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20 **UNITED STATES DISTRICT COURT**  
21 **DISTRICT OF GUAM**

22 U.S. EQUAL EMPLOYMENT  
23 OPPORTUNITY COMMISSION,

24 Plaintiff,

25 vs.

26 LEO PALACE RESORT,

27 Defendants.

Case No.: **06-00028**

**COMPLAINT—TITLE VII**  
**Sexual Harassment**  
**Retaliation**

**JURY TRIAL DEMAND**

**FILED**  
DISTRICT COURT OF GUAM  
SEP 29 2006  
MARY L.M. MORAN  
CLERK OF COURT

28 **NATURE OF THE ACTION AND JURISDICTION**

1. 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 retaliation, and to provide appropriate relief to Viviene Villanueva, Jennifer Holbrook,

**ORIGINAL**

1 Rosemarie Taimanglo and other similarly situated individuals, who were adversely affected by  
2 such practices. As set forth more fully in this Complaint, Plaintiff U.S. Equal Employment  
3 Opportunity Commission alleges that Viviene Villanueva, Jennifer Holbrook, Rosemarie  
4 Taimanglo and other similarly situated individuals were subjected to a hostile work environment  
5 on the basis of their sex, female, and that Jennifer Holbrook and Rosemarie Taimanglo were  
6 retaliated against for complaining of the hostile work environment, by Defendant Leo Palace  
7 Resort. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and  
8 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and Section  
9 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)  
10 and § 2000e-6 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

11 **VENUE**

12 2. The employment practices alleged to be unlawful were and are now being  
13 committed within the jurisdiction of the United States District Court for the District of Guam.

14 **PARTIES**

15 3. Plaintiff, the U.S Equal Employment Opportunity Commission ("EEOC" or  
16 "Commission"), is the agency of the United States of America charged with the administration,  
17 interpretation and enforcement of Title VII, and is expressly authorized to bring this action by  
18 Section 706(f)(1) and (3) and Section 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and §  
19 2000e-6.

20 4. At all relevant times, Defendant Leo Palace Resort has continuously been a  
21 corporation doing business in Guam and the City of Yona, and has continuously had at least  
22 15 employees.

23 5. At all relevant times, Defendant Employer has continuously been an employer  
24 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of  
25 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

26 **STATEMENT OF CLAIMS**

27 6. More than thirty days prior to the institution of this lawsuit, Viviene Villanueva,  
28 Jennifer Holbrook and Rosemarie Taimanglo filed charges with the Commission alleging

1 violations of Title VII by Defendant Employer. All conditions precedent to the institution of this  
2 lawsuit have been fulfilled.

3 7. From June 2004, Defendant Employer engaged in unlawful employment practices  
4 at their Yona, Guam location, in violation of Title VII, 42 U.S.C. § 2000e-2, by subjecting  
5 Viviene Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated  
6 individuals to a hostile working environment on the basis of sex. Viviene Villanueva, Jennifer  
7 Holbrook, Rosemarie Taimanglo and other similarly situated individuals were subjected to  
8 unwelcome severe and/or pervasive harassment by a female co-worker that included, but was not  
9 limited to, frequent and repeated physical touching, requests for sex, and gestures and  
10 commentary of a sexual nature that persisted despite numerous complaints of the behavior made  
11 to Defendant Employer. Defendant Employer further failed to exercise reasonable care to  
12 prevent and correct promptly the sexually harassing behavior. All three employees were  
13 constructively discharged as a result.

14 8. Beginning on or about June 2004, and continuing thereafter, Defendant  
15 Employers engaged in unlawful employment practices at their Yona, Guam, location, in  
16 violation of Section 704 of Title VII, 42 U.S.C. § 2000e-3 by retaliating against Jennifer  
17 Holbrook and Rosemarie Taimanglo for opposing the harassment described in paragraph 9 above  
18 which led to their constructive discharge. Specifically, Defendant Employers took an adverse  
19 employment action against Jennifer Holbrook and Rosemarie Taimanglo by reducing hours and  
20 subjecting them to discipline and failing to maintain the confidentiality of their harassment  
21 complaints which led to their constructive discharge.

22 9. The effect of the practices complained of above has been to deprive Viviene  
23 Villanueva, Jennifer Holbrook, Rosemarie Taimanglo and other similarly situated individuals of  
24 equal employment opportunities and otherwise adversely affect their status as an employee,  
25 because of their sex, female.

26 10. The unlawful employment practices complained of above were and are  
27 intentional.

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G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs of this action.

**JURY TRIAL DEMAND**

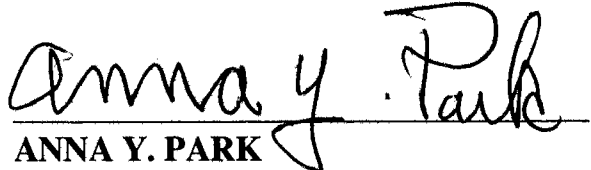
The Commission requests a jury trial on all questions of fact raised by its complaint.

Ronald S. Cooper  
General Counsel

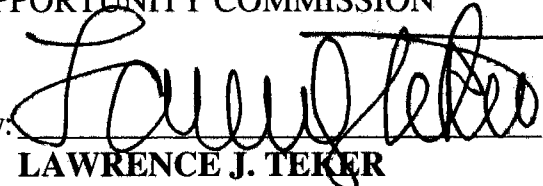
James L. Lee  
Deputy General counsel

Gwendolyn Young Reams  
Associate General Counsel

Dated: September 27, 2006.

  
ANNA Y. PARK

Regional Attorney  
U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

By:   
LAWRENCE J. TEKER

By designation