposing himself in an elevator,” found at <https://www.ksat.com/news/ksat-investigates/2023/02/14/convention-center-employee-accused-of-groping-female-coworkers-exposing-himself-in-an-elevator/> (last visited 4/9/23); <https://www.youtube.com/watch?v=rc5kVdBZ7qU> (last visited 4/9/23).

Antonio in the Department of Facilities Management at the Henry B. Gonzalez Convention Center in the two years prior to when this lawsuit was filed.”

60. Plaintiffs further contend that the Class is so numerous that joinder of all members is impractical, that there are questions of law or fact common to the Class, that the claims and defenses of the representative parties are typical of the claims or defenses of the Class, and that the representative parties will fairly and adequately protect the interests of the Class. Finally, Plaintiffs contend that prosecution of separate actions by or against individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members of the Class, which would establish incompatible standards of conduct for the party opposing the Class or adjudication with respect to individual members of the Class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impeded their ability to protect their interests, or the party opposing the Class has acted or refused to act on grounds generally applicable to the Class, thereby making appropriate final injunctive relief or correspondence declaratory relief with respect to the Class as a whole, or the questions of law or fact common to the members of the Class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

61. Plaintiffs reserve the right to modify or amend the Class definition, including the addition of one or more subclasses, after having the opportunity to conduct discovery.

62. Excluded from the Class are Defendant and any of its affiliates, all persons who make a timely election to be excluded from the Class, and all judges assigned to hear any aspect of this litigation, including their immediate family members.

63. Numerosity: Based upon information and belief, there are at least 40 former and current female maintenance workers at the City of San Antonio's Henry B. Gonzalez Convention Center.

64. Commonality: The Plaintiffs share common factual and legal claims they are all female current and former employees at the Convention Center, working under the same male supervisors, and who suffered similar harassment, abuse, and retaliation. Plaintiffs advance identical legal claims under the Texas Labor Code. Questions common to the Class include:

- a. Whether Plaintiffs and the Class are entitled to damages due to Defendant's hostile environment, gender discrimination, retaliation by the male supervisors at the Convention Center.
- b. Whether Defendant fostered, perpetuated, or were willfully blind to the hostile employment environment at the Convention Center.
- c. Whether Defendant fostered, perpetuated, or turned a blind eye to gender discrimination at the Convention Center.
- d. Whether Defendant fostered, perpetuated, or were willfully blind to retaliation against those who complained of the hostile environment or gender discrimination at the Convention Center.
- e. Whether Plaintiffs and the Class are entitled to injunctive relief to prevent further wrongdoing by Defendant's supervisors.

65. Typicality: Plaintiffs' claims and defenses are typical of the claims and defenses of the Class.

66. Adequacy: Plaintiffs will fairly and adequately protect the interests of the Class. Plaintiffs' interests and the interests of all other members of the Class are identical, and Plaintiffs are cognizant of their duty and responsibility to the Class. Accordingly, Plaintiffs can fairly and adequately represent the interests of the Class. Moreover, Plaintiffs' counsel are competent and experienced in litigating class actions, including litigation of this kind. Plaintiffs and counsel intend to vigorously prosecute this case and will fairly and adequately protect the Class's interests.

67. Superiority: A class action is superior to any other available means for the fair and efficient adjudication of this controversy, and no unusual difficulties are likely to be encountered in the management of this class action. The purpose of a class action is to permit litigation against wrongdoers even when damages to an individual plaintiff may not be sufficient to justify individual litigation. Individual litigation by each Class member would also strain the court system, create the potential for inconsistent or contradictory judgments, and increase the delay and expense to all parties and the court system. In sum, the class action presents far fewer management difficulties and provides the benefits of a single adjudication, economies of scale, and comprehensive supervision by a single court.

68. This action is also properly maintainable under Rule 42, in those issues common to the Class, as set out *supra*, are most appropriately and efficiently resolved via class action, and would advance the disposition of this matter and the parties' interests therein.

69. Finally, the fact that several witnesses requested anonymity strongly suggests that there may be numerous victims fearful of coming forward. The existence of a Class would likely encourage and reassure victims enough to express their suffering and trauma.

