

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

CHUN-SHENG YU,
Plaintiff,

v.

**THE UNIVERSITY OF HOUSTON
AT VICTORIA and THE
UNIVERSITY OF HOUSTON
SYSTEM,**
Defendants.

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CIVIL ACTION NO.: 4:16-cv-3138

JURY DEMANDED

PLAINTIFF’S ORIGINAL COMPLAINT

TO THE HONORABLE U.S. DISTRICT COURT JUDGE:

NOW COMES Chun-Sheng Yu (“Plaintiff”) in the above-styled cause, complaining of and about The University of Houston at Victoria (“UHV”) and The University of Houston System (“the UH System”), (“Defendants”) and for cause of action files this, his Plaintiff’s Original Complaint, showing to the Court the following:

I. PARTIES

1. Plaintiff, Chun-Sheng Yu, is an individual residing in Sugar Land, Fort Bend County, Texas. Plaintiff is a citizen of the United States and the State of Texas.
2. Defendant, the University of Houston at Victoria, is a state-funded university in the State of Texas. Defendant may be served with process by serving its registered agent, Jim Davis, the Deputy AG for Civil Litigation, at the Price Daniel Senior Building, 8th Floor, 209 W 14th St., Austin, TX 78701.

3. Defendant, the University of Houston System, is a state-funded university in the State of Texas. Defendant may be served with process by serving its registered agent, Jim Davis, the Deputy AG for Civil Litigation, at the Price Daniel Senior Building, 8th Floor, 209 W 14th St., Austin, TX 78701.

II. JURISDICTION

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as Plaintiff's causes of action arise under federal statutes: the Age Discrimination in Employment Act ("ADEA") (29 U.S.C. § 621 et seq.) and Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-2(a), 2000e-3(a).

5. Additionally, this Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff's pendent state claims arising under the Texas Commission on Human Rights Act ("TCHRA"), Texas Labor Code §21.051, *et seq.*, because such claims are so related to the claims within the Court's original jurisdiction that they form part of the same case or controversy under Article 3 of the United States Constitution.

6. Venue is proper in the Southern District of Texas, Houston Division pursuant to 28 U.S.C. § 1391(a) because this is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

III. NATURE OF THE ACTION

7. This is an action against Defendant pursuant to the Age Discrimination in Employment Act ("ADEA") (29 U.S.C. § 621 et seq.); Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e-2(a); and the Texas Commission on Human Rights Act ("TCHRA"), Texas Labor Code §21.051, *et seq.* on the grounds that Plaintiff was discriminated against because of his national origin (Chinese), age (sixty-two (62)), and in retaliation for complaining to

Defendants and the EEOC about national origin and age discrimination.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

8. On November 5, 2012, Plaintiff filed a charge of discrimination based on national origin discrimination, age discrimination, and retaliation with the U.S. Equal Employment Opportunity Commission; Charge No. 460-2013-00426. This charge was related to ongoing discrimination. Subsequently, on July 25, 2016, the U.S. Equal Employment Opportunity Commission (“EEOC”) issued Plaintiff his Notice of Right Sue. See Exhibits A and B. Plaintiff files this lawsuit within ninety (90) days of receiving his Notice of Right to Sue and his lawsuit is, therefore, timely filed.

V. FACTS

9. Plaintiff is Chinese and is sixty-two (62) years old.

10. Plaintiff has a doctorate in Business Administration with a minor in MIS and has been teaching Management courses at universities since 1985. He came to the United States in 1988 and began working at the UHV School of Business Administration (“SBA”) in 2000. One of his articles was recognized as one of the 50 most outstanding articles published by the top 300 management journals in the world. Base on Google Scholar, his articles have been cited more than 3,300 times, and he is ranked Number 2 in his School for most citations to his articles.

11. In 2009, Farhang Niroomand became the dean of the SBA, and Plaintiff began experiencing discrimination based on his national origin and age.

12. In 2010, Plaintiff travelled to the DSI conference and received \$1100 for his travel. His colleague, who is younger and from Nepal, received \$1400 for the same conference.

