

1 Anna Y. Park  
2 U.S. EQUAL EMPLOYMENT  
3 OPPORTUNITY COMMISSION  
4 255 East Temple Street, 4th Floor  
5 Los Angeles, CA 90012  
6 Telephone: (213) 894-1083  
7 Facsimile: (213) 894-1301  
8 Email: lado.legal@eeoc.gov

9 Attorneys for Plaintiff  
10 U.S. EQUAL EMPLOYMENT  
11 OPPORTUNITY COMMISSION

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

14 U.S. EQUAL EMPLOYMENT ) CASE NO.  
15 OPPORTUNITY COMMISSION, )  
16 ) **COMPLAINT - CIVIL RIGHTS**  
17 Plaintiff, ) **EMPLOYMENT DISCRIMINATION**  
18 v. )  
19 U-HAUL COMPANY OF NEVADA, INC.) Civil Rights Act of 1964, as amended,  
20 and DOES 1-10, Inclusive. ) 42 U.S.C. §§ 2000e, *et seq.*  
21 Defendants. ) **DEMAND FOR TRIAL BY JURY**

22 **NATURE OF THE ACTION**

23 This is an employment discrimination action brought by the United States Equal  
24 Employment Opportunity Commission (the "Commission") under Title VII of the Civil Rights  
25 Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices  
26 on the basis of national origin and race, and to provide appropriate relief to Alberto A. Banico,  
27 Salvador Campos, Nelson Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo, Alfred J.  
28 Magaña, Jimmy Pagtulingan, and similarly situated individuals who were adversely affected by  
such practices. The Commission alleges that Defendants U-Haul Company of Nevada, Inc. and  
Does 1-10 (collectively "Defendants" or "Defendant Employers"), subjected these named  
individuals and others to disparate treatment in promotion, work assignments and frequent verbal  
harassment, including epithets of "wetback" and "beaner," based on their race (Hispanic) and  
harassment based on their national origin and race (Filipino, Asian).

1 **JURISDICTION AND VENUE**

2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,  
3 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) and  
4 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3)  
5 and -6 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

6 2. The employment practices alleged to be unlawful were committed within the  
7 jurisdiction of the United States District Court for the District of Nevada.

8 **PARTIES**

9 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is  
10 the agency of the United States of America charged with the administration, interpretation and  
11 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and  
12 (3) and 707 of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and -6.

13 4. At all relevant times, Defendant Employer, U-Haul Company of Nevada, Inc., a  
14 Nevada corporation, has continuously been doing business in the State of Nevada and the City of  
15 Henderson, and has continuously had at least 15 employees. At all relevant times, Defendant  
16 Employer, U-Haul Company of Nevada, Inc., has continuously been an employer engaged in an  
17 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42  
18 U.S.C. §§ 2000e(b), (g) and (h).

19 5. Plaintiff is ignorant of the true names and capacities of Defendants sued as DOES  
20 1 through 10, inclusive, herein and therefore Plaintiff sues said Defendants by such fictitious  
21 names. Plaintiff reserves the right to amend the complaint to name the DOE defendants  
22 individually or corporately as they become known. Plaintiff alleges that each of the Defendants  
23 named as DOES was in some manner responsible for the acts and omissions alleged herein and  
24 Plaintiff will amend the complaint to allege such responsibility when same shall have been  
25 ascertained by Plaintiff.

26 6. All of the acts and failures to act alleged herein were duly performed by and  
27 attributable to all Defendants, each acting as a successor, agent, joint employer, integrated  
28 enterprise, employee and/or under the direction and control of the other Defendants, except as

1 otherwise specifically alleged. Said acts and failures to act were within the scope of such agency  
2 and/or employment, and each Defendant participated in, approved and/or ratified the unlawful  
3 acts and omissions by other Defendants complained of herein. Whenever and wherever reference  
4 is made in this Complaint to any act by a Defendant or Defendants, such allegations and  
5 reference shall also be deemed to mean the acts and failures to act of each Defendant acting  
6 individually, jointly, and/or severally.

7 7. It is further alleged on information and belief that the unnamed Defendants in the  
8 complaint are alter egos, joint employers, and/or integrated enterprises of Defendants U-Haul  
9 Company of Nevada, Inc.