VIII. CAUSES OF ACTION

COUNT ONE HOSTILE WORK ENVIRONMENT/SEXUAL HARASSMENT

70. Plaintiffs restate and incorporate the above allegations as though fully stated herein.

71. Plaintiffs contend that they suffered both forms of legally recognized sexual harassment: *quid pro quo* harassment in which the harassers demanded sexual favors as a condition for maintaining employment or its benefits and harassment that creates a hostile or offensive work environment.

72. By and through their Original Petition, Plaintiffs plead a *prima facie* of a hostile work environment and contend:

- a. They were and continue to be subjected to unwelcome harassment.
- b. They were and continue to be harassed because of their sex.
- c. The harassment was so severe or pervasive as to alter the conditions of employment and created a hostile work environment.
- d. There is basis for holding Defendant liable.

73. By and through their Original Petition, Plaintiffs plead a *prima facie* of *quid pro quo* sexual harassment and contend:

- a. They are females and members of a protected class.
- b. They were and continue to be subjected to unwelcome sexual advances or requests for sexual favors by supervisors.
- c. The harassment was and is based upon sex.
- d. Submission to the unwelcome advances was and is an express or implied condition of employment or refusal to submit results in tangible job detriment.

74. Because the harassment was and is perpetrated by supervisors with immediate or successively higher authority, Plaintiffs have established *respondeat superior* liability.

75. Defendant's supervisors continuously harassed Plaintiffs over several years which constitutes continuing violations and a continuous course of discrimination and abuse towards Plaintiffs.

76. Plaintiffs were subjected to a discriminatory environment that was both objectively and subjectively severe, pervasive, offensive, and one that a reasonable person would find hostile or abusive.

77. Defendant failed to take immediate and appropriate corrective action once it knew or should have known of the sexual harassment.

**COUNT TWO
GENDER DISCRIMINATION**

78. Plaintiffs restate and incorporate the above allegations as though fully stated herein.

79. By and through their Original Petition, Plaintiffs plead a *prima facie* of gender discrimination and contend:

- a. They are females and protected class members.
- b. They were qualified for the positions they held.
- c. They suffered adverse employment actions.
- d. Males were treated more favorably.

**COUNT THREE
RETALIATION**

80. Plaintiffs restate and incorporate the above allegations as though fully stated herein.

81. By and through their Original Petition, Plaintiffs plead a *prima facie* of retaliation and contend:

- a. They engaged in protected conduct and opposed unlawful conduct.
- b. They suffered adverse employment actions.
- c. A causal connection exists between their protected conduct and the adverse employment actions.

**IX.
DAMAGES**

82. By and through their Original Petition, Plaintiffs plead that Defendant, and its agents, employees, and representatives, have caused them grievous harm and damages. As a direct and proximate result of its violations of state law, Defendant has caused Plaintiffs to suffer lost past and future wages, tangible psychic injury, acute mental anguish, severe emotional pain and suffering, intense feelings of hopelessness, anger, guilt, depression, anxiety, worry, apprehension,

low self-esteem, humiliation, belittlement, shame, loss of sleep, loss of appetite, nausea, illness, panic attacks, and alienation of affection from family and friends.

83. Ms. Villegas is a domestic abuse survivor. The physical and sexual assaults committed by her supervisors, and the failure of others in the chain of command to respond to her complaints and take appropriate action, retraumatized Ms. Villegas and caused her to suffer severe emotional distress. To this day she is depressed and easily tearful due to the trauma caused by Defendant's failure to act. She also has been diagnosed with PTSD, anxiety, and depression, and suffers from suicidal ideations. She takes medication, but her mental health continues to suffer. As a direct and proximate result of Defendants actions and omissions, Ms. Villegas suffered injuries, including severe emotional distress and pain and suffering. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

84. Similarly, Ms. Schneuker was on disability because of the effect that these events had on her mental and physical health. Even today she is depressed, anxious, and tearful at the trauma caused by Defendant's actions and failure to act. She also has been diagnosed with PTSD, anxiety, and depression, and suffers from suicidal ideations, and needs to take medication but does not because she cannot afford it. Plaintiff Schneuker is in need of continued counselling but cannot afford it. She has nightmares to this day. She remains in shock that the mayor's office had her committed, instead of helping with her complaints of harassment. She is also angry that the Defendant refused to transfer her to another work location, which Defendant has done for at least one other female Convention Center maintenance worker who was harassed in the workplace. As a direct and proximate result of Defendant's actions and omissions, Ms. Schneuker suffered injuries, including severe emotional distress and pain and suffering. These losses are either permanent or continuing and Plaintiff will suffer the losses in the future.

