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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

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12 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

13
14 Plaintiff,

15 vs.

16
17 NEVADA ADVERTISING, LLC;
GOLDEN WEST ADVERTISING,
18 INC., and DOES 1-10, Inclusive,

19 Defendants.
20

Case No.: CV-S-_____

**COMPLAINT— TITLE VII
CIVIL RIGHTS:**

- SEXUAL HARASSMENT
- RETALIATION

DEMAND FOR JURY TRIAL

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23 **NATURE OF THE ACTION**

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 Parties Kristine
27 Cornejo and Steven Peaks, who were adversely affected by such practices.
28 Plaintiff U.S. Equal Employment Opportunity Commission alleges that the

1 Defendants discriminated against the Charging Parties. Charging Party Kristine
2 Cornejo was sexually harassed or subjected to sex-based harassment during her
3 employment with Defendants. Charging Parties Cornejo and Steven Peake were
4 subjected to retaliation for participating in a protected activity, complaining about
5 and opposing the hostile work environment and participating in a protected
6 activity.

7 **JURISDICTION**

8 2. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
9 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to §
10 704(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
11 2000e-3; §§ 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as
12 amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title VII”), and § 102 of the Civil
13 Rights Act of 1991, 42 U.S.C. § 1981a.

14 **VENUE**

15 3. The employment practices alleged to be unlawful were committed
16 within the jurisdiction of the United States District Court for the District of
17 Nevada.

18 **PARTIES**

19 4. Plaintiff, the U.S Equal Employment Opportunity Commission
20 (“EEOC” or “Commission”), is the agency of the United States of America
21 charged with the administration, interpretation and enforcement of Title VII, and is
22 expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII,
23 42 U.S.C. § 2000e-5(f)(1) and (3).

24 5. At all relevant times, Defendants Nevada Advertising and Golden
25 West Advertising, Inc. have doing business in the State of Nevada, County of Elko,
26 and have continuously had at least 15 employees.

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1 6. During the relevant periods alleged in this Complaint, Defendants
2 Nevada Advertising and Golden West Advertising, Inc. (“Defendants”) have
3 employed the Charging Parties.

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

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

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

24 10. It is further alleged on information and belief that the unnamed
25 defendants in the complaint are mere alter egos of the “Defendants” Nevada
26 Advertising and Golden West Advertising, Inc. The remaining defendants are
27 properly named in the complaint.

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1 **CONCILIATION**

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

8 **STATEMENT OF CLAIMS**

9 12. More than thirty days prior to the institution of this lawsuit, the
10 Charging Parties filed charges with the Commission alleging violations of Title VII
11 by Defendant Employers. All conditions precedent to the institution of this lawsuit
12 have been fulfilled.

13 13. From at least as early as May 12, 2004, Defendant Employers
14 individually and collectively engaged in unlawful employment practices at their
15 Elko, Nevada, location, consequently violating § 706(f)(1) and (3) of Title VII,
16 42 U.S.C. § 2000e-5(f)(1) and (3).

17 14. The unlawful sexual harassment and sex based harassment of
18 Charging Party Cornejo was in the form of physical, verbal, and visual harassment.
19 Charging Party Cornejo was subjected to degrading acts that affected the terms and
20 conditions of her employment and created a hostile working environment at that
21 resulted in a tangible employment action.

22 15. In addition, the Defendant Employer retaliated against Charging
23 Parties Peake and Cornejo which led to their termination for opposing and
24 complaining about the hostile work environment and/or participation in a protected
25 activity.

26 16. Defendants' conduct deprived Charging Parties Cornejo and Peake of
27 equal employment opportunities and otherwise adversely affected their
28 employment status.

1 17. These unlawful employment practices were done with malice or with
2 reckless indifference to the federally protected rights of the Charging Parties.
3 These unlawful employment practices are willful within the meaning of §§
4 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and caused the
5 Charging Parties to suffer emotional distress.

6 **PRAYER FOR RELIEF**

7 Wherefore, the Commission respectfully requests that this Court:

8 A. Grant a permanent injunction enjoining Defendants, their officers,
9 successors, assigns, and all persons in active concert or participation with them,
10 from engaging in sex discrimination, retaliation, and any other employment
11 practice which discriminates on the basis of sex or on the basis of engaging in a
12 protected activity.

13 B. Order Defendants to institute and carry out policies, practices, and
14 programs which provide equal employment opportunities for women and for those
15 who engage in protected activities, and which eradicate the effects of their past
16 unlawful employment practices.

17 C. Order Defendants to make whole Charging Parties, by providing
18 appropriate back pay with prejudgment interest, in amounts to be determined at
19 trial, and other affirmative relief necessary to eradicate the effects of their unlawful
20 employment practices, including but not limited to compensation for loss of
21 seniority and benefits, plus prejudgment interest.

22 D. Order Defendants to make whole Charging Parties, by providing
23 compensation for past and future pecuniary losses resulting from the unlawful
24 employment practices described above, in amounts to be determined at trial.

25 E. Order Defendants to make whole Charging Parties by providing
26 compensation for past and future nonpecuniary losses resulting from the unlawful
27 practices complained of above, including emotional pain, suffering, inconvenience,
28 loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

1 F. Order Defendants to pay Charging Parties punitive damages for their
2 malicious and reckless conduct described above, in amounts to be determined at
3 trial.

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

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

7 **JURY TRIAL DEMAND**

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

10 Respectfully submitted,


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12 Dated: September 29, 2006.

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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