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10 U.S. EQUAL EMPLOYMENT  
11 OPPORTUNITY COMMISSION

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 U.S. EQUAL EMPLOYMENT  
15 OPPORTUNITY COMMISSION,

16 Plaintiff,

17 v.

18 THE BEVERLY HILTON, and DOES 1-  
19 10, Inclusive.

20 Defendants.

21 CASE NO. CV **01 - 08316**

22 COMPLAINT -  
23 CIVIL RIGHTS EMPLOYMENT  
24 DISCRIMINATION

25 29 U.S.C. § 621 et seq.

26 DEMAND FOR TRIAL BY JURY

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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

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27 NATURE OF THE ACTION

28 This is an employment discrimination action brought by the United States Equal  
Employment Opportunity Commission (the "Commission") under the Age Discrimination in  
Employment Act of 1967, as amended, 29 U.S.C. §§ 621 et seq., (the "ADEA"), to correct  
unlawful employment practices on the basis of age and to provide appropriate relief to the  
Charging Party, Brenda Ngoho ("Ms. Ngoho" or "Charging Party") and a class of similarly  
situated persons who were age forty (40) or above at the time they applied for and were denied  
employment with Defendant. The Commission alleges that the Defendant failed to hire Ms.  
Ngoho and a group of similarly situated persons over age forty (40) on the basis of their ages, in  
violation of the ADEA.

1/s  
9/20

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JURISDICTION AND VENUE

1  
2           1.       Jurisdiction of this Court is invoked pursuant to 28 U.S.C. sections 451, 1331,  
3 1337, 1343 and 1345. This action is authorized and instituted pursuant to section 7(b) of the  
4 ADEA, 29 U.S.C. § 626(b), which incorporates by reference sections 16(c) and 17 of the Fair  
5 Labor Standards Act of 1938, as amended, 29 U.S.C. §§ 216(c) and 217.

6           2.       The employment practices alleged herein to be unlawful were committed within  
7 the jurisdiction of the United States District Court for the Central District of California.

PARTIES

8  
9           3.       Plaintiff Commission is an agency of the United States of America charged with  
10 the administration, interpretation and enforcement of ADEA and is expressly authorized to bring  
11 this action under § 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by section 2 of  
12 Reorganization Plan No. 1 of 1978, 92 Stat. 3781 and by Public Law 98-532 (1984) 98 Stat.  
13 2705.

14           4.       Plaintiff is ignorant of the true names and capacities of Defendants sued as DOES  
15 through 10, inclusive, herein and therefore Plaintiff sues said Defendants by such fictitious  
16 names. Plaintiff reserves the right to amend the complaint to name the DOE defendants  
17 individually or corporately as they become known. Plaintiff alleges that each of the Defendants  
18 named as DOES was in some manner responsible for the acts and omissions alleged herein and  
19 Plaintiff will amend the complaint to allege such responsibility when same shall have been  
20 ascertained by Plaintiff.

21           5.       All of the acts and failures to act alleged herein were duly performed by and  
22 attributable to all Defendants, each acting as a successor, agent, employee or under the direction  
23 and control of the others, except as otherwise specifically alleged. Said acts and failures to act  
24 were within the scope of such agency and/or employment, and each Defendant participated in,  
25 approved and/or ratified the unlawful acts and omissions by other Defendants complained of  
26 herein. Whenever and where ever reference is made in this Complaint to any act by a Defendant  
27 or Defendants, such allegations and reference shall also be deemed to mean the acts and failures  
28 to act of each Defendant acting individually, jointly, and/or severally.



1 to deprive Ms. Ngoho and other similarly situated persons who were age forty (40) or above at  
2 the time they applied for and were denied employment with Defendant of equal employment  
3 opportunities and to otherwise adversely affect their status as an employee because of their age.

4 13. The unlawful employment practices complained of above were and are willful  
5 within the meaning of section 7(b) of the ADEA, 29 U.S.C. § 626(b).

6 14. Defendant has acted with malice or reckless indifference to the federally protected  
7 rights of Ms. Ngoho and the other similarly situated persons who were age forty (40) or above at  
8 the time they applied for and were denied employment with Defendant.

9 15. The unlawful employment practices complained of above were intentional and  
10 caused Ms. Ngoho and the other similarly situated persons who were age forty (40) or above at  
11 the time they applied for and were denied employment with Defendant to suffer emotional pain,  
12 suffering, inconvenience, loss of enjoyment of life, humiliation, loss of earnings, and damages,  
13 according to proof.

14 PRAYER FOR RELIEF

15 Wherefore, the Commission respectfully requests that this Court:

16 A. Grant a permanent injunction enjoining Defendant, and its officers, successors,  
17 assigns and all persons in active concert or participation with them, from engaging in any  
18 employment practices which discriminate on the basis of age;

19 B. Order Defendant to institute and carry out policies, practices and programs which  
20 provide equal employment opportunities for persons forty (40) years of age and older, and which  
21 eradicate the effects of their past and present unlawful employment practices;

22 C. Grant a judgment requiring Defendant to pay Ms. Ngoho and other similarly  
23 situated persons who were over age forty (40) when they applied and were denied employment  
24 by Defendant appropriate back pay, front pay and benefits in an amount to be determined at trial,  
25 an equal sum as liquidated damages, and prejudgment interest on the lost pay and benefits;

26 D. Order Defendant to make whole Ms. Ngoho and other similarly situated persons  
27 who were over age forty (40) when they applied and were denied employment by Defendant by  
28 providing affirmative relief necessary to eradicate the effects of its unlawful practices including,

- 1 but not limited to, payment of front pay to Ms. Ngoho and/or rightful place employment;
- 2 E. Order Defendant to pay Ms. Ngoho and other similarly situated persons who were
- 3 over age forty (40) when they applied and were denied employment by Defendant punitive
- 4 damages in an amount to be determined at trial;
- 5 F. Grant such further relief as the Court deems necessary and proper in the public
- 6 interest;
- 7 G. Award the Commission its costs in this action.

8 JURY DEMAND

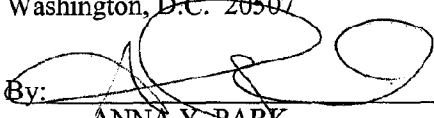
9 The Commission requests a jury trial on all questions of fact raised by its Complaint.

10  
11 Date: 9/26/01

Respectfully Submitted By:

GWENDOLYN REAMS,  
Deputy General Counsel

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