85. Plaintiffs were forced to secure the undersigned counsel to protect their civil rights.

WHEREFORE, PREMISES CONSIDERED, PLAINTIFFS MARIA VILLEGAS and SARAH SCHNEUKER, individually and on behalf of all similarly situated, respectfully pray that upon final trial on the merits, they recover judgment against DEFENDANT CITY OF SAN ANTONIO, said judgment entitling them to:

1. Certification of the putative Class pursuant to Texas Rule of Civil Procedure 42.
2. Designation of Plaintiffs as representatives of the Class.
3. Designation of the undersigned counsel as Class counsel.
4. Compensation for all past, present, and future mental anguish and emotional distress, in an amount to be determined upon inquest;
5. Lost past and future wages and benefits, in an amount to be determined upon inquest;
6. Reasonable and necessary attorney's fees;
7. All taxable costs of court expended in this lawsuit;
8. Pre-judgment and post-judgment interest, at the maximum rate permitted by law;
9. Equitable relief, including restraining orders and injunctions, prohibiting Defendant, its agents, successors, employees, and those acting in concert with Defendant, from discriminating, harassing, and retaliating against Plaintiffs.
10. Such other and further legal relief, either at law or equity, to which Plaintiffs may be justly entitled.

PLAINTIFFS HEREBY DEMAND TRIAL BY JURY.

Respectfully submitted,

SÁNCHEZ & WILSON, P.L.L.C.
www.SanchezWilson.com
MARK ANTHONY SÁNCHEZ, ESQ.
6243 IH-10 West, Suite 1025
San Antonio, Texas 78201
(210) 222-8899
(210) 222-9526 (Telecopier)
mas@sanchezwilson.com

By: /s/ Mark Anthony Sánchez
MARK ANTHONY SÁNCHEZ, ESQ.
TEXAS STATE BAR NO. 00795857

Elizabeth A. Fegan, Pro Hac Vice Forthcoming
FEGAN SCOTT LLC
150 S. Wacker Dr., 24th Floor
Chicago, IL 60606
Telephone: 312.741.1019
Facsimile: 312.264.0100
beth@feganscott.com

Lynn A. Ellenberger, Pro Hac Vice Forthcoming
FEGAN SCOTT LLC
500 Grant St., Suite 2900
Pittsburgh, PA 15219
Telephone: 412.346.4104
Facsimile: 312.264.0100
lynn@feganscott.com

