

08/31/06  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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**E-Filing**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**SI**

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,**  
  
Plaintiff,  
  
vs.  
  
**ALBION RIVER INN, INC.,**  
  
Defendant.

**C** Case No. **06 5356**

**COMPLAINT**  
  
Civil Rights-Employment Discrimination  
  
DEMAND FOR JURY TRIAL

**NATURE OF THE ACTION**

This action is brought pursuant to 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/national origin and retaliation, and to provide appropriate relief to Abdellatif Hadji, who was adversely affected by such practices. Defendant Albion River Inn, Inc. subjected Mr. Hadji, a manager at Respondent's restaurant, to unlawful discriminatory treatment based on retaliation, in that it terminated his employment after he opposed race/national origin based comments which were made to an employee under his supervision, as well as to Mr. Hadji himself. In addition, Respondent subjected Mr. Hadji to unlawful discriminatory treatment by basing the decision to terminate his employment on his race/national origin (Arab).

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1 **JURISDICTION AND VENUE**

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

6 2) The unlawful employment practices alleged herein were and are now being  
7 committed within the jurisdiction of the United States District Court for the Northern District of  
8 California.

9 **INTRADISTRICT ASSIGNMENT**

10 3) This action is appropriate for assignment to San Francisco/Oakland because the  
11 unlawful employment practices alleged were and are being committed in Mendocino County, the  
12 employment records relevant to the unlawful practices were and are located in Mendocino  
13 County, and Defendant's principal place of business is in Mendocino County.

14 **PARTIES**

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

19 5) Defendant Albion River Inn, Inc. ("Defendant") is a California corporation, doing  
20 business in the State of California, in the County of Mendocino, and has continuously had at  
21 least 15 employees.

22 6) At all relevant times, Defendant Albion River Inn, Inc. has continuously been an  
23 employer engaged in an industry affecting commerce, within the meaning of Section 701(b), (g)  
24 and (h) of Title VII, 42 U.S.C. §§2000-e(b), (g) and (h).

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**STATEMENT OF CLAIMS**

**FIRST CLAIM FOR RELIEF**

**Violation of Title VII of Civil Rights Act Based on Retaliation**

7) More than thirty days prior to the institution of this lawsuit, Abdellatif Hadji (“Charging Party”) filed a charge of discrimination with Plaintiff Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

8) Since at least November 17, 2004, Defendant engaged in an unlawful employment practice in violation of §704(a) of Title VII, 42 U.S.C. §2000-e-3(a) by terminating the Charging Party’s employment in retaliation for his opposition to harassment based on race/national origin, or what Charging Party reasonably believed to be harassment based on race/national origin, of an employee under Charging Party’s supervision. In addition or in the alternative, Defendant engaged in an unlawful employment practice in violation of §704(a) of Title VII, 42 U.S.C. §2000-e-3(a) by terminating the Charging Party’s employment in retaliation for his opposition to harassment based on race/national origin, or what Charging Party reasonably believed to be harassment based on race/national origin, of Charging Party himself.

9) The effect of the action complained of in paragraph 8 above has been to deprive the Charging Party of equal employment opportunities and otherwise adversely affect his status as an employee because of his protected activity.

10) The unlawful employment practice complained of in paragraph 8 above was intentional.

11) The unlawful employment practice complained of in paragraph 8 above was done with malice or with reckless indifference to the federally protected rights of the Charging Party.

**SECOND CLAIM FOR RELIEF**

**Violation of Title VII of Civil Rights Act Based on National Origin/Race Discrimination**

12) Plaintiff Commission hereby incorporates the allegations of paragraphs 1 through 8 above as though fully set forth herein.

1            13) In addition to the above-referenced disparate treatment, Defendant engaged in the  
2 unlawful practice of race/national origin discrimination in violation of §703(a) of Title VII, 42  
3 U.S.C. §2000e-2(a)(1) by discriminating against the Charging Party by terminating his  
4 employment on the basis of his race/national origin.

5            14) The effect of the actions complained of in paragraph 8 above has been to deprive  
6 the Charging Party of equal employment opportunities and otherwise adversely affect his status  
7 as an employee because of his race/national origin.

8            15) The unlawful employment practice complained of in paragraph 13 above was  
9 intentional.

10            16) The unlawful employment practice complained of in paragraph 13 above was  
11 done with malice or with reckless indifference to the federally protected rights of the Charging  
12 Party.

13                                         **PRAYER FOR RELIEF**

14            Wherefore, the Commission respectfully requests that this Court:

15            A. Grant a permanent injunction enjoining Defendant, its officers, successors,  
16 assigns, and all persons acting in concert or participation with them, from engaging in  
17 race/national origin discrimination and/or retaliation discrimination against their employees.

18            B. Order Defendant to institute and carry out policies, practices, and programs which  
19 prohibit disparate treatment and retaliation, and which eradicate the effects of its unlawful  
20 employment practices.

21            C. Order Defendant to make the Charging Party whole, by providing appropriate  
22 back pay and benefits with prejudgment interest, and other affirmative relief necessary to  
23 eradicate the effects of their unlawful employment practices, including but not limited to  
24 reinstatement and/or front pay and other appropriate relief to be determined at trial.

25            E. Order Defendant to make the Charging Party whole by providing compensation  
26 for past and future pecuniary losses resulting from the unlawful employment practices  
27 complained of above, including but not limited to such out-of-pocket expenses as medical care  
28 necessitated by Defendant's unlawful conduct, in amounts to be determined at trial.

1 E. Order Defendant to make the Charging Party whole by providing compensation  
2 for past and future nonpecuniary losses resulting from the unlawful practices complained of  
3 above including, but not limited to emotional pain and suffering, inconvenience, loss of  
4 enjoyment of life and humiliation, in amounts to be determined at trial.

5 F. Order Defendant to pay the Charging Party punitive damages for the malicious  
6 and reckless conduct described above, in amounts to be determined at trial.

7 G. Grant such further relief as the Court may deem just and proper in the public  
8 interest.

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

10 **DEMAND FOR JURY TRIAL**

11 Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff hereby  
12 demands a jury trial.

13 **Ronald S. Cooper**  
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14 **James L. Lee**  
Deputy General Counsel  
15 **Gwendolyn Young Reams**  
Associate General Counsel

16 **Equal Employment Opportunity**  
**Commission**  
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18 Washington, DC 20507

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20 Date: August 30, 2006

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22 Date: August 30, 2006

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24 Date: August 30, 2006

25  
26 *Peck for*  
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*Jonathan T. Peck*  
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Supervisory Trial Attorney

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28 *[Signature]*  
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