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14 **UNITED STATES DISTRICT COURT**  
15 **DISTRICT OF THE NORTHERN MARIANA ISLANDS**

16 U.S. EQUAL EMPLOYMENT  
17 OPPORTUNITY COMMISSION, )

18 Plaintiff,

19 v.

20 L&T INTERNATIONAL  
21 CORPORATION; L&T GROUP  
22 OF COMPANIES, LTD.; TAN  
23 HOLDINGS CORPORATION;  
24 TAN HOLDINGS OVERSEAS  
25 INCORPORATED; CONCORDE  
26 GARMENT MANUFACTURING  
27 CORPORATION; MICRO  
28 PACIFIC, INC.; SEASONAL  
INCORPORATED; and DOES 1-5,  
Inclusive,

Defendants.

CASE NO.: 06-0031

**THIRD AMENDED COMPLAINT-**  
**CIVIL RIGHTS**  
**EMPLOYMENT**  
**DISCRIMINATION**  
(42 U.S.C. §§ 2000e, *et seq.*)

**NATURE OF THE ACTION**

1  
2 This is an action under Title VII of the Civil Rights Act of 1964, as  
3 amended, and Title I of the Civil Rights Act of 1991 to correct unlawful  
4 employment practices on the basis of retaliation and national origin, and to  
5 provide appropriate relief to Nassar Vega, Jose Dayrit, Rufino Miguel, Tamiz  
6 Uddin, Abdul Mothalib, Monir Monir, Arvin Orense, Shahinur Rahman, Shafiqul  
7 Islam, Ramon Santos, Mohammed Kadir, Benjamin Del Rosario, Quirino Ilarde,  
8 Arnold De Vera, and a class of similarly situated individuals who were adversely  
9 affected by such practices. The Equal Employment Opportunity Commission  
10 alleges that Defendants L&T International Corporation; L&T Group of  
11 Companies, Ltd.; Tan Holdings Corporation; Tan Holdings Overseas  
12 Incorporated; Concorde Garment Manufacturing Corporation; Micro Pacific, Inc.;  
13 Seasonal Incorporated; and DOES 1-5 (collectively "Defendants" or "Defendant  
14 Employers") unlawfully terminated the employment of the named individuals,  
15 either by firing them or refusing to renew their employment contract, in retaliation  
16 for their participation in protected activity, namely, the filing of discrimination  
17 charges against Defendants. Further, Defendants unlawfully discriminated against  
18 the charging parties by targeting them for termination on account of their national  
19 origin, Bangladeshi or Filipino.

20 **JURISDICTION AND VENUE**

21 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
22 1331, 1337, 1343 and 1345.

23 2. This action is authorized and instituted pursuant to Section 706(f)(1)  
24 and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.  
25 § 2000e-5(f)(1) and (3) and -6 ("Title VII") and Section 102 of Title I of the Civil  
26 Rights Act of 1991, 42 U.S.C. § 1981a.

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1 the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b),  
2 (g) and (h).

3 8. At all relevant times, Defendant Employer Tan Holdings Overseas  
4 Incorporated has continuously been a Northern Mariana Islands corporation doing  
5 business in the Northern Mariana Islands and has continuously had at least fifteen  
6 (15) employees. At all relevant times, Defendant Tan Holdings Overseas  
7 Incorporated has continuously been an employer engaged in an industry affecting  
8 commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42  
9 U.S.C. §§ 2000e(b), (g) and (h).

10 9. At all relevant times, Defendant Employer Concorde Garment  
11 Manufacturing Corporation has continuously been a Northern Mariana Islands  
12 corporation doing business in the Northern Mariana Islands and has continuously  
13 had at least fifteen (15) employees. At all relevant times, Defendant Concorde  
14 Garment Manufacturing Corporation has continuously been an employer engaged  
15 in an industry affecting commerce within the meaning of Sections 701(b), (g) and  
16 (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

17 10. At all relevant times, Defendant Employer Micro Pacific, Inc., has  
18 continuously been a Northern Mariana Islands corporation doing business in the  
19 Northern Mariana Islands and has continuously had at least fifteen (15)  
20 employees. At all relevant times, Defendant Micro Pacific, Inc., has continuously  
21 been an employer engaged in an industry affecting commerce within the meaning  
22 of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

23 11. At all relevant times, Defendant Employer Seasonal Incorporated,  
24 has continuously been a Northern Mariana Islands corporation doing business in  
25 the Northern Mariana Islands and has continuously had at least fifteen (15)  
26 employees. At all relevant times, Defendant Seasonal Incorporated, has  
27 continuously been an employer engaged in an industry affecting commerce within

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1 the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b),  
2 (g) and (h).

3 12. Plaintiff is ignorant of the true names and capacities of Defendants  
4 sued as DOES 1 through 5, inclusive, herein and therefore Plaintiff sues said  
5 Defendants by such fictitious names. Plaintiff reserves the right to amend the  
6 complaint to name the DOE defendants individually or corporately as they become  
7 known. Plaintiff alleges that each of the Defendants named as DOES was in some  
8 manner responsible for the acts and omissions alleged herein and Plaintiff will  
9 amend the complaint to allege such responsibility when same shall have been  
10 ascertained by Plaintiff.

