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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
PRESCOTT DIVISION

EQUAL EMPLOYMENT	}	Case No.:
OPPORTUNITY COMMISSION,	}	COMPLAINT
Plaintiff,	}	JURY TRIAL DEMANDED
vs.	}	
NAVAJO HEALTH FOUNDATION--	}	
SAGE MEMORIAL HOSPITAL, INC.,	}	
Defendant.	}	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and/or national origin and retaliation, and to provide appropriate relief to Drs. Syed Ahmed, Mohammad Ilyas, Mehr N. Iqbal, Zaffar Iqbal, Majaz A. Khan, Debra Meness, Nariel Offomah, and Miriam E. Rodriguez-Padilla, who were adversely affected by such practices as described with particularity below. The Commission alleges that Defendant Navajo Health Foundation/Sage Memorial Hospital, Inc. paid Drs. Ilyas, M. Iqbal, Z. Iqbal, Khan, Meness, Offomah, and Rodriguez-Padilla less than it paid a white, Anglo

1 comparator due to their race and/or national origin. When these physicians and Dr.
2 Ahmed complained of discrimination to Defendant's Board of Directors and filed charges
3 alleging discrimination with the Commission, the eight physicians experienced retaliation
4 in the form of threats from and comments by Defendant's Directors.

5 **JURISDICTION AND VENUE**

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
7 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section
8 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
9 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42
10 U.S.C. § 1981a.

11 2. The employment practices alleged to be unlawful were committed within
12 the jurisdiction of the United States District Court for the District of Arizona, Prescott
13 Division.

14 **PARTIES**

15 3. Plaintiff, the Equal Employment Opportunity Commission (the
16 "Commission"), is the agency of the United States of America charged with the
17 administration, interpretation and enforcement of Title VII, and is expressly authorized to
18 bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and
19 (3).

20 4. At all relevant times, Defendant, Navajo Health Foundation/Sage Memorial
21 Hospital, Inc. (the "Employer"), an Arizona corporation, has continuously been doing
22 business in the State of Arizona and the City of Ganado, and has continuously had at least
23 15 employees.

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

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1 **STATEMENT OF CLAIMS**

2 6. More than thirty days prior to the institution of this lawsuit, Drs. Syed
3 Ahmed, Mohammad Ilyas, Mehr N. Iqbal, Zaffar Iqbal, Majaz A. Khan, Debra Meness,
4 Nariel Offomah, and Miriam E. Rodriguez-Padilla filed charges with the Commission
5 alleging violations of Title VII by Defendant Employer. All conditions precedent to the
6 institution of this lawsuit have been fulfilled.

7 **FIRST CLAIM: WAGE DISCRIMINATION**

8 7. Since at least November 2002, Defendant Employer has engaged in
9 unlawful employment practices at its Ganado, Arizona facility, in violation of Section
10 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1). These practices include paying, on the
11 basis of race and/or national origin, a white, Anglo physician with less experience an
12 annualized wage several thousand dollars greater than the annualized wage paid to each
13 of Drs. Mohammad Ilyas, Mehr N. Iqbal, Zaffar Iqbal, Majaz A. Khan, Debra Meness,
14 Nariel Offomah, and Miriam E. Rodriguez-Padilla. All seven physicians are non-White
15 and/or non-Anglo, and their races and national origins are as follows: Dr. Ilyas,
16 Asian/Pakistani; Dr. M. Iqbal, Asian/East Indian; Dr. Z. Iqbal, Asian/East Indian; Dr.
17 Khan, Asian/Pakistani; Dr. Meness, Native American; Dr. Offomah, Black/Nigerian; and
18 Dr. Rodriguez-Padilla, Hispanic/Puerto Rican.

19 **SECOND CLAIM: RETALIATION**

20 8. Since at least October 2004, Defendant Employer has engaged in unlawful
21 employment practices at its Ganado, Arizona facility, in violation of Section 704(a) of
22 Title VII, 42 U.S.C. § 2000e-3(a). These practices include retaliation against Drs. Syed
23 Ahmed, Mohammad Ilyas, Mehr N. Iqbal, Zaffar Iqbal, Majaz A. Khan, Debra Meness,
24 Nariel Offomah, and Miriam E. Rodriguez-Padilla for their opposition to unlawful
25 employment practices such as wage discrimination. When these physicians complained
26 of discrimination to Defendant's Board of Directors and filed charges alleging
27 discrimination with the Commission, they experienced retaliation including threats from
28 and comments by Defendant's Directors.

1 D. Order Defendant Employer to make whole Drs. Syed Ahmed, Mohammad
2 Ilyas, Mehr N. Iqbal, Zaffar Iqbal, Majaz A. Khan, Debra Meness, Nariel Offomah, and
3 Miriam E. Rodriguez-Padilla, by providing compensation for past and future pecuniary
4 losses resulting from the unlawful employment practices described in paragraphs 7 and 8
5 above, including job search and relocation expenses, in amounts to be determined at trial.

6 E. Order Defendant Employer to make whole Drs. Syed Ahmed, Mohammad
7 Ilyas, Mehr N. Iqbal, Zaffar Iqbal, Majaz A. Khan, Debra Meness, Nariel Offomah, and
8 Miriam E. Rodriguez-Padilla, by providing compensation for past and future
9 nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7
10 and 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of
11 life, and humiliation, in amounts to be determined at trial.

12 F. Order Defendant Employer to pay punitive damages for its malicious
13 and/or reckless conduct described in paragraphs 7 and 8 above, in amounts to be
14 determined at trial.

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

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

18 **JURY TRIAL DEMAND**

19 The Commission requests a jury trial on all questions of fact raised by its
20 complaint.

21 RESPECTFULLY SUBMITTED this 5th day of September, 2006.

22 RONALD S. COOPER
23 General Counsel

24 GWENDOLYN YOUNG REAMS
25 Associate General Counsel

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