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3 Tel: (702) 454-2111
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4 Attorney for Plaintiffs,
5 RONNI HILL and JO-ANNA HARRIS

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| <input checked="" type="checkbox"/> | FILED |
| <input type="checkbox"/> | ENTERED |
| COUNSEL | |
| MAY 31 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY: <u>MS</u> | DEPUTY |

6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 RONNI HILL and JO-ANNA HARRIS,)
9 Plaintiffs,)
10 vs.)
11 RIVIERA OPERATING CORPORATION,)
d/b/a THE RIVIERA HOTEL AND)
12 CASINO; and DOES I through X,)
13 inclusive,)
14 Defendants.)

PLAINTIFFS' COMPLAINT
(Jury Demanded)

15 **JURISDICTION AND VENUE**

16 1. This is a civil action for damages and injunctive relief
17 under a variety of state and federal statutes prohibiting
18 discrimination and to secure the protection of and to redress
19 deprivation of rights under these laws and related tort claims.

20 2. Plaintiffs' ("Hill," "Harris," or "Plaintiff(s)") statutory
21 claims arise under Title VII of the Civil Rights Act of 1964 ("Title
22 VII"), as amended, 42 U.S.C. § 2000e et seq.; the Civil Rights Act
23 of 1991, ("1991 Civil Rights Act"); the Nevada anti-discrimination
24 statute, N.R.S. § 613.310 et seq.; and as to Ronni Hill, Section 7(b)
25 of the Age Discrimination in Employment Act (ADEA) of 1967, as
26 amended, 29 U.S.C. § 626(b) (the "ADEA").

27 3. This action includes claims arising under the laws of the
28 State of Nevada which are joined pursuant to the doctrine of

||

1 supplemental jurisdiction and 28 U.S.C. § 1367(a).

2 4. As Plaintiffs' employer during the relevant time period,
3 Defendant, RIVIERA OPERATING CORPORATION, d/b/a THE RIVIERA HOTEL AND
4 CASINO (hereinafter referred to as "Defendant" or "the Riviera") was
5 operating within the County of Clark, State of Nevada; was engaged in
6 an industry affecting commerce; and employed more than 500 employees.

7 5. As an employer in Nevada, Defendant is required to comply
8 with all state and federal statutes which prohibit sex discrimination
9 and sexual harassment pursuant to state laws and 42 U.S.C. § 2000e,
10 et seq., as amended; and age discrimination pursuant to N.R.S. §
11 613.310 et seq. and related tort claims. 28 U.S.C. § 1367(a).

12 6. Ms. Hill filed a Charge of Discrimination with the Nevada
13 Equal Rights Commission ("NERC") and the U.S. Equal Employment
14 Opportunity Commission ("EEOC") on or about June 2, 2003. (See Exhibit
15 1, attached hereto.)

16 7. On or about March 6, 2004, Ms. Hill received a Letter of
17 Determination from the EEOC indicating a finding in favor of Ms. Hill
18 regarding her retaliation claim. In an Amended Letter of Determination
19 dated June 29, 2004, the EEOC also stated that "examination of the
20 evidence also revealed reasonable cause to believe that a class of
21 employees were retaliated against for opposing or participating in a
22 protected activity in violation of Title VII and ADEA." (See Exhibit
23 2, attached hereto.)

24 8. Ms. Harris filed a Charge of Discrimination with the Nevada
25 Equal Rights Commission ("NERC") and the U.S. Equal Employment
26 Opportunity Commission ("EEOC") on or about April 17, 2003. (See
27 Exhibit 3, attached hereto.)

28 ///

1 9. On or about March 6, 2004, Ms. Harris received a Letter of
2 Determination from the EEOC indicating a finding in her favor
3 regarding her retaliation claim. In an Amended Letter of Determination
4 dated June 29, 2004, the EEOC also stated that "examination of the
5 evidence also revealed reasonable cause to believe that a class of
6 employees were retaliated against for opposing or participating in a
7 protected activity in violation of Title VII and ADEA." (See Exhibit
8 4, attached hereto.)

9 10. Venue is proper in the District of Nevada pursuant to 28
10 U.S.C. § 1391(b) because Defendant is incorporated here.

11 **THE PARTIES**

12 11. Plaintiff, Ronni Hill, at all times relevant to this
13 Complaint, was a female citizen of the County of Clark, State of
14 Nevada, who was hired by the Riviera on or about January 13, 1987 and
15 continued her employment with Defendant until the Riviera terminated
16 her employment on or about February 28, 2003.

