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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVA**

16 **CV-S-05-1125-KJD-RJJ**

17 EQUAL EMPLOYMENT
18 OPPORTUNITY COMMISSION,

19 Plaintiff,

20 vs.

21 PROSPECT AIRPORT SERVICES,
22 INC.; and DOES 1-10, Inclusive,

23 Defendants.

24) (**COMPLAINT**
25) • **CIVIL RIGHTS**
26) • **EMPLOYMENT**
27) **DISCRIMINATION**
28) (42 U.S.C. §§ 2000e, et seq.)

29 **JURY TRIAL DEMAND**

30 NATURE OF THE ACTION

31 This is an action under Title VII of the Civil Rights Act of 1964, and Title I
32 of the Civil Rights Act of 1991 to correct unlawful employment practices on the
33 basis of sex, and to provide appropriate relief to Rudolpho Lamas ("Lamas"), who
34 was adversely affected by such practices. Plaintiff U.S. Equal Employment
35 Opportunity Commission ("EEOC" or "Commission") alleges that Mr. Lamas
36 was subjected to sex harassment during his employment with Defendant, Prospect
37 Airport Services, Inc. ("Defendant" or "Employer"), affecting the terms and
38 conditions of his employment. Lamas was subjected to a hostile work
environment by co-worker Silvia Munoz ("Ms. Munoz"). Defendant knew or

ORIGINAL

1 should have known about the harassment and failed to take timely and
2 appropriate corrective action.

3 JURISDICTION AND VENUE

4 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
5 1331, 1337, 1343 and 1345.

6 2. This action is authorized and instituted pursuant to Section 706(f) (1)
7 and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
8 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of
9 1991, 42 U.S.C. § 1981a.

10 3. The employment practices alleged to be unlawful were committed
11 within the jurisdiction of the United States District Court for the District of
12 Nevada, Las Vegas.

13 4. More than thirty days prior to the institution of this lawsuit Lamas
14 filed a charge with the Commission alleging violations of Title VII by Defendant.
15 The Commission has issued a Letter of Determination finding that Lamas was
16 subjected to unlawful employment discrimination based upon his sex/gender
17 (male) in violation of Title VII. All conditions precedent to the institution of this
18 lawsuit have been fulfilled.

19 PARTIES

20 5. The EEOC is the agency of the United States of America charged
21 with the administration, interpretation and enforcement of Title VII, and is
22 expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII,
23 42 U.S.C. § 2000e-5(f)(1) and (3).

24 6. At all relevant times alleged herein, Defendant, an Illinois
25 corporation, has continuously been doing business in the State of Nevada, County
26 of Las Vegas, and employs at least 15 employees.

27 7. The EEOC is ignorant of the true names and capacities of defendant
28 entities sued as DOES 1 through 10, inclusive, and therefore the EEOC sues said

1 defendant entities by such fictitious names. The EEOC reserves the right to
2 amend the complaint to name the DOE entities individually or collectively as they
3 become known. The EEOC alleges that each of the defendant entities named as
4 DOES was in some manner responsible for the acts and omissions alleged herein
5 and the EEOC will amend the complaint to allege such responsibility when same
6 shall have been ascertained by the EEOC.

7 8. It is further alleged on information and belief that the unnamed
8 defendants in the complaint are mere alter egos of the Employer.

9 9. All of the acts and failures to act alleged herein were duly performed
10 by and attributable to Employer, each acting as a successor, agent, employee or
11 under the direction and control of the others, except as specifically alleged
12 otherwise. Said acts and failures to act were within the scope of such agency
13 and/or employment.

14 10. At all relevant times, the Employer has continuously been an
15 employer engaged in an industry affecting commerce within the meaning of
16 Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e (b), (g) and (h).

17 STATEMENT OF CLAIMS

18 11. The Commission alleges that, beginning in the summer/fall of 2002
19 and continuing until the summer of 2003, Defendant engaged in unlawful
20 employment practices at its service facility at Las Vegas International Airport, in
21 violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). As a result, a
22 co-worker repeatedly subjected Lamas to unlawful sex/gender harassment in the
23 form of visual and verbal harassment, which harassment created a hostile working
24 environment at the Employer's Las Vegas service facility. Further, the Employer
25 knew or should have known about the harassing conduct and failed to take
26 immediate and effective action to prevent the harassment despite repeated
27 complaints from Lamas.

28 12. The effect of the practices complained of in paragraph 11 above has

1 been to deprive Lamas of equal employment opportunities and otherwise
2 adversely affect his status as an employee, because of his gender/sex (male)
3 under Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).

4 13. The unlawful employment practices complained of in paragraph 11
5 was sufficiently severe or pervasive as to alter the conditions of Lamas's
6 employment and create a hostile work environment.

7 14. The unlawful employment practices complained of in paragraph 11
8 above were intentional.

9 15. The unlawful employment practices complained of in paragraphs 11
10 above were done with malice or reckless indifference to the federally protected
11 rights of Lamas.

12 16. As a direct and proximate result of the aforesaid acts of the
13 Defendant, Lamas has suffered emotional pain, suffering, inconvenience, loss of
14 enjoyment of life, humiliation and damages, according to proof.

15 17. As a direct and proximate result of the aforesaid acts of Defendant,
16 Lamas suffered a loss of earnings in an amount according to proof.

17 PRAYER FOR RELIEF

18 Wherefore, the Commission respectfully requests that this Court:

19 A. Grant a permanent injunction enjoining the Employer, its officers,
20 successors, assigns, and all persons in active concert or participation with it, from
21 engaging in any employment practice which discriminates on the basis of
22 gender/sex.

23 B. Order the Defendant to institute and carry out policies, practices and
24 programs which provide equal employment opportunities for males, which
25 eradicate the effects of their past unlawful employment practices;

26 C. Order Defendant to make whole Lamas by providing appropriate
27 backpay with prejudgment interest, and front pay in amounts to be determined at
28 trial, and/or other affirmative relief necessary to eradicate the effects of its

1 unlawful employment practices;

2 D. Order Defendant to make whole Lamas by providing compensation
3 for past and future pecuniary losses, including but not limited to losses resulting
4 from out of pocket expenses, and/or other affirmative relief necessary to eradicate
5 the effects of its unlawful employment practices;

6 E. Order Defendant to make whole Lamas by providing compensation
7 for past and future non-pecuniary losses resulting from the unlawful practices
8 complained of in paragraph 11 above, including, but not limited to emotional
9 pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in
10 amounts to be determined at trial;

11 F. Order Defendant to pay Lamas punitive damages for its malicious
12 and reckless conduct described in paragraph 11 above, in amounts to be
13 determined at trial.

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

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

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JURY TRIAL DEMAND

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

Dated: September 9, 2005 Respectfully Submitted,

JAMES LEE
Deputy General Counsel

GWENDOLYN REAMS
Associate General Counsel

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