Counsel for Plaintiffs and the Proposed Class

| | | | |
|--|-----------------------|--|----------------------|
| CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974 See enclosed Privacy Act Statement and other information before completing this form | | Charge Presented To: Agency(ies) Charge No(s): | |
| | | EEOC | |
| Texas Workforce Commission | | and EEOC | |
| <i>State or local Agency, if any</i> | | | |
| Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev., etc.) | | Home Phone | Year of Birth |
| Ms. Maria Villegas | | [REDACTED] | June 26, 1967 |
| Street Address, City State and ZIP Code | | | |
| San Antonio, TX 78211 | | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | |
| Name | No Employees, Members | Phone No | |
| City of San Antonio/Department of Facilities Management, Renee Frieda, Human Resources Director | >13,000 | (210) 207-8705 | |
| Street Address, City State and ZIP Code | | | |
| P.O. Box 839966, San Antonio, TX 78205 | | | |
| Name | No Employees, Members | Phone No | |
| Henry B. Gonzalez Convention Center (job location), Barry David, Human Resources Director, Anna Bustamonte, HR | | (210) 207-7880 | |
| Street Address, City, State and ZIP Code | | | |
| 900 E. Market St., San Antonio, TX 72085 | | | |
| DISCRIMINATION BASED ON | | DATE(S) DISCRIMINATION TOOK PLACE | |
| Age and gender discrimination, hostile environment, and retaliation | | Earliest | Latest |
| | | During Plaintiffs' employment through the present (continuing violation); latest incident June 1, 2022 | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): | | | |
| Plaintiff, a woman, over age 40, individually and on behalf of classes of, inter alia, employees of the City of San Antonio who work/ed in the Department of Facilities Management at the Henry B. Gonzalez Convention Center and who are (i) female and/or (ii) over the age of 40, files this Charge of Discrimination for claims of age and gender discrimination, hostile work environment, and retaliation against the City of San Antonio. | | | |
| Plaintiff's claims are based on the following non-exhaustive examples: | | | |
| <ul style="list-style-type: none"> Defendant's employee supervisors targeted female employees with physical assault, lewd and lascivious oral and written remarks, sexual sounds, and false imprisonment. By way of example only (1) Juan Cortez, Plaintiffs' supervisor, assaulted Plaintiff by grabbing and pulling Plaintiffs hair and injuring her; (2) until his termination in or around September 2021, Robert Crespo created a hostile environment with lewd and lascivious remarks and sexual sounds; and (3) until his termination in or around June 2022, Gilberto Martinez, Plaintiff's supervisor, sexually assaulted Plaintiff, falsely imprisoned her, subjected her to lewd and lascivious messages on Facebook Messenger, and created a hostile environment by harassing her and other female employees; Defendant's employee supervisors also made comments about Plaintiff's age as related to her stamina to do her job and retirement plans; When Plaintiff and other female employees complained, Defendant's employees ignored or downplayed the complaints and retaliated against Plaintiff by, among other things, bullying, yelling, and making comments. | | | |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. | | NOTARY – When necessary for State and Local Agency Requirements | |
| I declare under penalty of perjury that the above is true and correct. | | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. | |
| 11 / 03 / 2022 | | SIGNATURE OF COMPLAINANT | |
| Maria Villegas | | | |
| Date | | SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) | |
| Charging Party Signature | | | |

| | | | |
|--|--|--|---|
| <p>CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974 See enclosed Privacy Act Statement and other information before completing this form</p> | | Charge Presented To: Agency(ies) Charge No(s): <div style="text-align: center; font-size: 24pt; font-weight: bold;">EEOC</div> | |
| <p>Texas Workforce Commission <i>State or local Agency, if any</i></p> | | and EEOC | |
| Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev., etc.) <div style="font-size: 24pt; font-weight: bold;">Ms. Sarah Schneuker</div> | | Home Phone <div style="background-color: black; width: 100%; height: 20px;"></div> | Year of Birth November 25, 1966 |
| Street Address, City State and ZIP Code <div style="background-color: black; width: 30%; height: 20px;"></div> <div style="font-size: 24pt; font-weight: bold; text-align: center;">San Antonio, TX 78212</div> | | | |
| Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.) | | | |
| Name City of San Antonio/Department of Facilities Management, Renee Frieda, Human Resources Director | | No Employees, Members <div style="font-size: 24pt; font-weight: bold;">>13,000</div> | Phone No <div style="font-size: 24pt; font-weight: bold;">(210) 207-8705</div> |
| Street Address, City State and ZIP Code <div style="font-size: 24pt; font-weight: bold;">P.O. Box 839966, San Antonio, TX 78205</div> | | | |
| Name Henry B. Gonzalez Convention Center (job location), Barry David, Human Resources Director, Anna Bustamonte, HR | | No Employees, Members | Phone No <div style="font-size: 24pt; font-weight: bold;">(210) 207-7880</div> |
| Street Address, City, State and ZIP Code <div style="font-size: 24pt; font-weight: bold;">900 E. Market St., San Antonio, TX 72085</div> | | | |
| DISCRIMINATION BASED ON Gender, race, and national origin discrimination, hostile environment, and retaliation | | DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest During Plaintiffs' employment through present (continuing violation); latest incident August 5, 2022 | |
| THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): Plaintiff, a woman, individually and on behalf of classes of, inter alia, employees of the City of San Antonio who work/ed in the Department of Facilities Management at the Henry B. Gonzalez Convention Center and who are (i) female and/or (ii) of Hispanic national origin and race, files this Charge of Discrimination for claims of gender, national origin, and race discrimination, hostile work environment, and retaliation against the City of San Antonio. Plaintiff's claims are based on the following non-exhaustive examples: <ul style="list-style-type: none"> • Defendant's employee supervisors targeted female employees with physical assault, lewd and lascivious oral and written remarks, sexual sounds, and false imprisonment. By way of example only, until his termination in or around September 2021, Robert Crespo created a hostile environment with lewd and lascivious remarks and sexual sounds; until his termination in or around June 2022, Gilberto Martinez, created a hostile environment by harassing other female employees; and James Ferrera, Plaintiff's Crew Leader, created a hostile environment by harassing Plaintiff because of her gender; • When Plaintiff and other female employees complained, Defendant's employees retaliated against them, and when Plaintiff specifically complained about Ferrara, Ferrara singled out Plaintiff and retaliated against her by bullying, yelling, and menacing her daily; • When Plaintiff's complaints in her chain of command were ignored, she visited the Mayor's Office to complain, but there, based upon information and belief because of her national origin, instead of her complaints being taken seriously, she was involuntary committed to a psychiatric hospital; • When Plaintiff requested transfer and/or reassignment because of the hostile environment at her current place of employment, her request was denied and/or ignored. | | | |
| I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. | | NOTARY – When necessary for State and Local Agency Requirements | |
| I declare under penalty of perjury that the above is true and correct. | | I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT | |
| 11 / 03 / 2022 <hr style="width: 100%;"/> Date | | <div style="font-size: 24pt; font-weight: bold; text-align: center;">Sarah Schneuker</div> <hr style="width: 100%;"/> Charging Party Signature | |
| | | SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) | |