13. In 2012, Dr. Yu did not get his sabbatical, even though the University Faculty Development Leave Committee ranked him #1, while a younger, Indian professor who was

ranked lower got his.

14. Out of the fifteen (15) Management professors, Plaintiff is the eldest.

15. For the Spring Semester in 2013, Plaintiff was forced to teach in Victoria instead of Sugar Land (his home campus), even though he had taught in Victoria before, while many other Management professors had not.

16. Professors from America and Middle Eastern countries were promoted to Full Professor over Plaintiff on multiple occasions, even though their publications were not in their teaching field, while Plaintiff's arguably is.

17. Plaintiff and other faculty from East Asian countries (China and South Korea) also had points deducted on their annual evaluations for not attending Commencement, while many professors from other countries received no deduction, despite also missing Commencement.

18. Because his annual evaluation was lower, Plaintiff did not receive as many pay increases as his non-Asian colleagues.

19. Additionally, professors who have been at the school longer, who are predominantly older professors, have greater publication requirements than the younger professors, which is not a requirement at other schools.

20. Plaintiff complained about national origin and age discrimination within UHV and the UH system, and then to the EEOC. UHV and the UH system never conducted a neutral investigation.

21. Since then, Plaintiff has received even worse treatment from Dr. Niroomand, especially with regard to the promotion process.

22. This process is still not performed by a neutral party, since Dr. Niroomand has assigned his friends as "external reviewers."

23. This, in turn, means that Plaintiff receives a lower salary than his colleagues who have not filed complaints.

24. Plaintiff has seen a doctor to cope with his emotional distress caused by these events, and has been prescribed medication.

VI. COUNT 1: TITLE VII NATIONAL ORIGIN DISCRIMINATION

25. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

26. Defendants intentionally engaged in unlawful employment practices involving Plaintiff because of his national origin (Chinese).

27. Defendants 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 him of any employment opportunity or adversely affect his status because of Plaintiff's national origin (Chinese) in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

VII. COUNT 2: TCHRA NATIONAL ORIGIN DISCRIMINATION

28. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

29. Defendants intentionally engaged in unlawful employment practices involving Plaintiff because of his national origin (Chinese).

30. Defendants 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 him of any employment opportunity or adversely affect his status because of Plaintiff's national origin (Chinese) in violation of Texas Labor Code

§ 21.051.

VIII. COUNT 3: TITLE VII RETALIATION

31. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

32. Defendants intentionally retaliated against Plaintiff because he complained to Defendants and the EEOC about national origin discrimination, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a).

IX. COUNT 4: ADEA AGE DISCRIMINATION

33. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

34. Defendants intentionally engaged in unlawful employment practices involving Plaintiff because of his age (sixty-two (62) years old).

35. Defendants 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 him of any employment opportunity or adversely affect his status because of Plaintiff's age (sixty-two (62) years old), in violation of the Age Discrimination in Employment Act.

X. COUNT 5: TCHRA AGE DISCRIMINATION

36. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

37. Defendants intentionally engaged in unlawful employment practices involving Plaintiff because of his age (sixty-two (62) years old).

38. Defendants 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 him of any employment opportunity or adversely affect his status because of Plaintiff's age (sixty-two (62) years old), in violation of Texas Labor Code § 21.051.

XI. COUNT 6: ADEA RETALIATION

39. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

40. Defendants intentionally retaliated against Plaintiff because he complained to Defendants and the EEOC about age discrimination, in violation of the Age Discrimination in Employment Act.

XII. COUNT 7: TCHRA RETALIATION

41. Plaintiff incorporates by reference all of the foregoing allegations in each of the paragraphs above as if fully set forth herein.

42. Defendants intentionally retaliated against Plaintiff because he complained to Defendants and the EEOC about national origin discrimination and age discrimination, in violation of Chapter 21 of the Texas Labor Code.

XIII. JURY DEMAND

43. Plaintiff demands a jury on all issues to be tried in this matter. Plaintiff has submitted the jury demand and herein submits the jury fee.