17 12. Plaintiff, Jo-Anna Harris, at all times relevant to this
18 Complaint, was a female citizen of Clark County, State of Nevada, who
19 was hired by the Riviera on or about May 20, 1996 and continued her
20 employment with the Riviera until the Riviera terminated her
21 employment on or about February 27, 2003.

22 13. The Riviera is an employer within the meaning of Title VII
23 of the Civil Rights Act of 1964, as amended, and the ADEA.

24 14. DOE Defendants I through X, inclusive, are persons,
25 corporations or business entities who are or which may also be
26 responsible for or who directed or assisted in the wrongful actions
27 of the named Defendants, or who may be individual officers or
28 employees of the named Defendants. The true identities of the DOE

1 Defendants are unknown to Plaintiff at this time. Plaintiff therefore
2 alleges that DOES I-X, inclusive, may be responsible in part and
3 individually for the damages or injuries suffered by Plaintiff as a
4 result of their own wrongful actions and/or those of their agents
5 and/or employees. Plaintiff will seek leave to amend this Complaint
6 as soon as the true identities of DOE Defendants I-X, inclusive, are
7 revealed to Plaintiff.

8 FACTS

9 **Plaintiff Ronni Hill**

10 15. On or about January 13, 1987, the Riviera hired Ms. Hill
11 as a dealer and within six months she was promoted to the position of
12 floor- person. She was 38 years old at the time. She was then promoted
13 to senior floor person in or about February 2002. Throughout the
14 tenure of her employment, up until the date of her termination on
15 February 28, 2003, she was a loyal and dedicated employee, performing
16 all the requirements of her job in a professional manner. Her salary
17 at the time of her termination was \$48,000 per year.

18 16. Along with all Riviera employees, Ms. Hill received annual
19 harassment and sexual awareness training in compliance with EEOC
20 guidelines, along with written training materials, which according to
21 her Affidavit of Attendance Harassment Awareness Training dated
22 October 22, 1999, "describe in detail the Riviera's zero-tolerance
23 stance against all harassment. . ."

24 17. Ms. Hill claims that from her first day on the job until her
25 termination, she was subjected to a sexually hostile, intimidating and
26 offensive work environment that caused her much stress and anxiety.
27 For example, on her first day at the Riviera, she was a dealer on the
28 Black Jack table and lost approximately \$2,000. She overheard the pit

1 manager at the time say to another employee, "Get that fucking cunt
2 off that game."

3 18. This hostile environment was a result of the rampant use of
4 derogatory remarks regarding her age and gender by her co-workers and
5 supervisors, as well as sexually explicit jokes that were posted in
6 plain view of all employees. Such remarks included, but were not
7 limited to, "old broad," "old bag," "douche bag," "old slut," "fucking
8 bitch," and derogatory and sexually explicit comments about women's
9 body parts.

10 19. Because of her concern about losing her job, Ms. Hill
11 suffered in silence for years. Then, when she finally complained to
12 her manager, starting at or around 1995, regarding the sexually
13 explicit jokes and other material posted in plain view as well as the
14 sexual jokes and derogatory comments regarding her age and sex, no
15 action was taken.

16 20. Sometime in 2000, the EEOC launched an investigation into
17 allegations of gender and age discrimination at the Riviera (EEOC
18 Charge No. 34BA00743) and subsequently filed a court action on
19 September 20, 2002 against the Riviera (U.S.D.C. Case No. CV-S-02-
20 1238-HDM-PAL), which is currently in litigation. As part of the
21 discovery process, Ms. Hill was identified in writing to the Riviera
22 as a witness. At that time, Ms. Hill was unaware that she had been
23 disclosed as a witness.

24 21. On or about February 21, 2003, Frank Deletto, the Shift
25 Manager, informed Ms. Hill that the Riviera had placed her on
26 suspension pending an investigation into allegations that Ms. Hill had
27 knowingly accepted stolen cigarettes. She was terminated on or about
28 February 28, 2003 on an alleged charge of "dishonesty."

1 22. Ms. Hill claims that her termination was nothing but pretext
2 for retaliation, and that the real reason for her termination was her
3 identification as a witness in the court action and/or participation
4 in the EEOC process when the other discrimination lawsuit was filed
5 against the Riviera by the EEOC.

