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12 UNITED STATES

CV-S-04-1349-RCJ-LRL

13 DISTRICT

14 U.S. EQUAL EMPLOYMENT
15 OPPORTUNITY COMMISSION,

16 Plaintiff,

17 v.

18 GOLD RIVER OPERATING
19 CORPORATION, d/b/a RIVER
20 PALMS RESORT and CASINO,
21 COLUMBIA SUSSEX
22 CORPORATION d/b/a RIVER
23 PALMS RESORT and CASINO, and
24 DOES 1-10, Inclusive,

25 Defendants.

26 **COMPLAINT-CIVIL RIGHTS**

27 Age Discrimination in Employment Act of
28 1967, as amended, 29 U.S.C. § 621 *et seq.*
and
Title VII of the Civil Rights Act of 1964,
as amended 42 U.S.C. § 2000e, *et seq.*

DEMAND FOR JURY TRIAL

29 **JURISDICTION AND VENUE**

30 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
31 1337, 1343 and 1345. This action is authorized and instituted pursuant to: (a) Section
32 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
33 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42
34 U.S.C. § 1981a; and (b) Section 7(b) of the Age Discrimination in Employment Act of
35 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference
36 Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended,
37 29 U.S.C. §§ 216(c) and 217.

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1 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h) and within the meaning of Sections 11(b), (g)
2 and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

3 7. It is further alleged on information and belief that the unnamed Defendants
4 in the complaint are alter egos, joint employers, and/or integrated enterprises of Defendant
5 Republic Services, Inc.

6 8 More than thirty days prior to the institution of this lawsuit, Purdy filed a
7 charge with the Commission alleging violations of Title VII and the ADEA by
8 Defendants. The Commission issued a Letter of Determination finding that a class of
9 persons was subjected to discrimination and harassment based on sex (female) and/or age
10 forty (40) or above, in violation of Title VII and the ADEA. The Commission found that
11 Defendants disciplined, terminated, or constructively discharged the claimants in this
12 action in violation of Title VII and the ADEA. Defendants also retaliated against the
13 claimants who engaged in a protected activity in violation of Title VII and the ADEA. All
14 conditions precedent to the institution of this lawsuit have been fulfilled.

15 **STATEMENT OF CLAIMS**

16 9. Since at least on or about 2001, and continuing through the present,
17 Defendants engaged in unlawful employment practices at their Laughlin, Nevada location
18 in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2 and Section 4 of the ADEA,
19 29 U.S.C. § 623, by creating and maintaining a hostile, intimidating, and offensive work
20 environment, which impacted the terms and conditions of employment of the claimants
21 because of sex (female) and/or age (forty and above). The claimants were subjected to
22 unwanted and repeated sexually explicit, lewd, and sexually derogatory remarks as well as
23 sexual images and behavior by their supervisor. The claimants were also subjected to
24 unwanted and repeated derogatory comments based on age (forty and over). The
25 claimants were subjected to a tangible employment action in the form of, among other
26 things, discipline, constructive discharge, or termination. Despite that the claimants
27 repeatedly complained of the harassment to Defendants' management, including their
28 supervisors and human resources, their complaints were rebuffed or ignored, and the

1 harassment continued. Defendants failed to take immediate and appropriate corrective
2 action to eliminate the harassment.

3 10 With respect to the sex and/or age harassment perpetrated by coworkers
4 against the claimants, Defendants knew or should have known of the harassment and
5 failed to take immediate and appropriate corrective action to eliminate the harassment.

6 11. Defendant also subjected the claimants to retaliation for engaging in
7 activities protected under Title VII and the ADEA, including but not limited to
8 complaining about and opposing harassment based on sex and/or age. The adverse
9 retaliatory actions included, but were not limited to unwarranted discipline, constructive
10 discharge, and termination.

11 12. The effect of the practices complained of above has been to deprive the
12 claimants of equal employment opportunities and otherwise adversely affect their status as
13 employees, because of sex (female) and/or age (forty and over).

14 **DAMAGES**

15 13. The unlawful employment practices complained of above were intentional
16 within the meaning of Title VII.

17 14. The unlawful employment practices complained of above were done with
18 malice or with reckless indifference to the federally protected rights of the claimants
19 within the meaning of Title VII.

20 15. The unlawful employment practices complained of above were willful
21 within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

22 **PRAYER FOR RELIEF**

23 Wherefore, the Commission respectfully requests that this Court:

24 A. Grant a permanent injunction enjoining Defendants, their officers,
25 successors, assigns, and all persons in active concert or participation with it, from
26 engaging in sexual, sex-based and/or age-based harassment and any other employment
27 practice which discriminates on the basis of sex and/or age.

28 ///

1 B. Order Defendants to institute and carry out policies, practices, and programs
2 which provide equal employment opportunities for women and for all individuals over 40
3 years of age, and which eradicate the effects of its past and present unlawful employment
4 practices.

5 C. Grant a permanent injunction enjoining Defendants, their officers,
6 successors, assigns, and all persons in active concert or participation with it, from
7 engaging in any employment practice which results in retaliation for engaging in protected
8 activity under Title VII and the ADEA.

9 D. Order Defendants to make whole the claimants by ordering other affirmative
10 relief necessary to eradicate the effects of Defendants' unlawful employment practices.

11 E. Order Defendants to make whole the claimants by providing compensation
12 for past and future pecuniary losses resulting from the unlawful employment practices
13 described above in amounts to be determined at trial.

14 F. Order Defendants to make whole the claimants by providing compensation
15 for past and future nonpecuniary losses resulting from the unlawful practices complained of
16 above, including pain and suffering, inconvenience, loss of enjoyment of life, and
17 humiliation, in amounts to be determined at trial.

18 G. Order Defendants to pay to the claimants punitive damages for their
19 malicious and reckless conduct described above, in amounts to be determined at trial.

20 H. Order Defendants to make whole the claimants by providing appropriate
21 relief available under the ADEA, 29 U.S.C. § 621 *et seq.*, as necessitated by the unlawful
22 practices complained of above in amounts to be determined at trial.

23 I. Grant a judgment requiring Defendants to pay liquidated damages to the
24 claimants with prejudgment interest, as available under the ADEA, 29 U.S.C. § 621 *et seq.*,
25 for Defendants' willful violations as described above.

26 J. Grant such further relief as the Court deems necessary and proper in the
27 public interest.

28 K. Award the Commission its costs of this action.

DEMAND FOR JURY TRIAL

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

Respectfully submitted,

Dated: September 28, 2004

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BY: 

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