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3:02-CV-01908 EEOC V. BAZAAR DEL MUNDO INC
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CMP.

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:  DEPUTY

1 ANNA Y. PARK, State Bar No. 164242
2 PETER F. LAURA, State Bar No. 116426
3 U.S. EQUAL EMPLOYMENT
4 OPPORTUNITY COMMISSION
5 255 East Temple Street, 4th Floor
6 Los Angeles, CA 90012
7 Telephone: (213) 894-1076
8 Facsimile: (213) 894-1301

9 Attorneys for Plaintiff
10 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 U.S. EQUAL EMPLOYMENT)
14 OPPORTUNITY COMMISSION,)
15 Plaintiff,)
16 v.)
17 BAZAAR DEL MUNDO, INC. and)
18 DOES 1 through 5, inclusive,)
19 Defendants.)

20 CASE NO. '02 CV 01908 W (RBB)
21 COMPLAINT - CIVIL RIGHTS
22 EMPLOYMENT DISCRIMINATION
23 (42 U.S.C. Section 2000e, et
24 seq.; 42 U.S.C. Section 1981a)
25 DEMAND FOR TRIAL BY JURY

26 NATURE OF THE CASE

27 This is an action under Title VII of the 1964 Civil Rights Act and Title I of the Civil
28 Rights Act of 1991 to correct intentional and unlawful employment practices on the basis of race,
and to make whole Trina Akins and similarly situated Black applicants who applied for
employment with Bazaar Del Mundo, Inc., ("BDM"), as service workers, who were adversely
affected by such practices.

As described in greater particularity below, the Plaintiff U.S. Equal Employment
Opportunity Commission ("Commission" or "EEOC") alleges that BDM discriminated against
Trina Akins and similarly situated Black applicants by failing to hire them because of their race,
Black.

In addition, the Commission alleges that Defendant has engaged in and continues to
engage in recruitment practices which discriminated against potential Black applicants for

1 employment. These recruitment practices include "word of mouth" hiring. As a result of these
2 practices, Blacks have been denied equal employment opportunities.

3 JURISDICTION AND VENUE

4 1. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. Section 451, 1331, 1337,
5 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and
6 707 of Title VII, 42 U.S.C. Sections 2000e-5(f)(1) and (3) and 2000e-6, and Title I of the Civil
7 Rights Act of 1991, 42 U.S.C. Section 1981a.

8 2. The unlawful employment practices alleged herein were committed within the
9 jurisdiction of the United States District Court for the Southern District of California.

10 PARTIES

11 3. The EEOC is an agency of the United States of America charged with the
12 administration, interpretation and enforcement of Title VII and is expressly authorized to bring
13 this action by Sections 706(f)(1) and (3) and 707(e) of Title VII, 42 U.S.C. Sections 2000e-
14 5(f)(1) and (3) and 2000e-6(e).

15 4. At all relevant times until at least July 1, 1998, BDM was and is a California
16 corporation continuously doing business in the Southern District of California, and continuously
17 had fifteen or more employees.

18 5. At all relevant times until at least July 1, 1998, BDM continuously was an employer
19 engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of
20 Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

21 CONDITIONS PRECEDENT

22 6. More than thirty (30) days prior to the institution of this lawsuit Trina Akins filed a
23 charge with the Commission alleging that BDM violated Title VII.

24 7. Prior to institution of this lawsuit, all conditions precedent were satisfied. The
25 Commission's representatives attempted to eliminate the unlawful employment practices
26 hereinafter alleged and to affect voluntary compliance with the Act through informal methods of
27 conciliation, conference and persuasion within the meaning of Section 706(b) and 707(e) of Title
28 VII, 42 U.S.C. Sections 2000e-5(b) and -6(e).

STATEMENT OF CLAIMS

11. Since at least July 1, 1998, BDM has engaged in unlawful employment practices in violation of Sections 703(a)(1) and 707 of Title VII, 42 U.S.C. Sections 2000e-3 and 2000e-6. These violations include failing to hire Trina Akins and similarly situated Black applicants not hired by BDM because of their race, Black.

12. The effect of the practices complained of above has been to deprive Trina Akins and other similarly situated Black applicants for service worker positions of equal employment opportunities and to otherwise adversely affect their employment status because of their race.

13. As a direct and proximate result of the aforesaid acts of BDM Trina Akins and similarly situated Black applicants have suffered emotional distress, embarrassment, humiliation and related damages in an amount according to proof.

14. As a direct and proximate result of the aforesaid acts of BDM, Trina Akins and similarly situated Black applicants have suffered a loss of earnings in an amount according to proof.

15. The unlawful employment practices complained of above were and are intentional within the meaning of the 1991 Civil Rights Act.

16. BDM has acted with malice or reckless indifference to federally protected rights of Trina Akins and similarly situated Black applicants.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant declaratory relief that BDM has violated Title VII by discriminating in hiring because of race.

B. Grant a permanent injunction enjoining BDM, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of race or retaliate against employees for engaging in activity protected under Title VII.

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1 C. Order BDM to institute and carry out policies, practices and programs which
2 provide equal employment opportunities for Blacks and which eradicate the effects of past and
3 present unlawful employment practices.

4 D. Grant a judgment requiring BDM to make Trina Akins and similarly situated Black
5 applicants whole by paying to them appropriate back pay, interest, lost benefits, rightful place
6 employment and compensatory and punitive damages in an amount to be proven at trial.

7 E. Grant such further relief as the Court deems necessary and proper in the public
8 interest.

9 F. Award the Commission its costs in this action.

10 JURY TRIAL DEMAND

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

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13 Respectfully submitted,

14
15 EQUAL EMPLOYMENT
16 OPPORTUNITY COMMISSION

17 GWENDOLYN YOUNG REAMS
18 Associate General Counsel
19 ANNA Y. PARK
20 Regional Attorney
21 PETER F. LAURA
22 Senior Trial Attorney



23 ANNA Y. PARK
24 Attorneys for Plaintiff

25 Date: 9/20/02

26 U.S. Equal Employment Opportunity
27 Commission
28 Los Angeles District Office
255 East Temple St., 4th Floor
Los Angeles, CA 90012
(213) 894-1080

CIVIL COVER SHEET

(Rev. 07/89)

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 maintaining the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

U.S. Equal Employment Opportunity Commission

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

Bazaar Del Mundo, Inc. and DOES 1 through 5, inclusive

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

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

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

U.S. Equal Employment Opportunity Commission 255 East Temple Street, 4th Fl. Los Angeles, CA 90012

ATTORNEYS (IF KNOWN)

Belle C. Mason Silver & Freedman 2029 Century Park East, 19th Floor Los Angeles, CA 90067

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- XX U.S. Government Plaintiff
Federal Question (U.S. Government Not a Party)
2 U.S. Government Defendant
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
Incorporated or Principal Place of Business in This State
Incorporated and Principal Place of Business in Another State
Foreign Nation

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

Employment Discrimination Pursuant to 42 U.S.C. Sec. 2000e

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories and checkboxes.

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- XX Original Proceeding
Removal from State Court
Remanded from Appellate Court
Reinstated or Reopened
Transferred from another district (specify)
Multidistrict Litigation
Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint.

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

DATE: Sept 20, 2002

SIGNATURE OF ATTORNEY OF RECORD

Docket Number

Handwritten initials 'CR' in the bottom left corner.

FILED stamp: 02 SEP 24 AM 10:01, CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA, and handwritten case number 02 CV 01908 W (RBB).