6 23. Ms. Hill was subjected to sexual harassment in the workplace
7 by Defendant Riviera to such an extreme that any reasonable person in
8 her position would have found it to be so severe and pervasive that
9 it would certainly have adversely affected her ability to perform her
10 job. Plaintiff repeatedly reported the harassment and yet continued
11 to be subjected to it on a daily basis.

12 24. Ms. Hill also alleges she was subjected by Defendant to a
13 pattern of discrimination and harassment on the basis of her age. She
14 was subjected to unwanted, degrading and humiliating comments and
15 name-calling based on her age by both her co-workers and supervisors,
16 which often took place in front of other employees and/or customers.
17 Defendant Riviera ignored and failed to remedy the situation, despite
18 repeated complaints by Ms. Hill. Ms. Hill's complaints were rebuffed
19 and ignored, and the harassment continued.

20 **FACTS**

21 **Plaintiff Joanna Harris**

22 25. On or about May 20, 1996, the Riviera hired Ms. Harris as
23 a Cocktail Server. Throughout the tenure of her employment, up until
24 the date of her termination on or about February 27, 2003, she was a
25 loyal and dedicated employee, performing all the requirements of her
26 job in a professional manner. Her salary at the time of her
27 termination was approximately \$40,000 to \$50,000 per year.

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1 26. Sometime in 2000, the EEOC launched an investigation into
2 allegations of gender and age discrimination at the Riviera (EEOC
3 Charge No. 34BA00743) and subsequently filed a court action on
4 September 20, 2002 against the Riviera (U.S.D.C. Case No. CV-S-02-
5 1268-HDM-PAL), which is currently in litigation. As part of the
6 discovery process, Ms. Harris was identified in writing to the Riviera
7 as a witness. At that time, Ms. Harris was unaware that she had been
8 disclosed as a witness.

9 27. On or about February 21, 2003, Mr. Haseev, the Beverage
10 Manager, informed Ms. Harris that the Riviera had placed her on
11 suspension pending an investigation into allegations that Ms. Harris
12 had stolen cigarettes. She was terminated on or about February 27,
13 2003 on an alleged charge of "dishonesty."

14 **FIRST CAUSE OF ACTION**
15 ***Sex Discrimination Under State and Federal***
 Anti-Discrimination Statutes

16 28. Plaintiffs replead and reallege and incorporate herein by
17 reference each and every allegation contained in paragraphs 1 through
18 27 above as if fully set forth.

19 29. Defendant Riviera was aware of the prior conduct by its
20 employees to engage in behavior in front of and toward female
21 employees that was degrading, threatening, sexually offensive, and
22 unwelcome.

23 30. The Riviera, as an employer, knew or should have known of
24 its long-standing obligation, pursuant to state and federal statutes,
25 to maintain a workplace free of sexual harassment, a form of sexual
26 discrimination.

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1 31. The Riviera failed to take reasonably adequate steps to
2 prevent sex discrimination, including sexual harassment, in its
3 workplace.

4 32. The Riviera failed to institute effective institutional
5 policies to remedy complaints about conduct which might constitute sex
6 discrimination, including sexual harassment.

7 33. Therefore, Plaintiffs allege that the Riviera has
8 discriminated against them based on their gender in that they were
9 subjected to frequent intentional, unwelcome, degrading and offensive
10 sexual comments and proposals from employees of Defendant, and that
11 the Riviera allowed, authorized and ratified these actions, including
12 harassment and threatening behavior toward Plaintiffs, and allowed the
13 use of Plaintiffs' service as witnesses in a discrimination lawsuit
14 filed against it as grounds for adverse employment decisions about
15 them. This created a hostile and abusive environment based on sexual
16 harassment which interfered with Ms. Hill's and Ms. Harris' ability
17 to perform their job functions, in violation of state and federal
18 statutes, and included tangible job detriment to them and detriment
19 to their professional careers.

20 34. Plaintiffs have also suffered serious mental and emotional
21 distress as a result of this unlawful discrimination.

22 35. Plaintiffs are entitled to be fully compensated for all
23 damages they have sustained.

24 36. It has been necessary for Plaintiffs to retain the services
25 of an attorney and they should be compensated therefor.

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1 43. Plaintiff is entitled to be fully compensated for all
2 damages she has sustained.

3 44. It has been necessary for Plaintiff to retain the services
4 of an attorney and she should be compensated therefor.

