

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MARYLAND  
SOUTHERN DIVISION

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EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,  
Baltimore District Office  
10 S. Howard Street, 3<sup>rd</sup> Fl.  
Baltimore, Maryland 21201

Plaintiff,

v.

SLIGO CREEK NURSING & REHABILITATION  
CENTER, INC.,  
7525 Carroll Avenue  
Takoma Park, Maryland 20912

Defendant.

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Civil Action No.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF ACTION

\_\_\_\_\_ This is an action under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices on the bases of national origin and retaliation and to make whole Minerva Matos. Ms. Matos, who is fluent in English, has a notable accent which results from her national origin (Puerto Rico). Based on Ms. Matos' manner of speaking English, Defendant reassigned Ms. Matos from her position as receptionist. This involuntary reassignment to a different position resulted in less hours scheduled and less pay. In addition, Defendant terminated Ms. Matos' employment in retaliation for her filing of a charge of discrimination with the Equal Employment Opportunity Commission.

## JURISDICTION AND VENUE

\_\_\_\_\_1. Jurisdiction of this Court is invoked pursuant to Sections 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et seq. ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981 A.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Maryland, Southern Division.

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

4. At all relevant times, Defendant, Sligo Creek Nursing & Rehabilitation Center, Inc. ("Defendant Sligo Creek"), has continuously been and is now a Maryland corporation doing business in the state of Maryland and the city of Takoma Park and has at least fifteen employees.

5. At all relevant times, Defendant Sligo Creek has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g), and (h) of Title VII, 42 U.S.C. Section 2000e-(b), (g), and (h).

6. More than thirty days prior to the institution of this lawsuit, Minerva Matos filed a charge with the Commission alleging violations of Title VII by Defendant Sligo Creek. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least December 9, 2002, Defendant Sligo Creek has engaged in unlawful employment practices at its Takoma Park, Maryland facility, in violation of Sections 703(a) and

704(a) of Title VII, 42 U.S.C. Sections 2000e-2(a) and 2000e-3(a). The practices include:

- a. reassigning Ms. Matos from the position of Receptionist to Geriatric Nurse Assistant because of her national origin (Puerto Rican). The reassignment resulted in a decrease in the number of hours worked and wages earned; and
- b. ceasing to schedule Ms. Matos altogether, thereby terminating her employment in retaliation for filing a charge of discrimination with the Equal Employment Opportunity Commission.

8. The unlawful employment practices complained of in paragraph 7 were intentional.

9. The unlawful employment practices complained of in paragraph 7 were done with malice or with reckless indifference to the federally protected rights of Minerva Matos.

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Sligo Creek, its officers, successors, assigns and all persons in active concert or participation with it, from discriminating against individuals on the basis of national origin and retaliating against individuals for participating in protected activity;

B. Order Defendant Sligo Creek to institute and carry out policies, practices, and programs which provide equal employment opportunities for individuals regardless of their national origin or whether they have engaged in protected activity, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant Sligo Creek to make whole Minerva Matos by providing appropriate back pay with prejudgment interest and front pay in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement;

D. Order Defendant Sligo Creek to make whole Minerva Matos by providing compensation for pecuniary and nonpecuniary losses, including emotional pain, suffering, anxiety, depression, embarrassment, degradation, and humiliation;

E. Order Defendant Sligo Creek to pay to Minerva Matos punitive damages for its callous indifference to their federally protected right to be free from national origin discrimination and retaliation in the workplace;

F. Grant such further relief as the Court deems proper; and

G. Award the Commission its costs in this action.

JURY TRIAL DEMAND

\_\_\_\_\_The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

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General Counsel

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Deputy General Counsel

GWENDOLYN YOUNG REAMS  
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/s/

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