10 **STATEMENT OF CLAIMS**

11 8. All conditions precedent to the institution of this lawsuit have been fulfilled.  
12 More than thirty days prior to the institution of this lawsuit, Alberto A. Banico, Salvador  
13 Campos, Nelson Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo, Alfred J. Magaña,  
14 and Jimmy Pagtulingan filed charges with the Commission alleging violations of Title VII by  
15 Defendant Employer.

16 9. Since at least September 1, 2002, Defendant Employers have engaged in unlawful  
17 employment practices at their Henderson, Nevada facility in violation of Section 703(a) of Title  
18 VII, 42 U.S.C. § 2000e-2(a). These violations include subjecting Hispanic and Filipino  
19 employees to disparate treatment in promotion, work assignments and frequent verbal  
20 harassment based on their national origin and race.

21 10. The effect of the practices complained of above has been to deprive Alberto A.  
22 Banico, Salvador Campos, Nelson Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo,  
23 Alfred J. Magaña, Jimmy Pagtulingan, and other similarly situated individuals of equal  
24 employment opportunities and otherwise adversely affect their status as employees because of  
25 their national origin and race.

26 11. The unlawful employment practices complained of in above were intentional.

27 12. The unlawful employment practices complained of in above were done with  
28 malice or with reckless indifference to the federally protected rights of Alberto A. Banico,

1 Salvador Campos, Nelson Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo, Alfred J.  
2 Magaña, Jimmy Pagtulingan, and other similarly situated individuals.

3 **PRAYER FOR RELIEF**

4 Wherefore, the Commission respectfully requests that this Court:

5 A. Grant a permanent injunction enjoining Defendant Employers, their officers,  
6 successors, assigns, and all persons in active concert or participation with them, from engaging in  
7 harassment and disparate treatment and any other employment practice which discriminates on  
8 the basis of national origin.

9 B. Order Defendant Employers to institute and carry out policies, practices, and  
10 programs which provide equal employment opportunities for Hispanics and Filipinos, and which  
11 eradicate the effects of their past and present unlawful employment practices.

12 C. Order Defendant Employers to make whole Alberto A. Banico, Salvador Campos,  
13 Nelson Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo, Alfred J. Magaña, Jimmy  
14 Pagtulingan, and other similarly situated individuals by providing appropriate backpay with  
15 prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary  
16 to eradicate the effects of their unlawful employment practices, including but not limited to  
17 frontpay.

18 D. Order Defendant Employers to make whole Alberto A. Banico, Salvador Campos,  
19 Nelson Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo, Alfred J. Magaña, Jimmy  
20 Pagtulingan, and other similarly situated individuals by providing compensation for past and  
21 future pecuniary losses resulting from the unlawful employment practices described above,  
22 including relocation expenses, job search expenses, and medical expenses not covered by the  
23 Employer's employee benefit plan, in amounts to be determined at trial.

24 E. Order Defendant Employers to make whole Alberto A. Banico, Salvador Campos,  
25 Nelson Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo, Alfred J. Magaña, Jimmy  
26 Pagtulingan, and other similarly situated individuals by providing compensation for past and  
27 future nonpecuniary losses resulting from the unlawful practices complained of above, including

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1 emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts  
2 to be determined at trial.

3 F. Order Defendant Employers to pay Alberto A. Banico, Salvador Campos, Nelson  
4 Castro, Johnny DeGuzman, Jorge L. Garcia, Jesus Jacobo, Alfred J. Magaña, Jimmy Pagtulingan,  
5 and other similarly situated individuals punitive damages for its malicious and reckless conduct  
6 described above, in amounts to be determined at trial.

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

9 H. Award the Commission its costs of this action.

10 JURY DEMAND

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

12 Dated: September 27, 2006

Respectfully Submitted,

13 RONALD S. COOPER  
14 General Counsel

15 JAMES L. LEE  
16 Deputy General Counsel

17 GWENDOLYN YOUNG REAMS  
18 Associate General Counsel

19 U.S. EQUAL EMPLOYMENT  
20 OPPORTUNITY COMMISSION  
21 1801 "L" Street, N.W.  
22 Washington, D.C. 20507

BY: 

ANNA Y. PARK  
Regional Attorney

23 U.S. EQUAL EMPLOYMENT  
24 OPPORTUNITY COMMISSION  
25 255 East Temple Street, 4th Floor  
26 Los Angeles, CA 90012  
27  
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