5 **THIRD CAUSE OF ACTION**

6 **Retaliation**

7 45. Plaintiffs replead and reallege and incorporates herein by
8 reference each and every allegation contained in paragraphs 1 through
9 44 above as if fully set forth.

10 46. Plaintiffs were subjected to discipline and termination
11 because they engaged in a protected activity by participating as
12 witnesses in the enforcement efforts of the EEOC in a matter wherein
13 Defendant Riviera was alleged to have maintained a hostile environment
14 for former Riviera employee Jean Sylvia on the basis of sex and age
15 in violation of Title VII and the ADEA.

16 47. The Riviera knew or should have known of its obligation to
17 refrain from and prevent retaliatory acts against Plaintiffs and
18 Defendant Riviera failed to do so.

19 48. The Riviera failed to take immediate corrective action when
20 it learned that Plaintiffs had suffered acts of retaliation by the
21 Riviera's own employees and management personnel.

22 49. Plaintiffs have been seriously harmed, economically and
23 emotionally, by this unlawful discrimination and are entitled to be
24 fully compensated therefor.

25 50. It has been necessary for Plaintiffs to retain the services
26 of an attorney and they should be compensated therefor.

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FOURTH CAUSE OF ACTION

Injunctive Relief

51. Plaintiffs replead and reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 54 above as if fully set forth.

52. Pursuant to 42 U.S.C. § 2000e-2 *et seq.*, Plaintiffs seek injunctive relief requiring that Defendant Riviera correct its past discriminatory practices and take appropriate steps to ensure that all female employees are afforded a workplace free of unlawful sex and age discrimination, including sexual harassment and retaliation.

53. Plaintiffs seek injunctive relief from this Court requiring Defendant Riviera to take all steps necessary to evaluate the existence of conduct in its workplace which might constitute discrimination and institute effective educational and prevention programs to prevent or remedy conduct which might constitute sex and/or age discrimination; and to take appropriate disciplinary action against all employees who participated in, tolerated or failed to act to prevent, stop or remedy the acts of sex discrimination against both Plaintiffs and age discrimination against Plaintiff Hill.

54. It has been necessary for Plaintiffs to retain the services of an attorney and they should be compensated therefor.

FIFTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress

55. Plaintiffs replead and reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 54 above as if fully set forth.

56. The aforementioned actions of the Riviera, in addition to being illegal, constitute extreme and outrageous conduct and were

1 performed with the intent or reasonable knowledge or reckless
2 disregard that such actions would cause severe emotional harm and
3 distress to Plaintiffs, and did in fact cause such harm.

4 57. The other Defendants (Defendants Doe) authorized and/or
5 ratified the conduct of the Riviera by failing to take measures to
6 prevent further reoccurrences.

7 58. The aforementioned conduct of the other Defendants is
8 extreme and outrageous and was performed with the intent or reasonable
9 knowledge or reckless disregard that such actions would cause severe
10 emotional harm to the Plaintiff, and did in fact cause such harm.

11 59. As a result, Plaintiffs have suffered damages and they are
12 entitled to recover compensatory and punitive damages related thereto.

13 60. It has been necessary for Plaintiffs to retain the services
14 of an attorney and they should be compensated therefor.

15 **SIXTH CAUSE OF ACTION**

16 ***Negligent Infliction of Emotional Distress***

17 61. Plaintiffs replead and reallege and incorporate herein by
18 reference each and every allegation contained in paragraphs 1 through
19 60 above as if fully set forth.

20 62. The Riviera owed a duty to exercise due care not to subject
21 Plaintiffs to foreseeable risk of mental, emotional, and/or physical
22 injury, and the Riviera knew or reasonably should have known that its
23 acts and/or omissions, as herein alleged, were likely to result in
24 mental, emotional and/or physical injury to Plaintiffs.

25 63. The Riviera, while engaging in the aforementioned conduct,
26 did negligently inflict extreme mental and emotional distress,
27 indignity, embarrassment, and humiliation upon Plaintiffs.

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1 64. As a direct and proximate result of the Riviera's negligent
2 infliction of such emotional distress, Plaintiffs have suffered
3 damages and they are entitled to recover compensatory damages and
4 other damages related thereto.

5 65. It has been necessary for Plaintiffs to retain the services
6 of an attorney and they should be compensated therefor.