Maria Villegas
c/o Lynn A. Ellenberger
FEGAN SCOTT LLC
500 Grant Street, Ste. 2900
Pittsburgh, PA 15219

NOTICE OF DISMISSAL AND RIGHT TO FILE CIVIL ACTION

Maria Villegas v CITY OF SAN ANTONIO - HENRY B GONZALEZ CONVENTION CENTER

| TWCCRD Charge Number | EEOC Charge Number | TWCCRD Representative |
|----------------------|--------------------|-----------------------|
| 1A23246 | 31C-2023-00213 | Hilsi Gomez |

The Civil Rights Division has dismissed this Charge and is closing its file for the following reason:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the TWCCRD.
- Your allegations did not involve a disability that is covered by the Americans with Disabilities Act or the Texas Labor Code, Chapter 21.
- The Responding Party employs less than the required number of employees or not otherwise covered by the statutes.
- We cannot investigate your charge because it was not filed within the time limits required by law.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You had 30 days to accept a reasonable settlement offer that afforded full relief for the harm you alleged. You failed to accept the full relief.
- The TWCCRD issues the following determination: Based upon its investigation, the TWCCRD is unable to conclude that the information obtained establishes any violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- Other: Expedited Notice of Right to File Civil Action requested by Charging Party’s legal representative.**

TWCCRD: 1A23246
EEOC: 31C-2023-00213

Maria Villegas v CITY OF SAN ANTONIO - HENRY B GONZALEZ
CONVENTION CENTER

NOTICE OF RIGHT TO FILE CIVIL ACTION

Pursuant to Sections 21.208, 21.252 and 21.254 of the Texas Labor Code, as amended, this notice is to advise you of your right to bring a private civil action in state court in the above referenced case. **PLEASE BE ADVISED THAT YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.** The time limit for filing suit based on a federal claim may be different.

EEOC REVIEW NOTICE

As your charge was dual filed under Title VII of the Civil Rights Act/Age Discrimination in Employment Act/Americans with Disabilities Act, which are enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request an EEOC review of this final decision on your case. **To secure a review, you must request it in writing within fifteen (15) days from the date of the notice.** Send your request to: San Antonio EEOC, 5410 Fredericksburg Road, Suite 200, San Antonio, TX 78229.

