

ORIGINAL

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6 Attorneys for Plaintiff
7 U.S. EQUAL EMPLOYMENT
8 OPPORTUNITY COMMISSION

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 CV-S-05-1203-RLH-PAL

12 U.S. EQUAL EMPLOYMENT
13 OPPORTUNITY COMMISSION,

14 Plaintiff,

15 v.

16 TRUGREEN LANDCARE, AND DOES 1-
17 10 INCLUSIVE,

18 Defendants.

)
)
)
) **COMPLAINT-CIVIL RIGHTS**
) **SEX HARASSMENT AND**
) **RETALIATION**

) (42 U.S.C. §§ 2000e, et seq.;)

) **DEMAND FOR JURY TRIAL**
)
)
)

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20 NATURE OF THE ACTION

21 This is a sexual harassment and retaliation action brought by the United States Equal
22 Employment Opportunity Commission ("the Commission" or "Plaintiff"), under Title VII of the
23 Civil Rights Act of 1964, as amended, to correct unlawful employment practices on the basis of
24 sex and to provide appropriate relief to the Charging Party Debbrah Bray ("Charging Party")
25 who was adversely affected by such practices. The Commission alleges that the Charging Party
26 was sexually harassed or subjected to sex-based harassment during her employment with
27 Defendant TruGreen Landcare and Doe Defendants 1-10 (named and unnamed defendants

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1 collective "Defendant Employers"). The Charging Party was subjected to a hostile work
2 environment perpetuated by Defendant Employers' supervisor.

3 The Commission also alleges that the Charging Party who had complained of the
4 harassment by her supervisor was subjected to retaliation in the form of demotion, reassignment,
5 further harassment, denial of promotion and discipline.

6 JURISDICTION AND VENUE

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

11 2. The employment practices alleged herein to be unlawful were committed within
12 the jurisdiction of the United States District Court for the State of Nevada.

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

18 PARTIES

19 4. Plaintiff Commission is an agency of the United States of America charged with
20 the administration, interpretation and enforcement of Title VII, and is expressly authorized to
21 bring this action under §§706(f)(1) and (3) of Title VII, 42 U.S.C., §§ 2000e-5(f)(1) and (3).

22 5. At all relevant times, "Defendant Employers," have continuously been and are
23 now doing business in the State of Nevada, and City of Las Vegas, Nevada. At all relevant
24 times, Defendant Employers have continuously employed fifteen (15) or more persons.

25 6. Plaintiff is ignorant of the true names and capacities of "Defendant Employers,"
26 sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues said "Defendant
27 Employers" by such fictitious names. Plaintiff reserves the right to amend the complaint to
28 name the DOE "Defendant Employers" individually or collectively as they become known.

1 Plaintiff alleges that each of the "Defendant Employers" named as DOES was in some manner
2 responsible for the acts and omissions alleged herein and Plaintiff will amend the complaint to
3 allege such responsibility when same has been ascertained by Plaintiff.

4 7. All of the acts and failures to act alleged herein were duly performed by and
5 attributable to "Defendant Employers", each acting as a successor, agent, employee or under the
6 direction and control of the others, except as specifically alleged otherwise. Said acts and
7 failures to act were within the scope of such agency and/or employment, and each "Defendant
8 Employers" participated in, approved and/or ratified the unlawful acts and omissions by other
9 "Defendant Employers" complained of herein. Whenever and wherever reference to any act in
10 this Complaint to any act by a defendant employer or "Defendant Employers," such allegations
11 and reference shall also be deemed to mean the acts and failures to act of each "Defendant
12 Employer" acting individually, jointly and/or severally.

13 8. At all relevant times, "Defendant Employers" have continuously been employers
14 engaged in an industry affecting commerce within the meaning of §§ 701 (b), (g) and (h) of Title
15 VII, 42 U.S.C., §§ 2000e-1(b), (g) and (h).

16 STATEMENT OF CLAIMS

17 9. Since in or about May 1, 2000, "Defendant Employers" have engaged in
18 unlawful employment practices at its facility in Las Vegas, Nevada in violation of §§706(f)(1)
19 and (3) of Title VII, 42 U.S. C., §§2000e-5(f)(1) and (3). The unlawful sexual harassment and
20 sex based harassment in the form of verbal harassment directed at the Charging Party impacted
21 the terms and conditions of her employment and created a hostile working environment at
22 "Defendant Employers." The Charging Party was also subject to retaliation for having
23 complained about the hostile work environment and suffered adverse employment actions. The
24 Charging Party was denied a promotion, reassigned to a less desirable position and a demotion.

25 10. The impact of the aforementioned conduct deprived the Charging Party of equal
26 employment opportunities and otherwise adversely impacted her employment status because of
27 her sex and in retaliation for opposing discriminatory practices or engaging in a protected
28 activity that resulted in adverse employment action.

1 11. The unlawful employment practices complained of above were and are willful
2 within the meaning of §§706(f)(1) and (3) of Title VII, 42 U.S. C., §§2000e-5(f)(1) and (3).

3 12. The unlawful employment practices complained of above were intentional and
4 caused the Charging Party to suffer emotional distress.

5 13. "Defendant Employers" have acted with malice or reckless indifference to the
6 federally protected rights of the Charging Party by subjecting her to harassment consisting of
7 derogatory statements, and obscene and vulgar language. When Charging Party complained to
8 "Defendant Employers" about the harassment she was being subjected to, her complaints were
9 either ignored or she was subjected to further harassment. The Charging Party was also subject
10 to retaliation for opposing discrimination or engaging in a protected activity resulting in an
11 adverse employment action that harmed her.

12 **PRAYER FOR RELIEF**

13 Wherefore, the Commission respectfully requests that this Court:

14 A. Grant a permanent injunction enjoining "Defendant Employers," its officers,
15 successors, assigns and all persons in active concert or participation with them, from engaging
16 in any employment practices that discriminate on the basis of sex or from engaging in unlawful
17 retaliation;

18 B. Grant a permanent injunction enjoining "Defendant Employers," their officers,
19 successors, assigns and all persons in active concert or participation with them, from engaging
20 in any employment practice which discriminates on the basis of sex;

21 C. Order "Defendant Employers" to institute and carry out policies, practices and
22 programs which provide equal employment opportunities for females which eradicate the effects
23 of their past and present unlawful employment practices;

24 D. Grant a judgment requiring "Defendant Employers" to pay the Charging Party
25 appropriate back pay, front pay, compensatory damages and benefits in an amount to be
26 determined at trial including prejudgment interest;

27 E. Order "Defendant Employers" to make the Charging Party whole by providing
28 affirmative relief necessary to eradicate the effects of its unlawful practices including, but not

1 limited to, payment of compensatory damages to Charging Party;

2 F. Order "Defendant Employers" to pay Charging Party punitive damages in an
3 amount to be determined at trial;

4 G. Award the Commission its costs in this action; and

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

7 **JURY DEMAND**

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

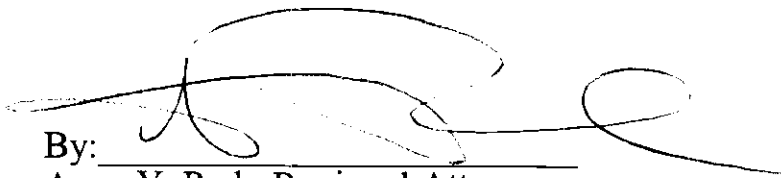
9 Respectfully Submitted By:

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17
18 Dated: September 29, 2005

19 By: 
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Cherry-Marie D. Rojas, Supervisory Trial Attorney
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21 U.S. EQUAL EMPLOYMENT
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