XIV. PRAYER

44. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer herein, and that on final trial, Plaintiff have judgment against Defendant for:

- a. Promotion to Full Professor;

- b. All damages to which Plaintiff may be entitled pursuant to this Original Complaint, or an amendment thereto, including but not limited to back pay, future wages, reinstatement, upgrading, and compensation for benefits not received;
- c. Past physical pain and mental suffering;
- d. Present physical pain and mental suffering;
- e. Future physical pain and mental suffering;
- f. Compensatory damages, including, but not limited to, emotional distress;
- g. Punitive damages in an amount above the minimum jurisdictional limits of the Court;
- h. Reasonable attorneys' fees as allowed by law, with conditional awards in the event of appeal;
- i. Pre-judgment interest at the highest rate permitted by law;
- j. Post-judgment interest from the judgment until paid at the highest rate permitted by law;
- k. Costs of Court; and
- l. Such other and further relief, at law or in equity, to which Plaintiff may be entitled, whether by this Original Complaint or by proper amendment thereto.

Respectfully submitted,



Alfonso Kennard, Jr.
Texas Bar No. 24036888
Southern District No: 713316
2603 Augusta Drive, Suite 1450
Houston, Texas 77057
(713) 742-0900 (main)
(713) 742-0951 (facsimile)
alfonso.kennard@kennardlaw.com
ATTORNEY-IN-CHARGE FOR PLAINTIFF

OF COUNSEL FOR PLAINTIFF:



Shelby C. Vick
Texas SBN: 24073498
Southern District Bar No: 2489449
2603 August Drive, Suite 1450
Houston, Texas 77057
(713) 742-0900 (main)
(713) 742-0951 (facsimile)
shelby.vick@kennardlaw.com

EXHIBIT “A”

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center"><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </p> <p align="right">460-2013-00426</p>
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Texas Workforce Commission Civil Rights Division and EEOC
State or local Agency, if any

Name (indicate Mr., Ms., Mrs.) Dr. Chun-Sheng Yu	Home Phone (Incl. Area Code) (281) 265-5866	Date of Birth 05-15-1954
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Street Address City, State and ZIP Code
3130 Colony Crossing Drive, Sugar Land, TX 77479

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 UNIVERSITY OF HOUSTON-VICTORIA	No. Employees, Members 201 - 500	Phone No. (Include Area Code) (281) 275-3300
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Street Address City, State and ZIP Code
14000 University Blvd., Sugar Land, TX 77479

Name	No. Employees, Members	Phone No. (Include Area Code)
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Street Address City, State and ZIP Code

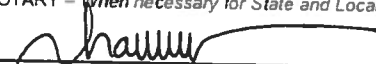
<p>DISCRIMINATION BASED ON (Check appropriate box(es))</p> <p> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify) </p>	<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <p align="center">Earliest Latest</p> <p align="center">08-15-2009 11-05-2012</p> <p align="center"><input checked="" type="checkbox"/> CONTINUING ACTION</p>
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

- I. Beginning on or around August 15, 2009, my Dean was subjected me and other senior Chinese faculty members to a hostile work environment and different terms and conditions of employment. Respondent is a university. I work as Associate Professor at their Sugar Land campus.
- II. Farhang Niroomand, a Middle Eastern male, had been hired as Dean without going through the search committee's equal employment opportunity process. Search committee members at the time had complained to the UH System, but then Niroomand began retaliating against senior faculty members. In the 2011 evaluations, he deducted points from senior Chinese faculty members, including me, claiming that it was because we did not attend commencement. However, he did not deduct any points from non-Chinese faculty who also did not attend commencement. We complained to the Provost, and later on, were able to get the points back. However, Niroomand continues to discriminate and retaliate against us by giving us unfavorable faculty course assignments, giving us lower faculty development funds, denying us promotions, putting junior members on committee membership assignments, etc. He shows favoritism towards Middle Eastern and Muslim employees and students. One senior Chinese faculty member, Dr. Louie Ren, complained a year ago to the Provost, President, and UH System, but nothing has been done to stop the discrimination and retaliation. Niroomand has also threatened and intimidated me. On or around September 25, 2012, he intimidated me by accusing me of allegedly badmouthing him and threatened that he would "deal" with me.
- III. I believe that I have been discriminated against because of my national origin, Chinese, and retaliated against, in violation of Title VII of the Civil Rights Act of 1964, as amended. I also believe that I have been discriminated against because of my age, and retaliated against, in violation of the Age Discrimination in Employment Act of 1967, as amended. I further believe that Chinese faculty members over age 55, as a class, have been discriminated against because of our ages, and retaliated against, in violation of the Age Discrimination in Employment Act of 1967, as amended.

