

NATURE OF THE ACTION

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This is an action under Title VII of the Civil Rights Act of 1964, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of National Origin and to provide appropriate relief to Hassan Bashir ("Mr. Bashir") and a class of similarly situated persons. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. Plaintiff Equal Employment Opportunity Commission (the "Commission") alleges that Mr. Hassan Bashir and a class of similarly situated persons applied for and were qualified for the position (taxi driver) with Defendant, Sun Cab Company, Incorporated, d/b/a Nellis Cab Company ("Defendant Employer"), yet were repeatedly denied and refused employment by Defendant Employer because of their national origin (Ethiopian).

JURISDICTION AND VENUE

- 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345.
- 2. This action is authorized and instituted pursuant to Section 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 Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.
- 3. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the District of Nevada.

PARTIES

- 4. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), 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 by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).
- 5. At all relevant times alleged herein, Defendant Employer, a Nevada corporation, has continuously been doing business within Clark County, State of Nevada and has continuously had at least 15 employees.
- 6. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Mr. Bashir filed a charge with the Commission alleging violations of Title VII by Defendant Employer. The Commission has issued a Letter of Determination finding that Mr. Bashir and a class of similarly situated persons were subjected to unlawful employment discrimination based upon their national origin (Ethiopian)

in violation of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

- 8. The Commission alleges that, since at least on or about 2002, Defendant Employer has engaged in unlawful employment practices at its Las Vegas, Nevada locations in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a) by subjecting Mr. Bashir and a class of similarly situated persons to employment discrimination based upon their national origin (Ethiopian). Specifically, Defendant Employer repeatedly failed and refused to hire Mr. Bashir and a class of similarly situated and qualified individuals as taxi drivers, because of their national origin.
- 9. The effect of the practices complained of above has been to deprive Mr. Bashir and a class of similarly situated persons of equal employment opportunities and otherwise adversely affect their status as applicants for employment, because of their national origin (Ethiopian) under Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a).
- 10. As a direct and proximate result of the aforesaid acts of Defendant, Mr. Bashir and a class of similarly situated persons suffered a loss of earnings and other pecuniary losses in an amount according to proof.
- 11. The unlawful employment practices complained of above were intentional.
- 12. The unlawful employment practices complained of above were done with malice or with reckless indifference to the federally protected rights of Mr. Bashir and a class of similarly situated persons.
- 13. As a direct and proximate result of the aforesaid acts of Defendant Employer, Mr. Bashir and a class of similarly situated persons have suffered emotional pain, suffering, inconvenience, loss of enjoyment of life, humiliation and damages, according to proof.

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14. Since at least 2002, Defendant has failed, in violation of Section 709(c) of Title VII, 42 U.S.C. §2000e-8(c), to make and preserve records relevant to the determination of whether unlawful employment practices have been or are being committed.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- Grant a permanent injunction enjoining Defendant Employer, its A. officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of national origin.
- В. Grant a mandatory injunction requiring Defendant Employer to hire Mr. Bashir and a class of similarly situated persons, as the Court deems necessary and proper in the public interest and to make Mr. Bashir and a class of similarly situated persons whole.
- C. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for all applicants regardless of national origin and which will eradicate the effects of its past and present unlawful employment practices.
- Order Defendant Employer to make whole Mr. Bashir and a class of D. similarly situated persons by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary, including rightful place hiring, to eradicate the effects of its unlawful employment practices, including, but not limited to, discrimination on the basis of national origin.
- E. Order Defendant Employer to make whole Mr. Bashir and a class of similarly situated persons by providing compensation for past and future ///

pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.

- F. Order Defendant Employer to make whole Mr. Bashir and a class of similarly situated persons by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including, but not limited to emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.
- G. Order Defendant Employer to pay Mr. Bashir and a class of similarly situated persons punitive damages for its malicious and reckless conduct based upon the facts above, in amounts to be determined at trial.
- H. Order Defendant to make and preserve all records, in accordance with the provisions of Section 709(c) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e-8(c), relevant to the determination of whether unlawful employment practices have been or are bing committed.
- I. Grant such further relief as the Court deems necessary and proper in the public interest.
 - J. 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. Respectfully submitted, Eric S. Dreiband General Counsel James Lee Deputy General Counsel Gwendolyn Reams, Esquire Associate General Counsel EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Anna Y. Park, Regional Attorney Gregory McClinton, Trial Attorney Date: September 29, 2003 Anna Y. Park Regional Attorney Attorneys for Plaintiff