7 WHEREFORE, Plaintiffs respectfully pray as follows:

- 8 1. A trial by jury on all issues;
- 9 2. All employment-related losses including but not limited to
10 (back pay, front pay, benefits) subject to proof;
- 11 3. All compensatory, special and general damages allowed by
12 law;
- 13 4. Injunctive relief as set forth above;
- 14 5. Attorneys' fees and costs of suit incurred herein;
- 15 6. Prejudgment interest;
- 16 7. Punitive damages in an amount sufficient to punish and
17 deter Defendants from engaging in any such conduct in the
18 future and as an example to other employers not to engage
19 in such conduct; and
- 20 8. For such other and further relief as the Court shall deem
21 just and proper.

22 Respectfully submitted this 11th day of February, 2005.

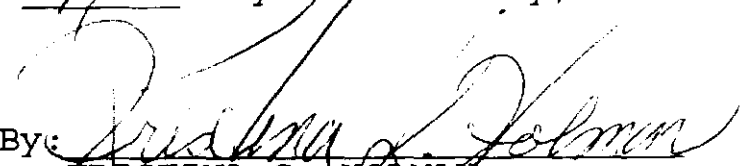
23
24 By: 
25 KRISTINA S. HOLMAN
26 Nevada State Bar No. 3742
27 4475 South Pecos Road
28 Las Vegas, Nevada 89121
Tel: (702) 454-2111
Fax: (702) 454-3333
Attorney for Plaintiffs,
RONNI HILL and JO-ANNA HARRIS

EXHIBIT 1

CHARGE OF DISCRIMINATION

CHARGE NUMBER

This form is affected by the Privacy Act of 1974: See Privacy Act Statement before completing this form.

FEPA
 EEOC

340-2003-10093

Nevada Equal Rights Commission

and EEOC

State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ms. Ronni Hill

HOME TELEPHONE (Include Area Code)

(702) 341-6886

STREET ADDRESS

3348 Apenzelle Court

CITY, STATE AND ZIP CODE

Las Vegas, NV 89129

DATE OF BIRTH

Sept 16, 1949

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

The Riviera Hotel & Casino

NUMBER OF EMPLOYEES, MEMBERS

Category D (501 + employees)

TELEPHONE (Include Area Code)

(702) 734-5110

STREET ADDRESS

2901 Las Vegas Boulevard South

CITY, STATE AND ZIP CODE

Las Vegas, NV 89109

COUNTY

Clark

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

RACE COLOR SEX RELIGION AGE
 RETALIATION NATIONAL ORIGIN DISABILITY OTHER

DATE DISCRIMINATION TOOK PLACE

Jan 1, 1987

March 6, 2003

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I worked for the Riviera Hotel & Casino (Riviera) since on or about 1987 until my termination on March 6, 2003. Throughout my employment I was subjected to a hostile work environment created by the use of derogatory comments related to my gender and age by both co-workers and supervisors and sexually explicit posted jokes. Examples of the derogatory comments include, but is not limited to, "Old Broad", "Old Bag", "Deuchebag", "Old Slut", "Fucking Bitch" and comments about women's body parts. The posting of sexual jokes and the use of the phrases such as "Old Bag", "Old Broad" and "Fucking Bitch" continued until my suspension on February 21, 2003. I complained to the Riviera Management about the posted, visually explicit, sexual jokes and about the comments.

I took part in an EEOC investigation into allegations of gender and age discrimination at the Riviera (EEOC Charge NO. 34BA00743). The EEOC filed a court action based on their investigation and is currently in litigation with the Riviera. As part of the discovery process, on January 31, 2003, the EEOC identified me in writing to the Riviera as a witness. On February 21, 2003, Frank Deletto, Shift Manager, informed me the Riviera placed me under suspension pending investigation. The Riviera accused me of knowingly accepting stolen cigarettes and dishonesty. They terminated me on March 6, 2003, allegedly for dishonesty.

I believe the Riviera Hotel & Casino subjected me to a hostile work environment due to my age (53) and gender (female) and failed to take appropriate steps to prevent and correct age and sex related harassment. In addition, I believe the Riviera Hotel & Casino suspended and terminated me in retaliation for my participation with an EEOC investigation. I believe the hostile work environment, the suspension and the termination are in violation of Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, as respectively amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

Date

6/2/03

Charging Party (Signature)

Ronni Hill

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Day, month, and year)

