

COPY

1 DAVID J. PALMER, DC 417834  
 WILLIAM B. FENTON, DC 414990  
 2 ANAT EHRLICH, CA 151836  
 Attorneys  
 3 United States Department of Justice  
 Civil Rights Division 950 Pennsylvania Avenue, NW  
 4 Washington, D.C. 20035-5968  
 Telephone: (202) 616-9614  
 5 Facsimile: (202) 514-1005

6 DEBRA W. YANG  
 United States Attorney  
 7 for the Central District of California  
 LEON W. WEIDMAN  
 8 Chief, Civil Division  
 300 N. Los Angeles Street  
 9 Los Angeles, CA 90012  
 Telephone: (213) 894-2400

10 Attorneys for Plaintiff  
 11 United States of America

2004 SEP 16 AM 10:22  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES

FILED

12 UNITED STATES DISTRICT COURT  
 13 CENTRAL DISTRICT OF CALIFORNIA

JFW

04-07699

JTLX

16 UNITED STATES OF AMERICA, )  
 17 )  
 Plaintiff, )  
 18 )  
 v. )  
 19 )  
 20 LOS ANGELES COUNTY  
 21 METROPOLITAN  
 TRANSPORTATION  
 22 AUTHORITY,  
 Defendant. )  
 23 )

CASE NO.:  
 COMPLAINT  
 CIVIL RIGHTS  
 (42 U.S.C. §§ 2000e, et seq.)  
 JURY TRIAL DEMAND

24 Plaintiff, United States of America, alleges:

25 1. This action is brought on behalf of the United States to enforce the  
 26 provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §  
 27 2000e, et seq. ("Title VII").

28 2. This Court has jurisdiction over the action under 42 U.S.C. § 2000e-

1 5(f), 42 U.S.C. § 2000e-6(b), 28 U.S.C. § 1343 (a)(3) and 1345.

2 3. Defendant Los Angeles County Metropolitan Transportation  
3 Authority ("MTA") is a governmental agency of the County of Los Angeles  
4 established pursuant to the California Public Utilities Code §§ 1300050.2,  
5 130051.13 and 130051.14.

6 4. Defendant MTA is a person within the meaning of 42 U.S.C.  
7 § 2000e(a), and an employer within the meaning of 42 U.S.C. § 2000e(b).

8 5. Defendant MTA has pursued and continues to pursue policies and  
9 practices that discriminate against employees and applicants for employment on  
10 the basis of religion, in violation of 703(a) of Title VII of the Civil Rights Act of  
11 1964, as amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

- 12 (a) failing or refusing reasonably to accommodate employees and  
13 applicants for employment who, in accordance with their religious  
14 observances, practices and/or beliefs, need religious accommodation  
15 because they are unable to comply with a requirement followed by  
16 defendant MTA that employees in its Operations Division be  
17 available to work weekends, on any shift, at any location;
- 18 (b) failing or refusing to hire applicants for employment who, in  
19 accordance with their religious observances, practices and/or beliefs,  
20 need religious accommodation because they are unable to comply  
21 with a requirement followed by defendant MTA that employees in its  
22 Operations Division be available to work weekends, on any shift, at  
23 any location; and
- 24 (c) failing or refusing to take appropriate action to eliminate the  
25 discriminatory policies and practices and to remedy the effects of  
26 those policies and practices.

27 6. The policies and practices of defendant MTA, described above,  
28 constitute a pattern or practice of resistance to the full enjoyment by employees

1 and applicants for employment of equal employment opportunities without  
2 discrimination on the basis of religion in violation of § 707 of Title VII, 42 U.S.C.  
3 § 2000e-6. Unless restrained by an order of this Court, defendant MTA will  
4 continue to pursue policies and practices that are the same as or similar to those  
5 alleged in this Complaint.

6 7. Defendant MTA has discriminated against Henry Asher, who was  
7 employed as a Bus Operator Trainee at the MTA, on the basis of his religion,  
8 Jewish, in violation of § 703(a) of Title VII of the Civil Rights Act of 1964, as  
9 amended, 42 U.S.C. § 2000e-2(a), among other ways, by:

- 10 (a) failing or refusing reasonably to accommodate Mr. Asher's religious  
11 observance, practice and/or belief of observing the Sabbath from  
12 sundown on Friday until sundown on Saturday;
- 13 (b) terminating Mr. Asher's employment because of his religious  
14 observance, practice and/or belief of observing the Sabbath from  
15 sundown on Friday until sundown on Saturday; and
- 16 (c) failing or refusing to take appropriate action to remedy the effects of  
17 the discriminatory treatment against Mr. Asher.

18 8. The Equal Employment Opportunity Commission ("EEOC") received  
19 a timely charge filed by Mr. Asher (Charge No. 151-99-0961) in which he alleged  
20 that he had been discriminated against in employment because of his religion by  
21 defendant MTA. Pursuant to § 706 of Title VII, 42 U.S.C. § 2000e-5, the EEOC  
22 investigated the charge and found reasonable cause to believe that defendant MTA  
23 discriminated against Mr. Asher based on his religion. The EEOC further found  
24 reasonable cause to believe that defendant MTA has and continues to engage in a  
25 pattern or practice of discrimination against employees and applicants for  
26 employment based on religion. The EEOC attempted unsuccessfully to achieve  
27 through conciliation a voluntary resolution of the matter, and subsequently  
28 referred the charge to the Department of Justice.

1 9. All conditions precedent to the filing of suit have been performed or  
2 have occurred.

3 WHEREFORE, plaintiff United States prays that this Court grant the  
4 following relief:

- 5 (a) Enjoin defendant MTA, its officers, agents, employees, successors,  
6 and all persons in active participation with them from discriminating  
7 on the basis of religion, and specifically from failing or refusing to:
- 8 (i) provide reasonable accommodation to employees who, in  
9 accordance with their religious observances, practices and/or  
10 beliefs, require accommodation because they are unable to  
11 comply with the requirement followed by defendant MTA that  
12 employees in its Operations Division be available to work  
13 weekends, on any shift, at any location;
  - 14 (ii) provide equal employment opportunities to applicants for  
15 employment who, in accordance with their religious  
16 observances, practices and/or beliefs, require reasonable  
17 accommodation because they are unable to comply with the  
18 requirement followed by defendant MTA that employees in its  
19 Operations Division be available to work weekends, on any  
20 shift, at any location;
  - 21 (iii) adopt a policy designed reasonably to accommodate the  
22 religious observances, practices and beliefs of defendant  
23 MTA's employees and applicants for employment who require  
24 religious accommodation; and
  - 25 (iv) take other appropriate nondiscriminatory measures to overcome  
26 the effects of the discrimination.
- 27 (b) Provide make-whole remedial relief, including backpay with interest,  
28 rightful place employment and accompanying benefits including



JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

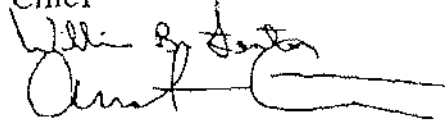
JOHN ASHCROFT  
Attorney General

R. ALEXANDER ACOSTA  
Assistant Attorney General  
Civil Rights Division

By:




DAVID J. PALMER  
Chief



WILLIAM B. FENTON  
Deputy Chief  
ANAT EHRLICH  
Attorney  
EMPLOYMENT LITIGATION SECTION  
Civil Rights Division  
U.S. Department of Justice

By:

DEBRA W. YANG  
United States Attorney  
Central District of California

  
LEON W. WEIDMAN  
Assistant United States Attorney  
Chief, Civil Division