11 13. All of the acts and failures to act alleged herein were duly  
12 performed by and attributable to all Defendants, each acting as a successor, agent,  
13 joint employer, integrated enterprise, employee and/or under the direction and  
14 control of the other Defendants, except as otherwise specifically alleged. Said acts  
15 and failures to act were within the scope of such agency and/or employment, and  
16 each Defendant participated in, approved and/or ratified the unlawful acts and  
17 omissions by other Defendants complained of herein. Whenever and wherever  
18 reference is made in this Complaint to any act by a Defendant or Defendants, such  
19 allegations and reference shall also be deemed to mean the acts and failures to act  
20 of each Defendant acting individually, jointly, and/or severally.

21 14. It is further alleged on information and belief that the unnamed  
22 Defendants in the complaint are alter egos, joint employers, and/or integrated  
23 enterprises of Defendants L&T International Corporation.

#### 24 STATEMENT OF CLAIMS

25 15. More than thirty days prior to the institution of this lawsuit, Nassar  
26 Vega, Jose Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir,  
27 Arvin Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed  
28 Kadir, Benjamin Del Rosario, Quirino Ilarde, and Arnold De Vera filed a charge

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

3 16. Since at least May 21, 2003, Defendant Employers engaged in a  
4 pattern and practice of unlawful employment discrimination at its Saipan,  
5 Northern Mariana Islands, facility in violation of Section 703(a), 704(a) and 707  
6 of Title VII, 42 U.S.C. § 2000e-2(a), -3(a), and -6. These practices include, but  
7 are not limited to, unlawfully terminating the employment of Nassar Vega, Jose  
8 Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir, Arvin  
9 Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed Kadir,  
10 Benjamin Del Rosario, Quirino Ilarde, Arnold De Vera, and a class of similarly  
11 situated individuals, either by firing them or refusing to renew their employment  
12 contract, in retaliation for their participation in protected activity, namely, the  
13 filing of discrimination charges against Defendant Employers.

14 Defendants retaliated against claimants for opposing discrimination.  
15 Defendants unlawfully discriminated against the charging parties by targeting  
16 them for termination on account of their national origin, Bangladeshi or Filipino.

17 17. The effect of the practice complained of above has been to deprive  
18 Nassar Vega, Jose Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir  
19 Monir, Arvin Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos  
20 Mohammed Kadir, Benjamin Del Rosario, Quirino Ilarde, Arnold De Vera, and a  
21 class of similarly situated individuals of equal employment opportunities and  
22 otherwise adversely affect their status as employees because of their national  
23 origin and in retaliation for their protected activities.

24 18. The unlawful employment practices complained of above were  
25 intentional.

26 19. The unlawful employment practices complained of above were done  
27 with malice or with reckless indifference to the federally protected rights of  
28 Nassar Vega, Jose Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir

1 Monir, Arvin Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos,  
2 Mohammed Kadir, Benjamin Del Rosario, Quirino Ilarde, Arnold De Vera, and a  
3 class of similarly situated individuals.

4 **PRAYER FOR RELIEF**

5 Wherefore, the Commission respectfully requests that this Court:

6 A. Grant a permanent injunction enjoining Defendant Employers, their  
7 officers, successors, assigns, and all persons in active concert or participation  
8 with them, from (1) engaging in retaliation and disparate treatment and any other  
9 employment practices which discriminates on the basis of national origin, and (2)  
10 discriminating against any individual because he or she has opposed any unlawful  
11 employment practice or because he or she has made a charge, testified, assisted, or  
12 participated in any manner in an investigation, proceeding, or hearing under 42  
13 U.S.C. §2000e-3.

14 B. Order Defendant Employers to institute and carry out policies,  
15 practices, and programs which provide equal employment opportunities for  
16 Bangladeshi and Filipinos and which eradicate the effects of their past and present  
17 unlawful employment practices.

18 C. Order Defendant Employers to make whole Nassar Vega, Jose Dayrit,  
19 Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir, Arvin Orense,  
20 Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed Kadir, Benjamin  
21 Del Rosario, Quirino Ilarde, Arnold De Vera, and a class of similarly situated  
22 individuals by providing appropriate backpay with prejudgment interest, in  
23 amounts to be determined at trial, and other affirmative relief necessary to  
24 eradicate the effects of their unlawful employment practices, including but not  
25 limited to reinstatement.

26 D. Grant such further relief as the Court deems necessary and proper in  
27 the public interest.

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1 E. Award the Commission its costs of this action.

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3 Dated: October 31, 2008

Respectfully Submitted,

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5 RONALD S. COOPER  
General Counsel

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7 JAMES L. LEE  
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9 GWENDOLYN YOUNG REAMS  
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