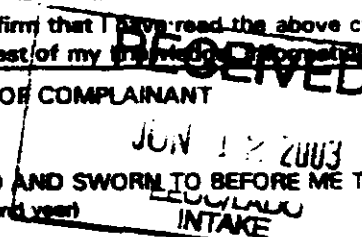


EXHIBIT 2



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

255 E. TEMPLE STREET, 4TH FLOOR
LOS ANGELES, CALIFORNIA 90012
1-800-669-4000
(213) 894-1000
TDD (213) 894-1121
FAX (213) 894-1118

Charge Number: 340-2003-10093

Ronni Hill
3348 Apenzelle Court
Las Vegas, NV 89129

Charging Party

The Riviera Hotel & Casino
2901 Las Vegas Boulevard South
Las Vegas, NV 89109

Respondent

AMENDED - LETTER OF DETERMINATION

I issue the following determination as to the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000-e et seq. ("Title VII") and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq. ("ADEA"). Timeliness and all other requirements for coverage have been met.

The Charging Party alleges that the Respondent engaged in employment practices made unlawful by Title VII and ADEA by: (1) subjecting her to a hostile work environment because of her gender and age; and (2) suspending and discharging her in retaliation for participating in an EEOC investigation. Respondent denies the allegations.

Examination of the evidence reveals reasonable cause to believe Charging Party's claim that she was suspended and discharged in retaliation for participating in an EEOC investigation in violation of Title VII and ADEA. Further, during the course of the investigation of this charge, examination of the evidence also revealed reasonable cause to believe that a class of employees were retaliated against for opposing or participating in a protected activity in violation of Title VII and ADEA.

According to Section 706(b) of Title VII, if the Commission determines there is reason to believe that violations have occurred, it shall endeavor to eliminate the alleged unlawful practices by informal methods of conference, conciliation and persuasion. Having determined that there is reason to believe that violations have occurred, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter.

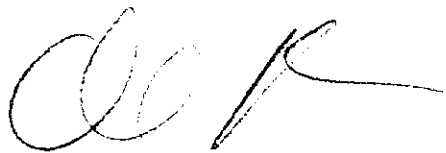
DETERMINATION

Charge Number: 340-2003-10093

Page 2 of 2

If the Respondent declines to enter into settlement discussion, or when for any other reason, a settlement acceptable to the Director is not obtained, the Director will inform the parties in writing and advise them of the court enforcement alternatives available to the Charging Party, aggrieved persons and the Commission. A Commission representative will contact you shortly to begin conciliation discussions.

On Behalf of the Commission:



Olophius E. Perry, District Director
Los Angeles District Office

0-29-04

Date

EXHIBIT 3

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See Privacy Act Statement before completing this form.

| | |
|---|---------------------------------|
| <input type="checkbox"/> FE <input checked="" type="checkbox"/> EEOC | CHARGE NUMBER 340-2003-09859 |
|---|---------------------------------|

Nevada Equal Rights Commission and EEOC
 State or local Agency, if any

| | |
|---|--|
| NAME (Indicate Mr., Ms., Mrs.) Ms. Joanna Harris | HOME TELEPHONE (Include Area Code) (702) 646-2083 |
|---|--|

| | | |
|--|---|--------------------------------|
| STREET ADDRESS 2741 Stargate Street | CITY, STATE AND ZIP CODE Las Vegas, NV 89108 | DATE OF BIRTH April 3, 1971 |
|--|---|--------------------------------|

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

| | | |
|--------------------------------|--|---|
| NAME Riviera Casino & Hotel | NUMBER OF EMPLOYEES, MEMBERS Category D (501 + employees) | TELEPHONE (Include Area Code) (702) 734-5110 |
|--------------------------------|--|---|

| | | |
|--|---|-----------------|
| STREET ADDRESS 2901 Las Vegas Boulevard South | CITY, STATE AND ZIP CODE Las Vegas, NV 89109 | COUNTY Clark |
|--|---|-----------------|

| | |
|------|--------------------------------------|
| NAME | TELEPHONE NUMBER (Include Area Code) |
|------|--------------------------------------|

| | | |
|----------------|--------------------------|--------|
| STREET ADDRESS | CITY, STATE AND ZIP CODE | COUNTY |
|----------------|--------------------------|--------|

| | |
|---|--|
| CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> AGE <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER | DATE DISCRIMINATION TOOK PLACE Feb 21, 2003 Feb 27, 2003 <input type="checkbox"/> CONTINUING ACTION |
|---|--|

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I worked for the Riviera Casino & Hotel (Riviera) as a Cocktail Server from on or about May 20, 1996 until my termination on February 27, 2003. I took part in an EEOC investigation into allegations of gender and age discrimination at the Riviera (EEOC Charge NO. 34BA00743). The EEOC filed a court action based on their investigation and is currently in litigation with the Riviera. As part of the discovery process, on January 31, 2003, the EEOC identified me in writing to the Riviera as a witness. On February 21, 2003, Haseeb, the Beverage Manager, informed me the Riviera placed me under suspension pending investigation. The Riviera accused me of stealing cigarettes and terminated me on February 27, 2003, allegedly for dishonesty. I deny stealing any cigarettes from the Riviera.

