

FILED
Clark
District Court

SEP 28 2006

For The Northern Mariana Islands
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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF THE NORTHERN MARIANA ISLANDS**
14

15 U.S. EQUAL EMPLOYMENT
16 OPPORTUNITY COMMISSION,

17 Plaintiff,

18 v.

19 RIFU APPAREL CORPORATION,

20 Defendant.
21

Civil Action No **CV 06-0030**

**COMPLAINT AND JURY TRIAL
DEMAND**

22 **NATURE OF THE ACTION**

23 This is an action under Title VII of the Civil Rights Act of 1964, as
24 amended ("Title VII"), the Pregnancy Discrimination Act of 1978, 42 U.S.C. §
25 2000c(k) and Title I of the Civil Rights Act of 1991 to correct intentional and
26 unlawful employment practices on the basis of sex (pregnancy), and to provide
27 appropriate relief to Ou He Qian, Xiao Yan Chen, Peng Ying Lu, and Lian Qin Li
28 and other similarly situated women who were discriminated against due to their

1 sex (pregnancy). The Commission alleges that Ou He Qian, Xiao Yan Chen, Peng
2 Ying Lu, and Lian Qin Li were terminated and/or discriminated against on the
3 basis of their gender (female) and their pregnancies.

4 JURISDICTION AND VENUE

5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
6 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to
7 Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as
8 amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), the Pregnancy
9 Discrimination Act of 1978, 42 U.S.C. § 2000e(k), and Section 102 of the Civil
10 Rights Act of 1991, 42 U.S.C. § 1981a.

11 2. The employment practices alleged to be unlawful were committed in
12 Saipan, Northern Mariana Islands and within the jurisdiction of this Court.

13 PARTIES

14 3. Plaintiff, the U.S. Equal Employment Opportunity Commission (the
15 "Commission"), is the agency of the United States of America charged with the
16 administration, interpretation and enforcement of Title VII, and the Pregnancy
17 Discrimination Act of 1978, 42 U.S.C. § 2000e(k).

18 4. At all relevant times, Defendant, Rifu Apparel Corporation (the
19 "Employer"), a corporation registered to do business in the Commonwealth of the
20 Northern Mariana Islands, has continuously been doing business in the island of
21 Saipan, Northern Mariana and has continuously had at least 15 employees.

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

25 STATEMENT OF CLAIMS

26 6. More than thirty days prior to the institution of this lawsuit, Ou He
27 Qian, Xiao Yan Chen, Peng Ying Lu, and Lian Qin Li ("charging parties") each
28 filed a charge with the Commission alleging violations of Title VII by

1 Defendant Employer. All conditions precedent to the institution of this lawsuit
2 have been fulfilled.

3 7. Since at least September 2004, Defendant Employer has engaged in
4 unlawful employment practices at its Saipan facility, in violation of Section 703(a)
5 of Title VII, 42 U.S.C. § 2000e-2(a) by failing to renew the employment contracts
6 of charging parties Qian, Chen, and Li and the Temporary Work Authorization
7 contract of Lu because they became pregnant. Defendant deprived them and
8 similarly situated individuals of employment benefits given to employees not
9 affected by pregnancy.

10 8. The effect of the practice complained of above has been to deprive
11 the charging parties and other similarly situated individuals of equal employment
12 opportunities and otherwise adversely affect their status as an employee, because
13 of their sex (pregnancy).

14 9. The unlawful employment practices complained of above were
15 intentional.

16 10. The unlawful employment practices complained of above were done
17 with malice or with reckless indifference to the federally protected rights of the
18 charging parties and other similarly situated individuals who were discriminated
19 against because they became pregnant.

20 **PRAYER FOR RELIEF**

21 Wherefore, the Commission respectfully requests that this Court:

22 A. Grant a permanent injunction enjoining Defendant Employer, its
23 officers, successors, assigns, and all persons in active concert or participation with
24 it, from engaging in discrimination on the basis of pregnancy and any other
25 employment practice which discriminates on the basis of sex.

26 B. Order Defendant Employer to institute and carry out policies,
27 practices, and programs which provide equal employment opportunities for
28 women, and which eradicate the effects of its past and present unlawful

1 employment practices.

2 C. Order Defendant Employer to make whole Ou He Qian, Xiao Yan
3 Chen, Peng Ying Lu, and Lian Qin Li and other similarly situated individuals who
4 were discriminated against on the basis of pregnancy, by providing appropriate
5 backpay with prejudgment interest, in amounts to be determined at trial, and other
6 affirmative relief necessary to eradicate the effects of its unlawful employment
7 practices.

8 D. Order Defendant Employer to make whole Ou He Qian, Xiao Yan
9 Chen, Peng Ying Lu, and Lian Qin Li and other similarly situated individuals who
10 were discriminated against on the basis of pregnancy, by providing compensation
11 for past and future pecuniary losses resulting from the unlawful employment
12 practices described above, including medical expenses not paid by the Employer,
13 in amounts to be determined at trial.

14 E. Order Defendant Employer to make Ou He Qian, Xiao Yan Chen,
15 Peng Ying Lu, and Lian Qin Li whole and other similarly situated individuals who
16 were discriminated against on the basis of pregnancy, by providing compensation
17 for past and future nonpecuniary losses resulting from the unlawful practices
18 complained of above, including emotional pain and suffering, inconvenience, loss
19 of enjoyment of life, and humiliation, in amounts to be determined at trial.

20 F. Order Defendant Employer to pay Ou He Qian, Xiao Yan Chen, Peng
21 Ying Lu, and Lian Qin Li and other similarly situated individuals punitive
22 damages for its malicious and reckless conduct described above, in amounts to be
23 determined at trial.

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

26 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.

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U.S. Equal Employment Opportunity
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BY: 

Date: September 27, 2006.

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