On behalf of the Division,

Venessa Hernandez for Bryan Snoddy _____

Bryan Snoddy
Division Director

2/13/2023

Date

cc:
CITY OF SAN ANTONIO
Elizabeth Guerrero-Southard
P.O. Box 839966
San Antonio, TX 78283


Certificate Of Completion

| | |
|--|---------------------------------|
| Envelope Id: 9F43221246834C44AAD2CCD2DD38A3AB | Status: Completed |
| Subject: 2023-02-11 Villegas NRTFCA 31C-2023-00213 (1).pdf | |
| docSeqId: | |
| docType: | |
| Source Envelope: | |
| Document Pages: 2 | Signatures: 1 |
| Certificate Pages: 5 | Initials: 0 |
| AutoNav: Enabled | Envelope Originator: |
| Enveloped Stamping: Enabled | Venessa Hernandez |
| Time Zone: (UTC-06:00) Central Time (US & Canada) | 101 E. 15th Street, Room 0154-B |
| | Austin, TX 78778 |
| | venessa.hernandez@twc.texas.gov |
| | IP Address: 204.65.0.20 |

Record Tracking

| | | |
|--|--|--------------------|
| Status: Original 2/13/2023 5:08:12 PM | Holder: Venessa Hernandez venessa.hernandez@twc.texas.gov | Location: DocuSign |
| Security Appliance Status: Connected | Pool: StateLocal | |
| Storage Appliance Status: Connected | Pool: Texas Workforce Commission- Production Account | Location: DocuSign |

Signer Events

| Signer Events | Signature | Timestamp |
|---|---|--|
| Venessa Hernandez for Bryan Snoddy venessa.hernandez@twc.texas.gov Administrative Assistant Texas Workforce Commission Security Level: Email, Account Authentication (None) |  Signature Adoption: Pre-selected Style Using IP Address: 204.65.0.20 | Sent: 2/13/2023 5:22:16 PM Viewed: 2/13/2023 5:22:28 PM Signed: 2/13/2023 5:22:34 PM |

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events

| In Person Signer Events | Signature | Timestamp |
|-------------------------|-----------|-----------|
| | | |

Editor Delivery Events

| Editor Delivery Events | Status | Timestamp |
|------------------------|--------|-----------|
| | | |

Agent Delivery Events

| Agent Delivery Events | Status | Timestamp |
|-----------------------|--------|-----------|
| | | |

Intermediary Delivery Events

| Intermediary Delivery Events | Status | Timestamp |
|------------------------------|--------|-----------|
| | | |

Certified Delivery Events

| Certified Delivery Events | Status | Timestamp |
|---|--|--|
| Elizabeth Guerrero-Southard elizabeth.guerrero-southard@sanantonio.gov Security Level: Email, Account Authentication (None) |  Using IP Address: 161.226.133.144 | Sent: 2/13/2023 5:22:36 PM Viewed: 2/13/2023 5:24:08 PM |

Electronic Record and Signature Disclosure:
Accepted: 2/13/2023 5:24:08 PM
ID: c328ebd4-6a55-44d9-bc1e-c7af7f8df04a

| | | |
|---|--|--|
| Lynn A. Ellenberger Lynn@feganscott.com Fegan Scott LLC Security Level: Email, Account Authentication (None) |  Using IP Address: 100.6.112.205 | Sent: 2/13/2023 5:22:36 PM Viewed: 2/14/2023 8:55:09 AM |
|---|--|--|

Electronic Record and Signature Disclosure:

| Certified Delivery Events | Status | Timestamp |
|---------------------------|--------|-----------|
|---------------------------|--------|-----------|

Accepted: 2/14/2023 8:55:09 AM
ID: 32b164bf-f7ee-442b-8777-a4d82e7de9c4

| Carbon Copy Events | Status | Timestamp |
|--------------------|--------|-----------|
|--------------------|--------|-----------|

Lynda Pringle
lynda.pringle@twc.texas.gov
Investigator
Texas Workforce Commission
Security Level: Email, Account Authentication
(None)
Electronic Record and Signature Disclosure:
Not Offered via DocuSign