I believe the Riviera Hotel & Casino suspended and retaliated against me in retaliation for participating in an EEOC investigation, in violation of Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, as respectively amended.

RECEIVED
APR 21 2003

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - (When necessary for State or local Agency requirements)
 on attached sheet

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

4-17-03
 Date
 Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Day, month, and year)
 See attached sheet

CONT. From Charge of Discrimination Sheet

State of Nevada
County of Clark

This instrument was acknowledged

before me on April 17 2003 by

Infana Harris

Kelly Marshall - Notary

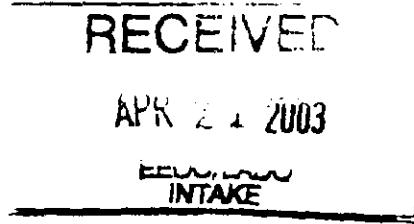
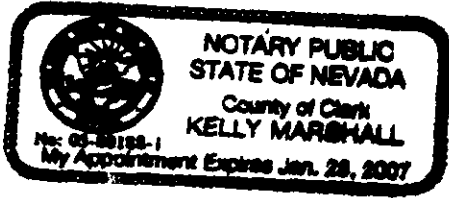


EXHIBIT 4



UNITED STATES GOVERNMENT
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

GOBIERNO DE LOS ESTADOS UNIDOS
COMISION DE IGUALDAD DE OPORTUNIDAD EN EL EMPLEO

255 E. TEMPLE STREET, 4TH FLOOR
LOS ANGELES, CALIFORNIA 90012
1-800-669-4000
(213) 894-1000
TDD (213) 894-1121
FAX (213) 894-1118

Charge Number: 340-2003-09859

Joanna Harris
2741 Stargate Street
Las Vegas, NV 89108

Charging Party

The Riviera Hotel & Casino
2901 Las Vegas Boulevard South
Las Vegas, NV 89109

Respondent

AMENDED - LETTER OF DETERMINATION

I issue the following determination as to the merits of this charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000-e et seq. ("Title VII") and the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq. ("ADEA"). Timeliness and all other requirements for coverage have been met.

The Charging Party alleges that the Respondent engaged in employment practices made unlawful by Title VII and the ADEA by suspending and discharging her in retaliation for participating in an EEOC investigation. Respondent denies the allegations.

Examination of the evidence reveals reasonable cause to believe Charging Party's claim that she was suspended and discharged in retaliation for participating in an EEOC investigation in violation of Title VII and the ADEA. Further, during the course of the investigation of this charge, examination of the evidence also revealed reasonable cause to believe that a class of employees were retaliated against for opposing or participating in a protected activity in violation of Title VII and the ADEA.

According to Section 706(b) of Title VII, if the Commission determines there is reason to believe that violations have occurred, it shall endeavor to eliminate the alleged unlawful practices by informal methods of conference, conciliation and persuasion. Having determined that there is reason to believe that violations have occurred, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter.

DETERMINATION

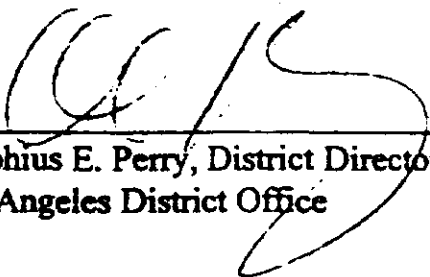
Charge Number: 340-2003-09859

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If the Respondent declines to enter into settlement discussion, or when for any other reason, a settlement acceptable to the Director is not obtained, the Director will inform the parties in writing and advise them of the court enforcement alternatives available to the Charging Party, aggrieved persons and the Commission. A Commission representative will contact you shortly to begin conciliation discussions.

On Behalf of the Commission:

6-29-04
Date



Olophius E. Perry, District Director
Los Angeles District Office