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11 UNITED STATES DISTRICT COURT  
12 FOR THE DISTRICT OF ARIZONA

13 Equal Employment Opportunity	)	Case No.:
14 Commission,	)	COMPLAINT
15 Plaintiff,	)	(JURY TRIAL DEMANDED)
16 vs.	)	
17 Creative Networks, LLC, an Arizona	)	
18 corporation, and Res-Care, Inc., a	)	
19 Kentucky corporation,	)	
20 Defendants.	)	

21 **NATURE OF THE ACTION**

22 This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42  
23 U.S.C. § 2000e et seq. (“Title VII”) and Title I of the Civil Rights Act of 1991, 42 U.S.  
24 C. § 1981a, to correct unlawful employment practices on the basis of retaliation and to  
25 provide appropriate relief to Ms. Rhonda Encinas-Castro and Ms. Kathryn Allen who  
26 were adversely affected by such practices. The EEOC alleges that Defendants, Creative  
27 Networks, LLC and Res-Care, Inc., discriminated against Ms. Encinas-Castro and Ms.  
28 Allen in retaliation for having opposed discrimination and/or participating in a  
proceeding pursuant to Title VII, including an investigation of alleged employment  
discrimination.

1 **JURISDICTION AND VENUE**

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,  
3 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706 (f)  
4 (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C.  
5 §2000e-5 (f) (1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C.  
6 §1981(a).

7 2. The employment practices alleged to be unlawful were and are now being  
8 committed within the jurisdiction of the United States District Court for the District of  
9 Arizona.

10 **PARTIES**

11 3. Plaintiff, the Equal Employment Opportunity Commission (the  
12 "Commission"), is the agency of the United States of America charged with the  
13 administration, interpretation and enforcement of Title VII, and is expressly authorized to  
14 bring this action by Sections 706 (f) (1) and (3) of Title VII, 42 U.S.C. §2000e-5 (f) (1)  
15 and (3).

16 4. At all relevant times, Defendant Creative Networks, LLC has continuously  
17 been an Arizona corporation doing business in the State of Arizona, and the City of  
18 Surprise and has continuously had at least 15 employees.

19 5. At all relevant times, Defendant Creative Networks, LLC has continuously  
20 been an employer engaged in an industry affecting commerce within the meaning of  
21 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

22 6. At all relevant times, Defendant Res-Care, Inc. has continuously been a  
23 Kentucky corporation doing business in the State of Arizona, and the City of Surprise and  
24 has continuously had at least 15 employees.

25 7. At all relevant times, Defendant Res-Care, Inc. has continuously been an  
26 employer engaged in an industry affecting commerce within the meaning of Sections  
27 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

28

1 **STATEMENT OF CLAIMS**

2 8. More than thirty days prior to the institution of this lawsuit, Ms. Encinas-  
3 Castro and Ms. Allen filed a charge with the Commission alleging violations of Title VII  
4 by Defendants. All conditions precedent to the institution of this lawsuit have been  
5 fulfilled.

6 9. Since at least May 2003, Defendants subjected Ms. Encinas-Castro to  
7 adverse employment actions in retaliation for opposing what she reasonably believed was  
8 discrimination and/ or participating in a proceeding pursuant to Title VII, including but  
9 not limited to filing a charge of discrimination with the EEOC, in violation of Section  
10 704 (a) of Title VII, 42 U.S.C. Section 2000e-3 (a). These practices include but are not  
11 limited to discipline and termination.

12 10. Since at least May 2003, Defendants subjected Ms. Allen to adverse  
13 employment actions in retaliation for opposing what she reasonably believed was  
14 discrimination and/ or participating in a proceeding pursuant to Title VII, including but  
15 not limited to being named as a witness in Ms. Encinas-Castro's charge of discrimination,  
16 in violation of Section 704 (a) of Title VII, 42 U.S.C. Section 2000e-3 (a). These  
17 practices include but are not limited to discipline and threats of termination.

18 11. The effect of the practices complained of above have been to deprive Ms.  
19 Encinas-Castro and Ms. Allen of equal employment opportunities and otherwise  
20 adversely affect their employment status on account of retaliation.

21 12. The unlawful employment practices complained of above were and are  
22 intentional.

23 13. The unlawful employment practices complained of above were done with  
24 malice and/or reckless indifference to the federally protected rights of Ms. Encinas-  
25 Castro and Ms. Allen.

26 **PRAYER FOR RELIEF**

27 Wherefore, the Commission respectfully requests that this Court:  
28

1           A.     Grant a permanent injunction enjoining Defendants, its officers, successors,  
2 assigns, and all persons in active concert or participation with it, from engaging in  
3 retaliation or any other employment practice against employees who oppose practices  
4 made unlawful by Title VII or are participating in a proceeding pursuant to Title VII.

5           B.     Order Defendants to institute and carry out policies, practices, and  
6 programs which provide equal employment opportunities for employees who oppose  
7 unlawful employment discrimination, and which eradicate the effects of its past and  
8 present unlawful employment practices.

9           C.     Order Defendants to make whole Ms. Encinas-Castro and Ms. Allen by  
10 providing appropriate back pay and benefits with prejudgment interest and other  
11 affirmative relief necessary to eradicate the effects of their unlawful employment  
12 practices, including other appropriate relief to be determined at trial.

13          D.     Order Defendants to make whole Ms. Encinas-Castro and Ms. Allen by  
14 providing compensation for past and future pecuniary losses resulting from the unlawful  
15 employment practices complained of above, including but not limited to medical  
16 expenses or other out of pocket expenses in amounts to be determined at trial.

17          E.     Order Defendants to make whole Ms. Encinas-Castro and Ms. Allen by  
18 providing compensation for past and future non-pecuniary losses resulting from the  
19 unlawful practices complained of above, including but not limited to pain and suffering,  
20 emotional distress, inconvenience, loss of enjoyment of life, loss of self-esteem and  
21 humiliation, in amounts to be determined at trial.

22          F.     Order Defendants to pay Ms. Encinas-Castro and Ms. Allen punitive  
23 damages for its malicious and reckless conduct complained of above, in amounts to be  
24 determined at trial.

25          G.     Grant such further relief as the Court deems necessary and proper in the  
26 public interest.

27          H.     Award the Commission its costs of this action.

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**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by this Complaint.

DATED this 30<sup>th</sup> day of September, 2005.

Respectfully submitted,

JAMES L. LEE  
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