COPIED

Sent: 2/14/2023 8:55:10 AM

| Witness Events | Signature | Timestamp |
|----------------|-----------|-----------|
|----------------|-----------|-----------|

| Notary Events | Signature | Timestamp |
|---------------|-----------|-----------|
|---------------|-----------|-----------|

| Envelope Summary Events | Status | Timestamps |
|-------------------------|--------|------------|
|-------------------------|--------|------------|

| | | |
|---------------------|------------------|----------------------|
| Envelope Sent | Hashed/Encrypted | 2/13/2023 5:22:16 PM |
| Certified Delivered | Security Checked | 2/14/2023 8:55:09 AM |
| Signing Complete | Security Checked | 2/13/2023 5:22:34 PM |
| Completed | Security Checked | 2/14/2023 8:55:10 AM |

| Payment Events | Status | Timestamps |
|----------------|--------|------------|
|----------------|--------|------------|

| Electronic Record and Signature Disclosure |
|--|
|--|

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft obo Texas Workforce Commission (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft obo Texas Workforce Commission:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To advise Carahsoft obo Texas Workforce Commission of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at privacy@carahsoft.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Carahsoft obo Texas Workforce Commission

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to privacy@carahsoft.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft obo Texas Workforce Commission

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to heather.hall@twc.state.tx.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft obo Texas Workforce Commission as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft obo Texas Workforce Commission during the course of your relationship with Carahsoft obo Texas Workforce Commission.



NOTICE OF COMPLAINANT’S RIGHT TO FILE CIVIL ACTION

Sarah Schneaker
c/o Lynn A Ellenberger
FEGAN SCOTT LLC
500 Grant Street, Ste. 2900
Pittsburgh, PA 15219

TWCCRD: 1A23245 EEOC: 31C-2023-00212
RE: Sarah Schneaker v CITY OF SAN ANTONIO - HENRY B GONZALEZ
CONVENTION CENTER

The Texas Workforce Commission Civil Rights Division (TWCCRD) has received and carefully reviewed your recent request to issue the Notice of Right to File a Civil Action (NRTFCA) on the above referenced charge. According to the documentation provided, 180 days has not passed since the filing of this charge.

As stated in Texas Labor Code Chapter 21 Sec. 21.253, our agency may issue a notice to file civil action in the event that the Executive Director certifies that administrative processing of the complaint cannot be completed before the 181st day after the date the complaint was filed.

This is to certify that our office will be unable to complete an investigation before the 181st day and thus may issue a Notice of Right to File Civil Action.

The above-referenced case was processed by the United States Equal Employment Opportunity Commission or a local agency. Pursuant to Sections 21.252 and 21.254 of the Texas Labor Code, this notice is to advise you of your right to bring a private civil action in state court in the above-referenced case. YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.

If your case has been successfully resolved by the U. S. Equal Employment Opportunity Commission or another agency through a voluntary settlement or conciliation agreement, you may be prohibited by the terms of such an agreement from filing a private civil action in state court pursuant to Chapter 21 of the Texas Labor Code.

The United States Supreme Court has held in *Kremer v. Chemical Construction Corporation*, 456 U.S. 461 (1982), that a federal district court must generally dismiss a Title VII action involving the same parties and raising the same issues as those raised in a prior state court action under Chapter 21 of the Texas Labor Code. Therefore, filing a lawsuit in state court based on the issuance of this Notice of Right to File a Civil Action may prevent you from filing a lawsuit in federal court based on Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e - et seq.

If you have any questions, please contact our office at (512) 463-2642 or (888) 452-4778.

On behalf of the Division,

Venessa Hernandez for Bryan Snoddy

Bryan Snoddy
Division Director

2/14/2023

Date

cc:

CITY OF SAN ANTONIO
Elizabeth Guerrero-Southard
P.O. Box 839966
San Antonio, TX 78283

