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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
14 **SACRAMENTO DIVISION**

15 EQUAL EMPLOYMENT
16 OPPORTUNITY COMMISSION,

17 Plaintiff,

18 v.

19 PARAGARY'S MANAGEMENT GROUP
20 d/b/a Paragary's Bar and Oven, Blue Clue,
21 Cafe Bernardo, Centro Cocina, Esquire
22 Grill, KBar, Monkey Bar, Spataro;
23 PARAMOOR, INC. d/b/a Paragary's
24 Management Group, Paragary's Bar and
25 Oven, Blue Clue, Cafe Bernardo, Centro
26 Cocina, Esquire Grill, KBar, Monkey Bar,
27 Paragary's Bar and Oven, Spataro; and
28 PDK PARTNERSHIP.

Defendants.

CIVIL ACTION NO.

**COMPLAINT- CIVIL RIGHTS
EMPLOYMENT DISCRIMINATION
(42 U.S.C. §§ 2000e, et seq.)**

JURY TRIAL DEMAND

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 sex and to provide appropriate relief to Charging Party Leticia Fernandez and other similarly situated individuals (the claimants) who were adversely affected by such practices. As alleged below, defendants PARAGARY'S MANAGEMENT GROUP, PARAMOOR, INC., and PDK PARTNERSHIP subjected the claimants to a hostile work environment based on their sex, female and disparate treatment based on their sex and national origin, Mexican female.

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1 charge of discrimination with the EEOC alleging violations of Title VII by Defendants. All
2 conditions precedent to the institution of this lawsuit have been fulfilled.

3 8. Since at least May of 2001, Defendants have engaged in unlawful practices at their
4 Sacramento County business in violation of §703 (a) (1) of Title VII, 42 U.S.C. §2000e-2 (a) (1).
5 These practices, which continued on a regular basis, included subjecting the claimants to harassment
6 on the basis of their sex, female, which created an offensive, abusive, intimidating, and hostile work
7 environment. The harassment included both verbal and physical acts. The claimants were also
8 subjected to sex and national origin discrimination based on their sex, female, and national origin,
9 Mexican. The discrimination included but was not limited providing different terms and conditions
10 of employment to Mexican females such as requiring them to do the work of non-Mexican female
11 employees, and denying Mexican females breaks and requested leave.

12 9. The effect of the practices complained of in paragraph 8 above has been to deprive
13 the claimants of equal employment opportunities and to otherwise adversely affect them because of
14 their sex, female or their national origin, Mexican.

15 10. The unlawful employment practices complained of in paragraph 8 above were and are
16 intentional.

17 11. The unlawful employment practices complained of in paragraph 8 above were done
18 with malice and/or reckless disregard for the federally protected rights of the claimants.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, the Commission respectfully requests that this Court:

21 A. Grant a permanent injunction enjoining Defendants, their officers, successors,
22 assigns, and all persons in active concert or participation with them, from engaging in harassment
23 based on sex and any other employment practice which discriminates on the basis of sex.

24 B. Order Defendants to institute and carry out policies, practices, and programs which
25 provide equal employment opportunities for their employees and which eradicate the effects of their
26 past and present unlawful employment practices.

27 C. Order Defendants to make whole the claimants by providing appropriate backpay
28 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary

1 to eradicate the effects of its unlawful employment practices, including but not limited to front pay.

2 D. Order Defendant to make whole the claimants by providing for past and future
3 pecuniary losses resulting from the unlawful employment practices described above, with interest, in
4 amounts to be determined at trial.

5 E. Order Defendants to make whole the claimants by providing compensation for past
6 and future nonpecuniary losses caused by the above unlawful conduct, including pain and suffering,
7 emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and humiliation, in
8 amounts to be determined at trial.

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1 E. Order Defendants to pay the claimants punitive damages for their malicious and
2 reckless conduct described above, in amounts to be determined at trial.

3 F. Grant such further relief as the Court deems proper.

4 G. Award the EEOC its costs in this action.

5 **JURY TRIAL DEMAND**


6 The EEOC requests a jury trial on all questions of fact raised by its complaint.


7 Respectfully submitted,

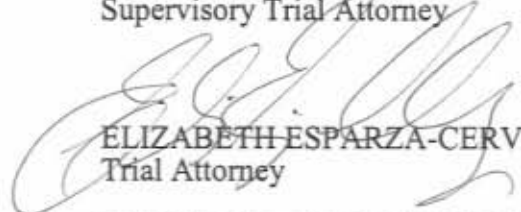
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14 September 29, 2005

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