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12 UNITED STATES DISTRICT COURT

CV-S-02-1554-RLH-LRL

13 DISTRICT OF

14 U.S. EQUAL EMPLOYMENT )  
15 OPPORTUNITY COMMISSION, )  
16 Plaintiff, )  
17 v. )  
18 THE MIRAGE CASINO-HOTEL, )  
19 a Nevada Corporation, and )  
20 DOES 1 through 5, inclusive, )  
21 Defendants. )

COMPLAINT - CIVIL RIGHTS  
EMPLOYMENT DISCRIMINATION  
(42 U.S.C. Section 2000e, et  
seq.; 42 U.S.C. Section 1981a)

DEMAND FOR TRIAL BY JURY

22 NATURE OF THE CASE

23 This is an action under Title VII of the 1964 Civil Rights Act and Title I of the Civil  
24 Rights Act of 1991 to correct intentional and unlawful employment practices on the basis of race  
25 and retaliation, and to make whole Roger Burls and similarly situated African-American and  
26 Hispanic applicants who applied for employment with The Mirage Casino-Hotel ("The Mirage")  
27 who were not hired.

28 As described in greater particularity below, the Plaintiff U.S. Equal Employment  
Opportunity Commission ("Commission" or "EEOC") alleges that The Mirage discriminated  
against Roger Burls with respect to discipline and termination and similarly situated African-  
American and Hispanic applicants with respect to hiring.

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1 In addition, the Commission alleges that The Mirage retaliated against Roger Burls for  
2 engaging in activity protected under Title VII.

3 JURISDICTION AND VENUE

4 1. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. Section 451, 1331, 1337,  
5 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and  
6 707 of Title VII, 42 U.S.C. Sections 2000e-5(f)(1) and (3) and 2000e-6, and Title I of the Civil  
7 Rights Act of 1991, 42 U.S.C. Section 1981a.

8 2. The unlawful employment practices alleged herein were committed within the  
9 jurisdiction of the United States District Court for the District of Nevada.

10 PARTIES

11 3. The EEOC is an agency of the United States of America charged with the  
12 administration, interpretation and enforcement of Title VII and is expressly authorized to bring  
13 this action by Sections 706(f)(1) and (3) and 707(e) of Title VII, 42 U.S.C. Sections 2000e-  
14 5(f)(1) and (3) and 2000e-6(e).

15 4. At all relevant times since January 1, 1996, including after its acquisition by MGM  
16 Mirage in 2000, The Mirage was and is a Nevada corporation continuously doing business in the  
17 District of Nevada, and continuously had fifteen or more employees.

18 5. At all relevant times since January 1, 1996, including after its acquisition by MGM  
19 Mirage in 2000, The Mirage continuously was an employer engaged in an industry affecting  
20 commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections  
21 2000e(b), (g) and (h).

22 CONDITIONS PRECEDENT

23 6. More than thirty (30) days prior to the institution of this lawsuit Roger Burls filed a  
24 charge with the Commission alleging that The Mirage violated Title VII.

25 7. Prior to institution of this lawsuit, all conditions precedent were satisfied. The  
26 Commission's representatives attempted to eliminate the unlawful employment practices  
27 hereinafter alleged and to affect voluntary compliance with the Act through informal methods of

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1 conciliation, conference and persuasion within the meaning of Section 706(b) and 707(e) of Title  
2 VII, 42 U.S.C. Sections 2000e-5(b) and -6(e).

3 STATEMENT OF CLAIMS

4 FIRST CAUSE OF ACTION

5 (Race Discrimination)

6 8. Between January 1, 1996 and May 31, 1997, The Mirage has engaged in unlawful  
7 employment practices in violation of Sections 703(a)(1) and 707 of Title VII, 42 U.S.C. Sections  
8 2000e-3 and 2000e-6. These violations include discriminating against Roger Burls and similarly  
9 situated applicants not hired by The Mirage because of their race, Black and Hispanic.

10 9. The effect of the practices complained of above has been to deprive Roger Burls and  
11 other similarly situated Black and Hispanic applicants of equal employment opportunities and to  
12 otherwise adversely affect their employment status because of their race.

13 10. As a direct and proximate result of the aforesaid acts of The Mirage, Roger Burls  
14 and other similarly situated Black and Hispanic applicants have suffered emotional distress,  
15 embarrassment, humiliation and related damages in an amount according to proof.

16 11. As a direct and proximate result of the aforesaid acts of The Mirage, Roger Burls  
17 and other similarly situated Black and Hispanic applicants have suffered a loss of earnings in an  
18 amount according to proof.

19 12. The unlawful employment practices complained of above were intentional within  
20 the meaning of the 1991 Civil Rights Act.

21 SECOND CAUSE OF ACTION

22 (Retaliation)

23 13. In or about August, 1996, Mirage has retaliated against Roger Burls in violation of  
24 Section 704(a) of Title VII, 42 U.S.C. Section 2000e-4(a) by discharging him from his position  
25 as Security Officer in retaliation for his having engaged in an activity protected by Title VII.

26 14. The effect of the practices complained of above has been to deprive Roger Burls of  
27 equal employment opportunities and to otherwise adversely affect his employment status.

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1 15. As a direct and proximate result of the aforesaid acts, Roger Burls has suffered  
2 emotional distress, embarrassment, humiliation and related damages in amounts according to  
3 proof.

4 16. The unlawful employment practices complained of above were intentional within  
5 the meaning of the 1991 Civil Rights Act.

6 PRAYER FOR RELIEF

7 Wherefore, the Commission respectfully requests that this Court:

8 A. Grant declaratory relief that The Mirage has violated Title VII by discriminating in  
9 hiring because of race. Grant declaratory relief that The Mirage has violated Title VII by  
10 retaliating against Roger Burls.

11 B. Grant a permanent injunction enjoining The Mirage, their officers, successors,  
12 assigns and all persons in active concert or participation with them, from engaging in any  
13 employment practices which discriminate on the basis of race or retaliate against employees for  
14 engaging in activity protected under Title VII.

15 C. Order The Mirage to institute and carry out policies, practices and programs which  
16 provide equal employment opportunities for African-Americans and Hispanics and which  
17 eradicate the effects of past unlawful employment practices to the extent such effects remain.

18 D. Grant a judgment requiring The Mirage to make Roger Burls and other similarly  
19 situated Black and Hispanic applicants whole by paying to them appropriate back pay, interest,  
20 lost benefits and compensatory damages in an amount to be proven at trial.

21 E. Grant each item of relief set forth in the Settlement Agreement concurrently filed  
22 herewith.

23 F. Grant such further relief as the Court deems necessary and proper in the public  
24 interest.

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1 G. Award the Commission its costs in this action.

2 JURY TRIAL DEMAND

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

4  
5 Respectfully submitted,

6  
7 EQUAL EMPLOYMENT  
8 OPPORTUNITY COMMISSION

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17 Date: Nov 25, 2002

18   
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