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16 **UNITED STATES DISTRICT COURT**  
17 **FOR THE DISTRICT OF HAWAII**

18 U.S. EQUAL EMPLOYMENT  
19 OPPORTUNITY COMMISSION,

20 Plaintiff,

21 ABDULLAH YAHIA, et. al.,

22 Plaintiff Intervenors,

23 v.

24 NCL AMERICA, INC. and NCL  
25 (BAHAMAS) LTD.,

26 Defendants.

) Civil Action No.'s  
) 06-00451 SOM BMK  
) 07-00432 SOM BMK  
) (Consolidated Cases)

) FIRST AMENDED COMPLAINT  
) (Civil Rights-Employment  
) Discrimination)

) The Honorable Susan O. Mollway  
) U.S. District Judge

) JURY TRIAL DEMAND

27 NATURE OF THE ACTION

28 This is an action under Title VII of the Civil Rights Act of 1964, and Title I  
of the Civil Rights Act of 1991 ("Title VII") to correct unlawful employment  
practices on the bases of national origin (Middle-Eastern/Yemeni) and religion

1 (Muslim), and to provide appropriate relief to Charging Parties Abdullah Yahia,  
2 Ahmed Al-Mlhany, Ahmed Almraisi, Nagi A. Alziam, Muthana A. Shaibi, Nork  
3 Yafaie, Samed Kassem, and other similarly situated individuals.  
4

5 Plaintiff United States Equal Employment Opportunity Commission (the  
6 “Commission”) alleges that Defendants NCL America, Inc., and NCL (Bahamas)  
7 Ltd., and (hereinafter collectively referred to as “Defendants”) subjected the  
8 Charging Parties and other similarly situated individuals to unlawful employment  
9 practices on the basis of their national origin and religion.<sup>1</sup> More specifically,  
10 Charging Parties Abdullah Yahia, Ahmed Al-Mlhany, Ahmed Almraisi, Nagi A.  
11 Alziam, Muthana A. Shaibi, Nork Yafaie, and other similarly situated individuals  
12 were discharged by Defendants on the basis of their national origin (Middle-  
13 Eastern/Yemeni) and/or religion (Muslim) in violation of Section 703(a) of Title  
14 VII. Further, Charging Party Samed Kassem, and other similarly situated  
15 individuals were constructively discharged on the basis of their national origin  
16 (Middle-Eastern/Yemeni) and/or religion (Muslim) in violation of Section 703(a)  
17 of Title VII.  
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## 22 JURISDICTION AND VENUE

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24 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
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26 <sup>1</sup> Given the Court’s recent ruling dismissing NCL Corporation Ltd. as a  
27 defendant (Doc. #287), EEOC is not waiving any rights regarding any appealable  
28 issues with respect to the correct Defendants.



1 Hawaii. All the corporate entities are hereinafter collectively referred to as  
2 “Defendants.”

3  
4 6. At all relevant times, all Defendants have continuously been  
5 employers engaged in an industry affecting commerce, within the meaning of  
6 Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §2000e(b), (g), and (h).

7  
8 7. At all relevant times, all Defendants have continuously employed  
9 fifteen (15) or more persons.

10 STATEMENT OF CLAIMS

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12 8. More than thirty days prior to the institution of this lawsuit, Abdullah  
13 Yahia, Ahmed Al-Mlhany, Ahmed Almraisi, Nagi A. Alziam, Muthana A. Shaibi,  
14 Nork Yafaie, and Samed Kassem filed charges with the Commission alleging  
15 violations of Title VII by Defendants. The Commission issued Letters of  
16 Determination finding that these Charging Parties and other similarly situated  
17 individuals were discharged on the basis of their national origin (Yemeni/Middle  
18 Eastern) and/or religion (Muslim). All conditions precedent to the institution of  
19 this lawsuit have been fulfilled.

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22 9. More than thirty days prior to the institution of this lawsuit, Samed  
23 Kassem filed a charge of discrimination with the Commission alleging violations of  
24 Title VII by Defendants. The Commission issued a Letter of Determination finding  
25 that Charging Party Samed Kassem was constructively discharged on the basis of  
26 his national origin (Yemeni/Middle Eastern) and/or religion (Muslim), and that  
27  
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1 other similarly situated individuals were discharged on the basis of their national  
2 origin (Yemeni/Middle Eastern) and/or religion (Muslim). All conditions  
3 precedent to the institution of this lawsuit have been fulfilled.  
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5 10. Since at least July 2004, Defendants have engaged in unlawful  
6 employment practices at its Hawaii facility, in violation of §703(a) of Title VII, 42  
7 U.S.C. § 2000e-2(a), by discharging the Charging Parties and other similarly  
8 situated individuals named above on the basis of their national origin  
9 (Yemeni/Middle Eastern) and/or religion (Muslim).  
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11 11. The effect of the actions complained of above has been to deprive  
12 Charging Parties Abdullah M. Yahia, Ahmed Al-Mlhany, Ahmed Almraisi, Nagi  
13 A. Alziam, Muthana A. Shaibi, Nork Yafaie, Samed Kassem, and other similarly  
14 situated individuals of equal employment opportunities and otherwise adversely  
15 affect their status as employees on the basis of their national origin  
16 (Yemeni/Middle Eastern) and/or religion (Muslim).  
17

18 12. The effect of the actions complained of above has been to deprive  
19 Charging Party Samed Kassem, and other similarly situated individuals of equal  
20 employment opportunities and otherwise adversely affect their status as employees  
21 on the basis of their national origin (Yemeni/Middle Eastern) and/or religion  
22 (Muslim).  
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24 13. The unlawful employment practices complained of above were  
25 intentional.  
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1 B. Order Defendants to institute and carry out policies, practices, and  
2 programs which prohibit national origin discrimination, religious discrimination,  
3 and any other employment practice which discriminates on the basis of national  
4 origin or religion, and which eradicate the effects of their past and present unlawful  
5 employment practices;  
6

7  
8 C. Order Defendants to make whole all the Charging Parties and others  
9 similarly situated individuals, by providing appropriate back pay and benefits with  
10 prejudgment interest, and/or other affirmative relief necessary to eradicate the  
11 effects of their unlawful employment practices, including but not limited to  
12 reinstatement and/or front pay and other appropriate relief to be determined at trial;  
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14 D. Order Defendants to make all the Charging Parties and others  
15 similarly situated whole by providing compensation for past and future non-  
16 pecuniary losses resulting from the unlawful employment practices complained of  
17 above, including but not limited to, emotional pain and suffering, inconvenience,  
18 loss of enjoyment of life, and humiliation, in amounts to be determined at trial;  
19

20 E. Order Defendants to pay all the Charging Parties and others similarly  
21 situated punitive damages for their malicious and reckless conduct as described  
22 above, in amounts to be determined at trial;  
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24 F. Grant such further relief as the Court may deem just and proper in the  
25 public interest; and  
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27 G. Award the Commission its costs of this action.  
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JURY TRIAL DEMAND

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

Respectfully submitted,  
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Dated: February 15, 2008

BY: /S/ Connie K. Liem

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