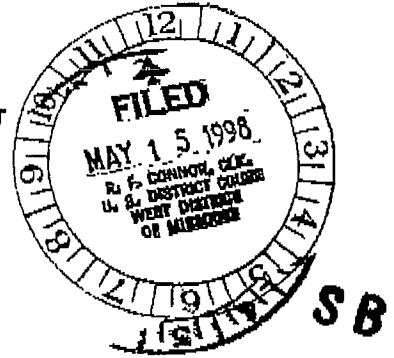


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION



AILEEN VILLANUEVA,

Plaintiff,

and

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff-Intervenor,

v.

WOODBINE HEALTHCARE LIMITED  
PARTNERSHIP, ROBERT NORCROSS  
and DENNY BARNETT,

Defendants.

CIVIL ACTION NO.  
97-1607-CV-W-SOW

JURY TRIAL DEMAND

COMPLAINT OF PLAINTIFF-INTERVENOR EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

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 national origin, and to provide appropriate relief to Plaintiff Aileen Villanueva, Marie Lansangan, and a class of Philippine persons who were adversely affected by such practices. Defendant's practices include failing to employ Villanueva, Lansangan and other Filipino employees in positions as Registered Nurses, failing to compensate them as Registered Nurses, and harassing and intimidating Villanueva, Lansangan and others because of their national origin, Philippine.

ORIGINAL

Document # 37

## 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 Sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) and -6 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

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

## PARTIES

3. Plaintiff-Intervenor, the Equal Employment Opportunity Commission (the "Commission"), 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 Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6.

4. At all relevant times, Defendant Woodbine Healthcare Limited Partnership ("Defendant") has been a Missouri limited partnership whose general partners are FHC Woodbine, Inc. and Woodbine General Corp., both of whom are Illinois corporations. Defendant has done business continuously and at all relevant times in the State of Missouri, in the City of Gladstone, as Woodbine Healthcare Center. Defendant has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 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, Aileen Villanueva and Marie Lansangan filed charges with the Commission alleging violations of Title VII by Defendant. All conditions precedent to this intervention have been fulfilled. Attached as Exhibit A is a certification that this case is of general public importance.

7. Since at least December 19, 1994, Defendant has engaged in a pattern and practice of unlawful employment practices at its Gladstone, Missouri, facility in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2. Defendant recruited Villanueva, Lansangan, and other Filipinos living in the Philippines to work at its Gladstone, Missouri facility in the United States as Registered Nurses. Defendant agreed to pay them as Registered Nurses. Thereafter, when the Filipinos arrived in the United States, Defendant refused to assign them to positions as Registered Nurses and compensate them as agreed, but instead assigned them to work in lower-level and lower-paid positions because of their national origin. Moreover, Defendant harassed and intimidated Villanueva and Lansangan and other Filipinos because of their national origin.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Villanueva, Lansangan and other Filipinos of equal employment opportunities and otherwise adversely affect their status as employees, because of their national origin.

9. The unlawful employment practices complained of in paragraphs 7 and 8 above were and are intentional.

10. The unlawful employment practices complained of in paragraphs 7 and 8 above were and are done with malice or with reckless indifference to the federally protected rights of Villanueva, Lansangan and other Filipinos.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in and any other employment practice which discriminates on the basis of national origin.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for Filipinos and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Villanueva, Lansangan, and its past and present Filipino employees, 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 assignment into Registered Nurse positions.

D. Order Defendant to make whole Lansangan, Villanueva, and its past and present Filipino employees, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 and 8 above, in amounts to be determined at trial.

E. Order Defendant to make whole Lansangan, Villanueva, and its past and present Filipino employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 7 and 8 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay punitive damages for its malicious and reckless conduct described in paragraphs 7 and 8 above, in amounts to be determined at trial.

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.

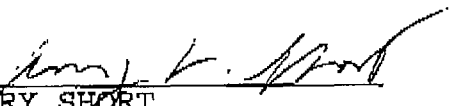
JURY TRIAL DEMAND

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


Respectfully submitted,

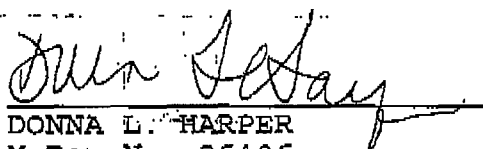
STEPHEN L. HILL, JR.  
U.S. Attorney

C. GREGORY STEWART  
General Counsel

  
JERRY SHORT  
MoBar No. 26318  
Assistant U.S. Attorney  
1201 Walnut, Suite 2300  
Kansas City, MO 64106  
816-426-3130

GWENDOLYN YOUNG REAMS  
Deputy General Counsel  
Trial Services

  
ROBERT G. JOHNSON  
Regional Attorney

  
DONNA L. HARPER  
MoBar No. 26406  
Senior Trial Attorney

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION  
St. Louis District Office  
Robert A. Young Federal Bldg.  
1222 Spruce, Room 8.100  
St. Louis, MO 63103  
(314) 539-7918

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CERTIFICATE OF PUBLIC IMPORTANCE

On behalf of the Equal Employment Opportunity  
Commission, I hereby certify that this case is of general public  
importance. This certification is made pursuant to the  
requirements of Section 706(f)(1) of Title VII of the Civil  
Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1).

Dated: April 9, 1998

C. Gregory Stewart  
C. GREGORY STEWART  
General Counsel

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

EXHIBIT A