RETAIN ENVELOPE TO VERIFY DATE RECEIVED

Certificate Of Completion

Envelope Id: A2C678E775C741C68F859F9DAC9EFBF7 Status: Completed
Subject: 2023-02-13 Schneuker Expedited NRTFCA 31C-2023-00212.pdf
docSeqId:
docType:
Source Envelope:
Document Pages: 2 Signatures: 1 Envelope Originator:
Certificate Pages: 5 Initials: 0 Venessa Hernandez
AutoNav: Enabled 101 E. 15th Street, Room 0154-B
Envelopeld Stamping: Enabled Austin, TX 78778
Time Zone: (UTC-06:00) Central Time (US & Canada) venessa.hernandez@twc.texas.gov
IP Address: 204.65.0.20

Record Tracking

Status: Original Holder: Venessa Hernandez Location: DocuSign
2/14/2023 10:52:43 AM venessa.hernandez@twc.texas.gov
Security Appliance Status: Connected Pool: StateLocal
Storage Appliance Status: Connected Pool: Texas Workforce Commission- Production Location: DocuSign
Account

Signer Events

Venessa Hernandez for Bryan Snoddy
venessa.hernandez@twc.texas.gov
Administrative Assistant
Texas Workforce Commission
Security Level: Email, Account Authentication (None)

Signature

Venessa Hernandez for Bryan Snoddy
Signature Adoption: Pre-selected Style
Using IP Address: 204.65.0.20

Timestamp

Sent: 2/14/2023 10:55:16 AM
Viewed: 2/14/2023 10:55:31 AM
Signed: 2/14/2023 10:55:35 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Elizabeth Guerrero-Southard
Elizabeth.guerrero-southard@sanantonio.gov
Security Level: Email, Account Authentication (None)



Using IP Address: 161.226.133.144

Sent: 2/14/2023 10:55:38 AM
Viewed: 2/14/2023 10:56:28 AM

Electronic Record and Signature Disclosure:
Accepted: 2/14/2023 10:56:28 AM
ID: 009e8e74-d8dc-4915-a22e-982726cd6f2d

Lynn A. Ellenberger
Lynn@feganscott.com
Fegan Scott LLC



Using IP Address: 100.6.112.205

Sent: 2/14/2023 10:55:38 AM
Viewed: 2/14/2023 12:41:40 PM

| Certified Delivery Events | Status | Timestamp |
|---------------------------|--------|-----------|
|---------------------------|--------|-----------|

Electronic Record and Signature Disclosure:
Accepted: 2/14/2023 12:41:40 PM
ID: a207d185-3faa-4cd1-989b-1c08c5cb84be

| Carbon Copy Events | Status | Timestamp |
|--------------------|--------|-----------|
|--------------------|--------|-----------|

Lynda Pringle
lynda.pringle@twc.texas.gov
Investigator
Texas Workforce Commission
Security Level: Email, Account Authentication
(None)

COPIED

Sent: 2/14/2023 10:55:37 AM

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

| Witness Events | Signature | Timestamp |
|----------------|-----------|-----------|
|----------------|-----------|-----------|

| Notary Events | Signature | Timestamp |
|---------------|-----------|-----------|
|---------------|-----------|-----------|

| Envelope Summary Events | Status | Timestamps |
|-------------------------|--------|------------|
|-------------------------|--------|------------|

| | | |
|---------------------|------------------|-----------------------|
| Envelope Sent | Hashed/Encrypted | 2/14/2023 10:55:17 AM |
| Certified Delivered | Security Checked | 2/14/2023 12:41:40 PM |
| Signing Complete | Security Checked | 2/14/2023 10:55:35 AM |
| Completed | Security Checked | 2/14/2023 12:41:40 PM |

| Payment Events | Status | Timestamps |
|----------------|--------|------------|
|----------------|--------|------------|

| Electronic Record and Signature Disclosure |
|--|
|--|

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Carahsoft obo Texas Workforce Commission (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Carahsoft obo Texas Workforce Commission:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To advise Carahsoft obo Texas Workforce Commission of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at privacy@carahsoft.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Carahsoft obo Texas Workforce Commission

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to privacy@carahsoft.com and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Carahsoft obo Texas Workforce Commission

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to heather.hall@twc.state.tx.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

By selecting the check-box next to ‘I agree to use electronic records and signatures’, you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Carahsoft obo Texas Workforce Commission as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Carahsoft obo Texas Workforce Commission during the course of your relationship with Carahsoft obo Texas Workforce Commission.