

ORIGINAL

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11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 U.S. EQUAL EMPLOYMENT)	CV-N-03-0524-HDM-RAM
14 OPPORTUNITY COMMISSION,)	
15 Plaintiff,)	COMPLAINT - CIVIL RIGHTS
16 v.)	EMPLOYMENT DISCRIMINATION
17 PEPPERMILL HOTEL & CASINO,)	(42 U.S.C. Section 2000e, et
18 Defendants.)	seq.; 42 U.S.C. Section 1981a)
)	DEMAND FOR TRIAL BY JURY

19 NATURE OF THE CASE

20 This is an action under Title VII of the 1964 Civil Rights Act and Title I of the Civil
21 Rights Act of 1991 to correct intentional and unlawful employment practices on the basis of race,
22 and to make whole Ivy L. Walker who applied for employment with Peppermill Hotel & Casino,
23 ("Peppermill"), as a service worker, who was adversely affected by such practices.

24 As described in greater particularity below, the Plaintiff U.S. Equal Employment
25 Opportunity Commission ("Commission" or "EEOC") alleges that Peppermill discriminated
26 against Ivy L. Walker by failing to hire her because of her race, Black.

27 The Commission further alleges that Peppermill failed to maintain and preserve
28 employment records as required by federal law.

JURISDICTION AND VENUE

1. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. Section 451, 1331, 1337,

2

1 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and
2 707 of Title VII, 42 U.S.C. Sections 2000e-5(f)(1) and (3) and 2000e-6, and Title I of the Civil
3 Rights Act of 1991, 42 U.S.C. Section 1981a.

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

6 PARTIES

7 3. The EEOC is an agency of the United States of America charged with the
8 administration, interpretation and enforcement of Title VII and is expressly authorized to bring
9 this action by Sections 706(f)(1) and (3) and 707(e) of Title VII, 42 U.S.C. Sections 2000e-
10 5(f)(1) and (3) and 2000e-6(e).

11 4. At all relevant times until at least June 1, 2002, Peppermill was and is a Nevada
12 corporation continuously doing business in the District of Nevada, and continuously had fifteen
13 or more employees.

14 5. At all relevant times until at least June 1, 2002, Peppermill continuously was an
15 employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g)
16 and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

17 CONDITIONS PRECEDENT

18 6. More than thirty (30) days prior to the institution of this lawsuit Ivy L. Walker filed a
19 charge with the Commission alleging that Peppermill violated Title VII.

20 7. Prior to institution of this lawsuit, all conditions precedent were satisfied. The
21 Commission's representatives attempted to eliminate the unlawful employment practices
22 hereinafter alleged and to affect voluntary compliance with the Act through informal methods of
23 conciliation, conference and persuasion within the meaning of Section 706(b) and 707(e) of Title
24 VII, 42 U.S.C. Sections 2000e-5(b) and -6(e).

25 STATEMENT OF CLAIMS

26 8. Since at least June 1, 2002, Peppermill has engaged in unlawful employment
27 practices in violation of Sections 703(a)(1) and 707 of Title VII, 42 U.S.C. Sections 2000e-3 and
28 2000e-6. These violations include failing to hire Ivy L. Walker because of her race, Black.

1 9. Since at least June 1, 2002, Peppermill has violated 29 C.F.R. § 1602.14, by failing
2 to make and preserve employment records required by the Commission necessary to the
3 Commission’s administration of Title VII. More specifically, Peppermill failed to maintain and
4 preserve for a period of one year job applications, or resumes, and failed to maintain and preserve
5 relevant job applications or resumes after the filing of Ms. Walker’s charge in violation of 29
6 C.F.R. § 1602.14.

7 10. The effect of the practices complained of above has been to deprive Ivy L. Walker
8 of equal employment opportunities and to otherwise adversely affect her employment status
9 because of her race.

10 11. As a direct and proximate result of the aforesaid acts of Peppermill, Ivy L. Walker
11 has suffered emotional distress, embarrassment, humiliation and related damages in an amount
12 according to proof.

13 12. As a direct and proximate result of the aforesaid acts of Peppermill, Ivy L. Walker
14 has suffered a loss of earnings in an amount according to proof.

15 13. The unlawful employment practices complained of above were and are intentional
16 within the meaning of the 1991 Civil Rights Act.

17 14. Peppermill has acted with malice or reckless indifference to federally protected
18 rights of Ivy L. Walker.

19 PRAYER FOR RELIEF

20 Wherefore, the Commission respectfully requests that this Court:

21 A. Grant declaratory relief that Peppermill has violated Title VII by discriminating in
22 hiring because of race.

23 B. Grant a permanent injunction enjoining Peppermill, its officers, successors, assigns
24 and all persons in active concert or participation with it, from engaging in any employment
25 practices which discriminate on the basis of race or retaliate against employees for engaging in
26 activity protected under Title VII.

27 C. Order Peppermill to maintain and preserve for a period of one year job applications,
28 or resumes, and maintain and preserve relevant job applications or resumes after the filing of any

1 Charge of discrimination against Peppermill with the Commission or with the Nevada Equal
2 Rights Commission

3 D. Order Peppermill to institute and carry out policies, practices and programs which
4 provide equal employment opportunities for Blacks and which eradicate the effects of past and
5 present unlawful employment practices.

6 E. Grant a judgment requiring Peppermill to make Ivy L. Walker whole by paying to
7 her appropriate back pay, interest, lost benefits, rightful place employment and compensatory and
8 punitive damages in an amount to be proven at trial.

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

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

12 JURY TRIAL DEMAND

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

14
15 Respectfully submitted,

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17 EQUAL EMPLOYMENT
18 OPPORTUNITY COMMISSION

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