

1 employment including distribution of enrollment leads, granting of tuition waivers,
2 and/or reprimands. The Commission further alleges that, after Messrs. Lein, Hamilton,
3 and Thornton complained about the discrimination, Defendants further discriminated
4 against these three individuals by transferring them based on their religion, non-LDS, or
5 in retaliation for their complaints of discrimination. Finally, the Commission alleges that
6 Defendants further discriminated against Mr. Lein based on his religion, non-LDS, or in
7 retaliation for his complaint of discrimination, by terminating him.

8 **JURISDICTION AND VENUE**

9 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
10 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section
11 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
12 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42
13 U.S.C. § 1981a.

14 2. The employment practices alleged to be unlawful were committed within
15 the jurisdiction of the United States District Court for the District of Arizona.

16 **PARTIES**

17 3. Plaintiff, the Equal Employment Opportunity Commission (the
18 "Commission"), is the agency of the United States of America charged with the
19 administration, interpretation and enforcement of Title VII, and is expressly authorized to
20 bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and
21 (3).

22 4. At all relevant times, Defendant University of Phoenix, Inc., an Arizona
23 corporation, has continuously been doing business in the State of Arizona and has
24 continuously had at least 15 employees.

25 5. At all relevant times, Defendant Apollo Group, Inc., an Arizona
26 corporation, has continuously been doing business in the State of Arizona and has
27 continuously had at least 15 employees. Apollo Group, Inc. is the parent corporation of
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1 Defendant University of Phoenix, Inc. Collectively, they are referred to herein as
2 “Defendant Employers.”

3 6. At all relevant times, Defendant Employers have continuously been
4 employers engaged in an industry affecting commerce within the meaning of Sections
5 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

6 STATEMENT OF CLAIMS

7 7. More than thirty days prior to the institution of this lawsuit, Messrs. Lein,
8 Davis, Hamilton, and Thornton filed charges with the Commission alleging violations of
9 Title VII by Defendant University of Phoenix All conditions precedent to the institution
10 of this lawsuit have been fulfilled.

11 8. Since at least August, 2001, Defendant Employers have engaged in
12 unlawful employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C.
13 § 2000e-2(a)(1). These practices include discriminating against Messrs. Lein, Davis,
14 Hamilton, and Thornton, and a class of individuals, based on their religion, non-LDS, by
15 treating them less favorably with regard to terms and conditions of employment,
16 including but not limited to the distribution of enrollment leads, granting of tuition
17 waivers, and/or reprimands.

18 9. On or near October 2003, Defendant Employers engaged in unlawful
19 employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-
20 2(a)(1), and/or Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a). These practices
21 include discrimination against Messrs. Lein, Hamilton, and Thornton, based on religion,
22 non-LDS, and/or opposition to unlawful employment practices, by transferring them after
23 they complained of unlawful discrimination based on religion.

24 10. On or near September 2004, Defendant Employers engaged in unlawful
25 employment practices, in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-
26 2(a)(1), and/or Section 704(a) of Title VII, 42 U.S.C. § 2000e-3(a), by terminating Mr.
27 Lein based on his religion, non-LDS, and/or his opposition to unlawful employment
28 practices.

1 in paragraphs 7, 8, and 9 above, including job search and relocation expenses, in amounts
2 to be determined at trial.

3 E. Order Defendant Employers to make whole Messrs. Lein, Davis, Hamilton,
4 and Thornton, and a class of non-LDS individuals, by providing compensation for past
5 and future nonpecuniary losses resulting from the unlawful practices complained of in
6 paragraphs 7, 8, and 9 above, including emotional pain, suffering, inconvenience, loss of
7 enjoyment of life, and humiliation, in amounts to be determined at trial.

8 F. Order Defendant Employers to pay punitive damages for their malicious
9 and/or reckless conduct described in paragraphs 7, 8, and 9 above, in amounts to be
10 determined at trial.

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

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

14 **JURY TRIAL DEMAND**

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

17 RESPECTFULLY SUBMITTED this 18th day of April, 2007.

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