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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA** CV-S-04-1257-RLH-LRL  
9

10 U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

11 Plaintiff,

12 v.

13 RIVIERA OPERATING CORPORATION,  
14 d/b/a the Riviera Hotel and Casino,

15 Defendant.

) **COMPLAINT-CIVIL RIGHTS**  
) • **Retaliation (Title VII, ADEA)**  
)  
) **DEMAND FOR JURY TRIAL**

16  
17 **JURISDICTION AND VENUE**

18 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,  
19 1343 and 1345. This action is authorized and instituted pursuant to: (a) Section 706(f)(1) and  
20 (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3)  
21 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a; and  
22 (b) Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.  
23 § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor  
24 Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

25 2. The employment practices alleged to be unlawful were and are now being  
26 committed within the jurisdiction of the United States District Court for the District of Nevada,  
27 Southern Division.

**ORIGINAL**

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1 **NATURE OF THE ACTION**

2 3. This is an action under Title VII and the ADEA to correct unlawful employment  
3 practices and to provide appropriate relief to Ronni Hill, Jo-Anna Harris, and a class of similarly  
4 situated individuals, whom plaintiff U.S. Equal Employment Opportunity Commission  
5 (“EEOC” or “Commission”) alleges were unlawfully retaliated against for having participated  
6 as witnesses in the EEOC’s enforcement efforts against defendant Riviera Operating Corp  
7 (“Defendant Employer”). As alleged more particularity in paragraphs 8-11 below, Ronni Hill,  
8 Jo-Anna Harris, and a class of similarly situated individuals were subjected to discipline,  
9 termination, and/or were not hired or rehired for employment because they engaged in a  
10 protected activity by participating as witnesses in the enforcement efforts of the EEOC in a  
11 matter wherein Defendant Employer was alleged to have maintained a hostile environment for  
12 former Riviera employee Jean Sylvia on the basis of sex and age in violation of Title VII and the  
13 ADEA.

14 **PARTIES**

15 4. Plaintiff EEOC is the agency of the United States of America charged with the  
16 administration, interpretation and enforcement of Title VII and the ADEA, and is expressly  
17 authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-  
18 5(f)(1) and (3) and by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2  
19 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat.  
20 2705.

21 5. Plaintiff alleges that, at all relevant times, Defendant Employer has  
22 continuously been a Nevada corporation doing business in the State of Nevada and the City of  
23 Las Vegas, and has continuously had at least 20 employees.

24 6. At all relevant times, Defendant Employer has continuously been an employer  
25 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of  
26 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h) and within the meaning of Sections 11(b), (g) and  
27 (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

1 **STATEMENT OF CLAIMS**

2 7. More than thirty days prior to the institution of this lawsuit, Charging Parties  
3 Ronni Hill and Jo-Anna Harris each filed a charge with the Commission alleging violations of  
4 Title VII and the ADEA by Defendant Employer. All conditions precedent to the institution of  
5 this lawsuit have been fulfilled.

6 8. Since at least January 2003, Defendant Employer has engaged in unlawful  
7 employment practices at its Las Vegas, Nevada, casino, in violation of Section 704(a) of  
8 Title VII, 42 U.S.C. § 2000e-3(a) and section 4(d) of the ADEA, 29 U.S.C. § 623(d). Charging  
9 Parties Ronni Hill and Jo-Anna Harris, and a class of similarly situated individuals, engaged in a  
10 protected activity by participating as witnesses for the EEOC in the enforcement efforts of the  
11 EEOC in another matter, wherein Defendant Employer was alleged to have maintained a hostile  
12 environment for former employee Jean Sylvia on the basis of sex and age in violation of  
13 Title VII and the ADEA. Because of their participation in said protected activity, Defendant  
14 Employer unlawfully retaliated against Charging Parties Ronni Hill and Jo-Anna Harris, and a  
15 class of similarly situated individuals, by, *inter alia*, disciplining them, terminating their  
16 employment, and/or failing or refusing to hire or rehire them.

17 9. The effect of the practices complained of in paragraph 8 above has been to  
18 deprive Charging Parties Ronni Hill, Jo-Anna Harris, and a class of similarly situated  
19 individuals, of equal employment opportunities and otherwise adversely affect their  
20 status as employees and/or applicants for employment, because of their participation in a  
21 protected activity as witnesses for the EEOC in another matter.

22 10. The unlawful employment practices complained of in paragraphs 8-9 above were  
23 intentional.

24 11. The unlawful employment practices complained of in paragraphs 8-10 above  
25 were done with malice or with reckless indifference to the federally protected rights of Ronni  
26 Hill, Jo-Anna Harris, and a class of similarly situated individuals.

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1 PRAYER FOR RELIEF

2 Wherefore, the Commission respectfully requests that this Court:

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

6 B. Order Defendant Employer to institute and carry out policies, practices, and  
7 programs which provide equal employment opportunities for women and persons over 40 years  
8 of age, and which eradicate the effects of its past and present unlawful employment practices.

9 C. Order Defendant Employer to make whole Ronni Hill, Jo-Anna Harris, and a  
10 class of similarly situated individuals, by providing to them appropriate backpay with  
11 prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary  
12 to eradicate the effects of its unlawful employment practices, including, but not limited to, front  
13 pay, reinstatement, expungement of adverse employment records, and positive employment  
14 references.

15 D. Order Defendant Employer to make whole Ronni Hill, Jo-Anna Harris, and a  
16 class of similarly situated individuals, by providing compensation for past and future pecuniary  
17 losses resulting from the unlawful employment practices described in paragraphs 8-11 above,  
18 including job search expenses and reimbursement for lost benefits, in amounts to be determined  
19 at trial.

20 E. Order Defendant Employer to make whole Ronni Hill, Jo-Anna Harris, and a  
21 class of similarly situated individuals, by providing compensation for past and future  
22 nonpecuniary losses resulting from the unlawful practices complained of in paragraphs 8-11  
23 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and  
24 humiliation, in amounts to be determined at trial.

25 F. Order Defendant Employer to pay to Ronni Hill, Jo-Anna Harris, and a class of  
26 similarly situated individuals, punitive damages for its malicious and reckless conduct described  
27 in paragraphs 8-11 above, in amounts to be determined at trial.

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

H. Award the Commission its costs of this action.

**JURY TRIAL DEMAND**

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

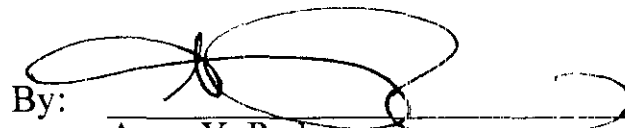
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