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14 **IN THE DISTRICT COURT OF GUAM**
15 **TERRITORY OF GUAM**

16 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

17 Plaintiff,

18 vs.
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20 LEOPALACE GUAM CORPORATION DBA
LEOPALACE RESORT,

21 Defendant.
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Case No.:

COMPLAINT - TITLE VII

- National Origin Discrimination (Non-Japanese) – Wages, Benefits, Terms, and Conditions)

42 U.S.C. §§ 2000e, *et seq.*

JURY TRIAL DEMAND

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As set forth with greater particularity in this Complaint, Plaintiff United States Equal Employment Opportunity Commission (“Plaintiff” or “Commission”) alleges that Defendant Leopalace Guam Corporation dba Leopalace Resort (“Leopalace Guam” or “Defendant”) engaged in unlawful discrimination based on national origin (non-Japanese) when it subjected the non-Japanese Claimants to less favorable wages, benefits, terms, and conditions of employment compared to Japanese employees who held equivalent or subordinate positions.

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, and 1345.
2. This action is authorized and instituted pursuant to § 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) (“Title VII”), and § 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
3. The employment practices alleged to be unlawful were committed within the jurisdiction of the District Court of Guam for the Territory of Guam.

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

6. At all relevant times, Leoplace Guam has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g), and (h) of Title VII, 42 U.S.C. § 2000e (b), (g), and (h).

1 **ADMINISTRATIVE PROCEDURES**

2 7. More than thirty (30) days prior to the institution of this lawsuit, Charging Parties filed
3 charges of discrimination with the Commission alleging violations of Title VII by Defendant Leopalace
4 Guam.

5 8. On March 28, 2022, the Commission issued to Defendant Leopalace Guam Letters of
6 Determination finding reasonable cause to believe that Leopalace Guam had violated Title VII and
7 inviting Leopalace Guam to join with the Commission in informal methods of conciliation to endeavor
8 to eliminate the discriminatory practices and provide appropriate relief.

9 9. On September 7, 2022, the Commission issued to Defendant Leopalace Guam Notices of
10 Failure of Conciliation advising Defendant that the Commission was unable to secure from Defendant a
11 conciliation agreement acceptable to the Commission.

12 10. All conditions precedent to the institution of the lawsuit have been fulfilled.

13 **STATEMENT OF CLAIMS**

14 11. Since at least 2015, Defendant Leopalace Guam engaged in unlawful employment
15 practices in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1) by subjecting the non-
16 Japanese Claimants to less favorable wages, benefits, terms, and conditions of employment compared to
17 Japanese employees who held equivalent or subordinate positions and in violation of Section 704(a) of
18 Title VII, 42 U.S.C. § 2000e-3(a) by subjecting them to retaliation.

19 12. The effect of the practices complained of in paragraph 11 above has been to deprive the
20 non-Japanese Claimants of equal employment opportunities and otherwise adversely affect their status
21 as employees because of their national origin (non-Japanese).

22 13. The unlawful employment practices complained of in paragraph 11 above were
23 intentional and caused the non-Japanese Claimants to suffer emotional distress.

24 14. The unlawful practices complained of in paragraph 11 above were done with malice or
25 with reckless indifference to the federally protected rights of the non-Japanese Claimants.

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A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and persons in active concert or participation with each of them, from engaging in employment practices discriminate on the basis of national origin;

C. Order Defendant to make the non-Japanese Claimants whole by providing compensation for past and future pecuniary losses, including appropriate back pay, front pay, lost benefits, relocation expenses, and other out-of-pocket losses, with prejudgment interest, in amounts to be determined at trial and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, reinstatement, removal of documents relating to undeserved discipline, and provision of neutral employment references;

E. Order Defendant to pay the non-Japanese Claimants punitive damages for malicious and/or reckless conduct complained of above, in amounts to be determined at trial;

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

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Dated: February 10, 2025

ANDREW ROGERS,
Acting General Counsel
Washington, DC

GWENDOLYN Y. REAMS,
Associate General Counsel,
Washington, DC



U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION