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**FILED**  
Clerk  
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MAY 21 2000

For The Northern Mariana Islands  
By \_\_\_\_\_  
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Attorneys for Plaintiff

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**

15 U.S. EQUAL EMPLOYMENT  
16 OPPORTUNITY COMMISSION,

Plaintiff,

v.

18 RIFU APPAREL CORPORATION;  
19 KYUNGSEUNG (SAIPAN), INC.;  
20 POONG IN (SAIPAN), LTD.; and L  
& S APPAREL CORPORATION;

Defendants.

Civil Action No. **06 - 0030**

**~~PROPOSED~~ FIRST AMENDED  
COMPLAINT AND JURY TRIAL  
DEMAND**

23 **NATURE OF THE ACTION**

24 This is an action under Title VII of the Civil Rights Act of 1964, as  
25 amended ("Title VII"), the Pregnancy Discrimination Act of 1978, 42 U.S.C. §  
26 2000e(k) and Title I of the Civil Rights Act of 1991 to correct intentional and  
27 unlawful employment practices on the basis of sex (pregnancy), and to provide  
28

1 appropriate relief to Ou He Qian, Xiao Yan Chen, Peng Ying Lu, and Lian Qin Li  
2 and other similarly situated women who were discriminated against due to their  
3 sex (pregnancy). The Commission alleges that Ou He Qian, Xiao Yan Chen, Peng  
4 Ying Lu, and Lian Qin Li were terminated and/or discriminated against on the  
5 basis of their gender (female) and their pregnancies.

#### 6 **JURISDICTION AND VENUE**

7 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
8 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to  
9 Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as  
10 amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), the Pregnancy  
11 Discrimination Act of 1978, 42 U.S.C. § 2000e(k), and Section 102 of the Civil  
12 Rights Act of 1991, 42 U.S.C. § 1981a.

13 2. The employment practices alleged to be unlawful were committed in  
14 Saipan, Northern Mariana Islands and within the jurisdiction of this Court.

#### 15 **PARTIES**

16 3. Plaintiff, the U.S. Equal Employment Opportunity Commission (the  
17 "Commission"), is the agency of the United States of America charged with the  
18 administration, interpretation and enforcement of Title VII, and the Pregnancy  
19 Discrimination Act of 1978, 42 U.S.C. § 2000e(k).

20 4. At all relevant times, Defendants Rifu Apparel Corporation;  
21 Kyungseung (Saipan), Inc.; Poong In (Saipan), Ltd.; and L & S Apparel  
22 Corporation (the "Employers"), corporations registered to do business in the  
23 Commonwealth of the Northern Mariana Islands, have continuously been doing  
24 business in the island of Saipan, Northern Mariana and have continuously had at  
25 least 15 employees.

26 5. At all relevant times, Defendant Employers have continuously been  
27 employers engaged in an industry affecting commerce within the meaning of  
28 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

1 **STATEMENT OF CLAIMS**

2 6. More than thirty days prior to the institution of this lawsuit, Ou He  
3 Qian, Xiao Yan Chen, Peng Ying Lu, and Lian Qin Li (“charging parties”) each  
4 filed a charge with the Commission alleging violations of Title VII by  
5 Defendant Employers. All conditions precedent to the institution of this lawsuit  
6 have been fulfilled.

7 7. Since at least September 2004, Defendant Employers have engaged in  
8 unlawful employment practices at their Saipan facilities, in violation of Section  
9 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) by failing to renew the employment  
10 contracts of charging parties Qian, Chen, and Li and the Temporary Work  
11 Authorization contract of Lu because they became pregnant. Defendant  
12 Employers deprived them and similarly situated individuals of employment  
13 benefits given to employees not affected by pregnancy.

14 8. The effect of the practice complained of above has been to deprive  
15 the charging parties and other similarly situated individuals of equal employment  
16 opportunities and otherwise adversely affect their status as an employee, because  
17 of their sex (pregnancy).

18 9. The unlawful employment practices complained of above were  
19 intentional.

20 10. The unlawful employment practices complained of above were done  
21 with malice or with reckless indifference to the federally protected rights of the  
22 charging parties and other similarly situated individuals who were discriminated  
23 against because they became pregnant.

24 **PRAYER FOR RELIEF**

25 Wherefore, the Commission respectfully requests that this Court:

26 A. Grant a permanent injunction enjoining Defendant Employers, their  
27 officers, successors, assigns, and all persons in active concert or participation with  
28 them, from engaging in discrimination on the basis of pregnancy and any other

1 employment practice which discriminates on the basis of sex.

2 B. Order Defendant Employers to institute and carry out policies,  
3 practices, and programs which provide equal employment opportunities for  
4 women, and which eradicate the effects of their past and present unlawful  
5 employment practices.

6 C. Order Defendant Employers to make whole Ou He Qian, Xiao Yan  
7 Chen, Peng Ying Lu, and Lian Qin Li and other similarly situated individuals who  
8 were discriminated against on the basis of pregnancy, by providing appropriate  
9 backpay with prejudgment interest, in amounts to be determined at trial, and other  
10 affirmative relief necessary to eradicate the effects of their unlawful employment  
11 practices.

12 D. Order Defendant Employers to make whole Ou He Qian, Xiao Yan  
13 Chen, Peng Ying Lu, and Lian Qin Li and other similarly situated individuals who  
14 were discriminated against on the basis of pregnancy, by providing compensation  
15 for past and future pecuniary losses resulting from the unlawful employment  
16 practices described above, including medical expenses not paid by the Employer,  
17 in amounts to be determined at trial.

18 E. Order Defendant Employers to make whole Ou He Qian, Xiao Yan  
19 Chen, Peng Ying Lu, and Lian Qin Li and other similarly situated individuals who  
20 were discriminated against on the basis of pregnancy, by providing compensation  
21 for past and future nonpecuniary losses resulting from the unlawful practices  
22 complained of above, including emotional pain and suffering, inconvenience, loss  
23 of enjoyment of life, and humiliation, in amounts to be determined at trial.

24 F. Order Defendant Employers to pay Ou He Qian, Xiao Yan Chen,  
25 Peng Ying Lu, and Lian Qin Li and other similarly situated individuals punitive  
26 damages for their malicious and reckless conduct described above, in amounts to  
27 be determined at trial.

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1 G. Grant such further relief as the Court deems necessary and proper in  
2 the public interest.

3 H. Award the Commission its costs of this action.

4 JURY TRIAL DEMAND

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

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BY: 

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Date: May 16, 2007

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