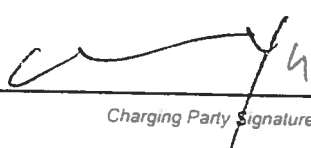
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - *When necessary for State and Local Agency Requirements*



I declare under penalty of perjury that the above is true and correct.


Nov 05, 2012


Charging Party Signature

Date

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



SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

11 / 05 / 2012

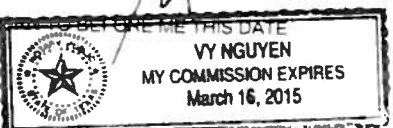


EXHIBIT “B”



U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

CERTIFIED MAIL
7010 0290 0000 2017 5679

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4701
Washington, DC 20530

July 25, 2016

Dr. Chun-Sheng Yu
c/o Alfonso Kennard, Jr., Esquire
Law Offices of Kennard & Richard
2603 Augusta Drive, 14th Floor
Houston, TX 77057

Re: EEOC Charge Against University Of Houston-Victoria
No. 460201300426

Dear Dr. Yu:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.


The investigative file pertaining to your case is located in the EEOC Houston District Office, Houston, TX.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Vanita Gupta
Principal Deputy Assistant Attorney General
Civil Rights Division

by


Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Houston District Office, EEOC
University Of Houston-Victoria

EEOC Form 161-B (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Chun-Sheng Yu
3130 Colony Crossing Drive
Sugar Land, TX 77479

From: Houston District Office
Mickey Leland Building
1919 Smith Street, 7th Floor
Houston, TX 77002

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

Table with 3 columns: EEOC Charge No., EEOC Representative, Telephone No.
460-2013-00426, Gabriel Cervantes, Investigator, (713) 651-4918

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- More than 180 days have passed since the filing of this charge.
Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
The EEOC is terminating its processing of this charge.
The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

- The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.
The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Signature of Rayford O. Irvin, Jr., District Director

JUL 25 2016

(Date Mailed)

Enclosures(s)

CC: Jennifer E. Bloom
Sr. Assistant General Counsel
UNIVERSITY OF HOUSTON SYSTEMS
311 E. Cullen Bldg.
Houston, TX 77204

Alfonso Kennard, Jr.
Attorney
Kennard, Richard, P.C.
2603 Augusta Dr., 14th Floor
Houston, Tx 77057

* Enclosure with EEOC
Form 161-B (11/09)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** – in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

CERTIFIED MAIL™

17001

CIVIL RIGHTS-EMP-L11

U.S. Department of Justice

Washington, D.C. 20530

Official Business
Penalty for Private Use \$300



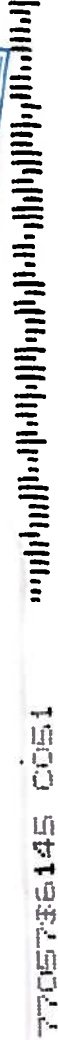
7010 0290 0000 2017 5679



US OFFICIAL MAIL
\$300 Penalty
For Private Use

016H26601570
\$07.230
07/28/2016
Mailed From 20530
US POSTAGE

**RETURN RECEIPT
REQUESTED**



7705736145 0051

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Chun-Sheng Yu

(b) County of Residence of First Listed Plaintiff Fort Bend (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Alfonso Kennard, Jr. 2603 Augusta Dr. Houston, Texas 77057 (713) 742-0900

DEFENDANTS

The University of Houston at Victoria and The University of Houston System

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): (29 U.S.C. § 621 et seq.) ; 42 U.S.C. § 2000e-2(a)

Brief description of cause: Plt was discriminated against because of his age, National Origin was retaliated against for complaining about it.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER 4:16-cv-3138

DATE 10/24/2016 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.