

06 CU 988 JNE/SR

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

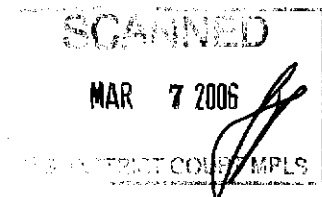
EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	CIVIL ACTION NO.
Plaintiff,)	
)	
v.)	COMPLAINT
)	
RAINBOW RESTAURANT PROPERTIES,)	
INC., d/b/a Chino Latino Restaurant,)	Jury Trial Demand
)	
Defendant.)	
)	

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 harassment based upon national origin and retaliation. Specifically, Defendant discriminated against Hispanic employees by subjecting them to harassment based upon their national origin, and retaliated against Pedro Carrasco and Edwin Santoscoy when it terminated their employment because they facilitated a meeting that addressed the complaints of the Defendant's Hispanic employees. Defendant's actions violated Sections 703(a) and 704(a) of Title VII, 42 U.S.C. §§2000e-2(a) and 2000e-3(a).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) ("Title VII").



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

PARTIES

3. The Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the 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) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Rainbow Restaurant Properties, Inc., d/b/a Chino Latino Restaurant has continuously been a Minnesota corporation doing business in the State of Minnesota and the City of Minneapolis, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Rainbow Restaurant Properties, Inc., d/b/a Chino Latino Restaurant has continuously been an employer engaged in an industry affecting commerce under Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Pedro Carrasco filed a charge with the EEOC alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Defendant employs a large number of Hispanic employees, most of whom work in the back of the restaurant. During all relevant times, Defendant subjected its Hispanic employees to harassment and different terms and conditions of employment because of their national origin. The harassment and different terms and conditions of employment included, but was not limited

to, use of hostile epithets, slurs, different discipline, and harsher treatment based upon their national origin.

8. In 2003, Charging Party Carrasco and Claimant Santoscoy organized a meeting of the Hispanic employees of Chino Latino. The employees met with an investigator retained by Parasole Restaurant Holdings, which manages Chino Latino, to discuss work place issues. During this meeting, employees complained about differential treatment based upon their national origin. Carrasco and Santoscoy participated in proceedings under Title VII and opposed actions made unlawful by the statute.

9. As a result of their participation and opposition, the employment of Carrasco and Santoscoy were terminated in retaliation by Chino Latino .

10. Defendant's action are in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. §§2000e-2(a) and 2000e-3(a).

11. The effect of the practices complained of above has been to deprive Carrasco and Santoscoy of equal employment opportunities and otherwise adversely affect their status as employees because of retaliation. The effect of the practices complained about has been to subject a class of Chino Latino employees to harassment based upon their national origin and to different terms and conditions of employment because they are Hispanic.

12. The unlawful employment practices complained of above were intentional.

13. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Carrasco, Santoscoy, and Hispanic employees subjected to the harassment and differential treatment..

PRAYER FOR RELIEF

Wherefore, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Defendant Rainbow Restaurant Properties, Inc., d/b/a Chino Latino Restaurant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of national origin and retaliation.

B. Order Defendant to make whole Carrasco and Santoscoy, by providing appropriate backpay with prejudgment interest, 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 rightful place reinstatement .

C. Order Defendant Rainbow Restaurant Properties, Inc., d/b/a Chino Latino Restaurant to make whole Carrasco, Santoscoy and others by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices complained of in paragraph of above, in amounts to be determined at trial.

D. Order Defendant Rainbow Restaurant Properties, Inc., d/b/a Chino Latino Restaurant to make whole Carrasco, Santoscoy and others by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of above, including emotional distress, in amounts to be determined at trial.

E. Order Defendant Rainbow Restaurant Properties, Inc., d/b/a Chino Latino Restaurant to pay Carrasco, Santoscoy and others punitive damages for its malicious and reckless conduct, complained of above, in amounts to be determined at trial.

- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. Award the EEOC its costs of this action.

JURY TRIAL DEMAND

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

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

JAMES L. LEE
Deputy General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

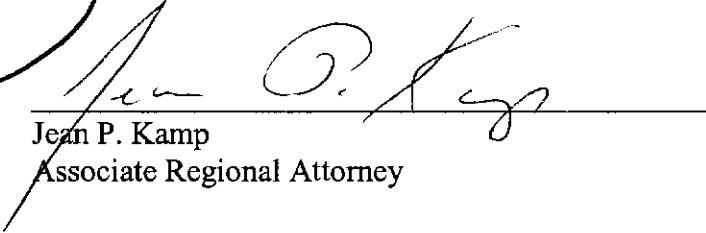
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
1801 "L" Street, N.W.
Washington, D.C. 20507

Dated: March 2, 2006



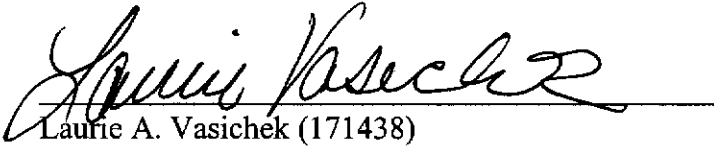
John Hendrickson
Regional Attorney

Dated: March 2, 2006



Jean P. Kamp
Associate Regional Attorney

Dated: March 7, 2006



Laurie A. Vasichek (171438)
Senior Trial Attorney

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
Minneapolis Area Office
330 South Second Avenue, Suite 430
Minneapolis, MN 55401-2224
(612) 335-4047
laurie.vasichek@eoc.gov