

5. The defendant has discriminated against Amy Mengay, a former officer in the defendant's police department, on the basis of her race, white, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (a) failing or refusing to confirm Mengay from probationary to regular status as a police officer within approximately one year after she began employment as a probationary officer;
- (b) failing or refusing to provide Mengay with any pre-disciplinary/termination hearing;
- (c) terminating her employment as a police officer;
- (d) failing or refusing to take appropriate action to remedy the effects of its discrimination against her.

6. The defendant has discriminated against Timothy Ellis, a former officer in the defendant's police department, on the basis of his race, white, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a), among other ways, by:

- (a) terminating his employment as a police officer;
- (b) failing or refusing to take appropriate action to remedy the effects of its discrimination against him.

7. The Equal Employment Opportunity Commission ("EEOC") received a timely charge filed by Mengay (EEOC Charge No. 220-2005-00058), in which she alleged that she had been discriminated against by the defendant on the basis of, *inter alia*, her race.

8. The EEOC received a timely charge filed by Ellis (EEOC Charge No. 220-2005-00146), in which he alleged that he had been discriminated against by the defendant on the basis of, *inter alia*, his race.

9. Pursuant to Section 706 of Title VII, 42 U.S.C. 2000e-5, the EEOC investigated the charges filed by Mengay and Ellis, found reasonable cause to believe that the defendant discriminated against Mengay because of, inter alia, her race, and against Ellis because of, inter alia, his race. The EEOC attempted unsuccessfully to achieve through conciliation a voluntary resolution of the matters and subsequently referred the matters to the Department of Justice.

10. All conditions precedent to the filing of suit have been performed or have occurred.

WHEREFORE, plaintiff United States prays that the Court grant the following relief:

(a) Enjoin the defendant from failing and refusing to:

(i) provide sufficient remedial relief to make whole Mengay and Ellis for the losses each has suffered as a result of the discrimination against her or him as alleged in this complaint;

(ii) take other appropriate non-discriminatory measures to overcome the effects of the discrimination; and

(b) Award compensatory damages to Mengay and Ellis, as would fully compensate each for injuries resulting from the defendant's discriminatory conduct, pursuant to and within the statutory limitations of Section 102 of the Civil Rights Act of 1991, 42 U.S.C.

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Plaintiff prays for such additional relief as justice may require, together with its costs and disbursements in this action.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Rule 38 of the Federal Rules of Civil Procedure and Section 102 of the Civil Rights Act of 1991, 42 U.S.C.

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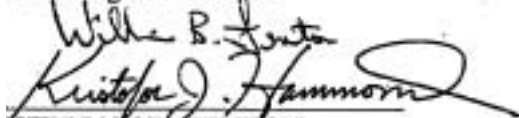
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