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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 U.S. EQUAL EMPLOYMENT
16 OPPORTUNITY COMMISSION,

17 Plaintiff,

18 vs.

19 CONSOLIDATED RESORTS, INC.,
20 and DOES 1-10, Inclusive,

21 Defendants.

Case No.: CV-S-_____

**COMPLAINT--TITLE VII
CIVIL RIGHTS**

- **SEXUAL HARASSMENT**
- **NATIONAL ORIGIN**
- **RETALIATION**

DEMAND FOR JURY TRIAL

NATURE OF THE ACTION

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24 1. This is an action under Title VII of the Civil Rights Act of 1964 and
25 Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on
26 the basis of sex, and to provide appropriate relief to the Charging Party, who was
27 adversely affected by such practices. Plaintiff U.S. Equal Employment
28 Opportunity Commission alleges that the defendants discriminated against the

1 Charging Party who was sexually harassed or subjected to sex-based harassment
2 during her employment with Defendant, Consolidated Resorts, Inc.

3 **JURISDICTION**

4 2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
5 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to §
6 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
7 2000e-3; §§ 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as
8 amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”), and § 102 of the Civil
9 Rights Act of 1991, 42 U.S.C. § 1981a.

10 **VENUE**

11 3. The employment practices alleged herein to be unlawful were
12 committed within the jurisdiction of the United States District Court for the
13 District of Nevada.

14 **PARTIES**

15 4. Plaintiff, the U.S Equal Employment Opportunity Commission
16 (“EEOC” or “Commission”), is the agency of the United States of America
17 charged with the administration, interpretation and enforcement of Title VII, and is
18 expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII,
19 42 U.S.C. § 2000e-5(f)(1) and (3).

20 5. At all relevant times, Defendant CONSOLIDATED RESORTS, INC.
21 was and has continuously been a Nevada corporation doing business in the State of
22 Nevada, County of Clark, and has continuously had at least 15 employees.

23 6. During the relevant periods alleged in this Complaint, Defendant
24 Consolidated Resorts, Inc. (“Defendant”) has employed the Charging Party.

25 7. At all relevant times, Defendant Employer has continuously been
26 employer engaged in an industry affecting commerce within the meaning of
27 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

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1 8. All of the acts and failures to act alleged herein were duly performed
2 by and attributable to all Defendants, each acting as a successor, agent, employee,
3 or under the direction and control of the others, except as specifically alleged
4 otherwise. Said acts and failures to act were within the scope of such agency
5 and/or employment, and each Defendant participated in, approved and/or ratified
6 the unlawful acts and omissions by the other Defendants complained of herein.
7 Whenever and wherever reference is made in this Complaint to any act by a
8 Defendant or Defendants, such allegations and reference shall also be deemed to
9 mean the acts and failures to act of each Defendant acting individually, jointly,
10 and/or severally.

11 9. Plaintiff is ignorant of the true names and capacities of each
12 “Defendant,” sued as DOE 1 through 10, inclusively, and therefore Plaintiff sues
13 said “Defendant Employer” by such fictitious names. Plaintiff reserves the right to
14 amend the complaint to name each DOE “Defendant” individually or corporately
15 as they become known. Plaintiff alleges that each “Defendant” named as DOE
16 was in some manner responsible for the acts and omissions alleged herein and
17 Plaintiff will amend the complaint to allege such responsibility when the same
18 shall have been ascertained by Plaintiff.

19 10. It is further alleged on information and belief that the unnamed
20 defendants in the complaint are mere alter egos of the “Defendant” Consolidated
21 Resorts, Inc. The remaining defendants are properly named in the complaint.

22 **CONCILIATION**

23 11. Prior to the institution of this lawsuit, the Commission’s
24 representatives attempted to eliminate the unlawful employment practices alleged
25 below and to effect voluntary compliance with Title VII through informal methods
26 of conciliation, conference and persuasion within the meaning of §§ 706(f)(1) and
27 (3) of Title VII, 42 U.S.C, §§ 2000e-5(f)(1) and (3). All conditions precedent to
28 the institution of this lawsuit have been fulfilled.

1 **STATEMENT OF CLAIMS**

2 12. More than thirty days prior to the institution of this lawsuit, the
3 Charging Party filed a charge with the Commission alleging violations of Title VII
4 by Defendant Employer. All conditions precedent to the institution of this lawsuit
5 have been fulfilled.

6 13. From at least as early as June 2004, through at least September 11,
7 2004, Defendant Employer individually and collectively engaged in unlawful
8 employment practices at their Las Vegas, Nevada, location, in violation of
9 § 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3). The unlawful
10 sexual harassment and sex based harassment of the Charging Party was in the form
11 of verbal, visual and physical harassment. The Charging Party was forced to
12 engage in oral sex and was subjected to degrading acts that impacted the terms and
13 conditions of her employment and created a hostile working environment at
14 “Defendant Employer” that resulted in a tangible employment action.

15 14. The impact of the aforementioned conduct deprived the Charging
16 Party and others similarly situated of equal employment opportunities and
17 otherwise adversely impacted their employment status because of their sex.

18 15. The unlawful employment practices complained of above were done
19 with malice or with reckless indifference to the federally protected rights of the
20 Charging Party. The unlawful employment practices complained of above were
21 and are willful within the meaning of §§ 706(f)(1) and (3) of Title VII, 42 U.S.C.
22 §§ 2000e-5(f)(1) and (3) and caused the Charging Party to suffer emotional
23 distress.

24 16. Defendant Employer has acted with malice or reckless indifference to
25 the federally protected rights of the Charging Party by subjecting her to harassment
26 consisting of Charging Party being forced to perform oral sex upon Supervisors
27 and the General Sales Manager in order to keep her job. The Charging Party was
28 also subjected to unwanted touching of her breasts and her private area.

1 **PRAYER FOR RELIEF**

2 Wherefore, the Commission respectfully requests that this Court:

3 A. Grant a permanent injunction enjoining Defendant Employer, their
4 officers, successors, assigns, and all persons in active concert or participation with
5 it, from engaging in sex discrimination and any other employment practice which
6 discriminates on the basis of sex.

7 B. Order Defendant Employer to institute and carry out policies,
8 practices, and programs which provide equal employment opportunities for
9 women, and which eradicate the effects of their past unlawful employment
10 practices.

11 C. Order Defendant Employer to make whole Charging Party, by
12 providing appropriate back pay with prejudgment interest, in amounts to be
13 determined at trial, and other affirmative relief necessary to eradicate the effects of
14 their unlawful employment practices, including but not limited to compensation for
15 loss of seniority and benefits, plus prejudgment interest.

16 D. Order Defendant Employer to make whole Charging Party, by
17 providing compensation for past and future pecuniary losses resulting from the
18 unlawful employment practices described above, in amounts to be determined at
19 trial.

20 E. Order Defendant Employer to make whole Charging Party by
21 providing compensation for past and future nonpecuniary losses resulting from the
22 unlawful practices complained of above, including emotional pain, suffering,
23 inconvenience, loss of enjoyment of life, and humiliation, in amounts to be
24 determined at trial.

25 F. Order Defendant Employer to pay Charging Party punitive damages
26 for their malicious and reckless conduct described above, in amounts to be
27 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.

7 Respectfully submitted,

8
9 Dated: September 7, 2006.

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

11 Ronald S. Cooper
12 General Counsel

13 James L. Lee
14 Deputy General Counsel

15 Gwendolyn Young Reams
16 Associate General Counsel

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20 Regional Attorney

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