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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

10 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

11 Plaintiff,

12 v.

13 GOLD RIVER OPERATING
14 CORPORATION, d/b/a RIVER
PALMS RESORT and CASINO,
15 COLUMBIA SUSSEX
CORPORATION d/b/a RIVER
16 PALMS RESORT and CASINO, and
DOES 1-10, Inclusive,

17 Defendants.

CASE NO. CV-S-04-1349-RCJ-LRL

11 **FIRST AMENDED COMPLAINT**
12 **-CIVIL RIGHTS**

13 Age Discrimination in Employment Act of
14 1967, as amended, 29 U.S.C. § 621 *et seq.*
and
15 Title VII of the Civil Rights Act of 1964,
as amended 42 U.S.C. § 2000e, *et seq.*

16 **DEMAND FOR JURY TRIAL**

18 **JURISDICTION AND VENUE**

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20
21 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,
22 1337, 1343 and 1345. This action is authorized and instituted pursuant to: (a) Section
23 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
24 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42
25 U.S.C. § 1981a; and (b) Section 7(b) of the Age Discrimination in Employment Act of
26 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference
27 Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended,
28 29 U.S.C. §§ 216(c) and 217.

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1 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h) and within the meaning of Sections 11(b), (g)
2 and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

3 7. It is further alleged on information and belief that the unnamed Defendants
4 in the complaint are alter egos, joint employers, and/or integrated enterprises of Defendant
5 Republic Services, Inc.

6 8 More than thirty days prior to the institution of this lawsuit, Purdy filed a
7 charge with the Commission alleging violations of Title VII and the ADEA by
8 Defendants. The Commission issued a Letter of Determination finding that a class of
9 persons was subjected to discrimination and harassment based on sex (female) and/or age
10 forty (40) or above, in violation of Title VII and the ADEA. The Commission found that
11 Defendants disciplined, terminated, or constructively discharged the claimants in this
12 action in violation of Title VII and the ADEA. Defendants also retaliated against the
13 claimants who engaged in a protected activity in violation of Title VII and the ADEA. All
14 conditions precedent to the institution of this lawsuit have been fulfilled.

15 STATEMENT OF CLAIMS

16 9. Since at least on or about 2001, and continuing through the present,
17 Defendants engaged in unlawful employment practices at their Laughlin, Nevada location
18 in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2 and Section 4 of the ADEA,
19 29 U.S.C. § 623 by subjecting the claimants to discrimination on the basis of sex (female)
20 and/or age (forty and above). Defendants also created and maintained a hostile,
21 intimidating, and offensive work environment, which impacted the claimants' terms and
22 conditions of employment on the basis of sex (female) and/or age (forty and above). The
23 claimants were subjected to unwanted and repeated sexually explicit, lewd, and sexually
24 derogatory remarks as well as sexual images and behavior by their supervisors. The
25 claimants were subjected to tangible employment actions including, but not limited to,
26 discipline, constructive discharge, and/or termination. The claimants were also subjected
27 to unwanted and repeated derogatory comments based on age (forty and over). Despite
28 that the claimants repeatedly complained of the harassment and/or discrimination to

1 Defendants' management, including their supervisors and human resources, their
2 complaints were rebuffed or ignored, and the harassment and/or discrimination continued.
3 Defendants failed to take immediate and appropriate corrective action to eliminate the
4 harassment.

5 10 With respect to the sex and/or age harassment perpetrated by the claimants'
6 coworkers, Defendants knew or should have known of the harassment and failed to take
7 immediate and appropriate corrective action to eliminate the harassment.

8 11. Defendant also subjected the claimants to retaliation for engaging in
9 activities protected under Title VII and the ADEA, including but not limited to
10 complaining about and opposing harassment and/or discrimination based on sex and/or
11 age. The adverse retaliatory actions included, but were not limited to, unwarranted
12 discipline, constructive discharge, and termination.

13 12. The effect of the practices complained of above has been to deprive the
14 claimants of equal employment opportunities and otherwise adversely affect their status as
15 employees, because of sex (female) and/or age (forty and over).

16 **DAMAGES**

17 13. The unlawful employment practices complained of above were intentional
18 within the meaning of Title VII.

19 14. The unlawful employment practices complained of above were done with
20 malice or with reckless indifference to the federally protected rights of the claimants
21 within the meaning of Title VII.

22 15. The unlawful employment practices complained of above were willful
23 within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

24 **PRAYER FOR RELIEF**

25 Wherefore, the Commission respectfully requests that this Court:

26 A. Grant a permanent injunction enjoining Defendants, their officers,
27 successors, assigns, and all persons in active concert or participation with it, from
28 engaging in sex and/or age discrimination, sexual, sex-based and/or age-based harassment,

1 and any other employment practice which discriminates on the basis of sex and/or age.

2 B. Order Defendants to institute and carry out policies, practices, and programs
3 which provide equal employment opportunities for women and for all individuals over 40
4 years of age, and which eradicate the effects of its past and present unlawful employment
5 practices.

6 C. Grant a permanent injunction enjoining Defendants, their officers,
7 successors, assigns, and all persons in active concert or participation with it, from
8 engaging in any employment practice which results in retaliation for engaging in protected
9 activity under Title VII and the ADEA.

10 D. Order Defendants to make whole the claimants by ordering other affirmative
11 relief necessary to eradicate the effects of Defendants' unlawful employment practices.

12 E. Order Defendants to make whole the claimants by providing compensation
13 for past and future pecuniary losses resulting from the unlawful employment practices
14 described above in amounts to be determined at trial.

15 F. Order Defendants to make whole the claimants by providing compensation
16 for past and future nonpecuniary losses resulting from the unlawful practices complained of
17 above, including pain and suffering, inconvenience, loss of enjoyment of life, and
18 humiliation, in amounts to be determined at trial.

19 G. Order Defendants to pay to the claimants punitive damages for their
20 malicious and reckless conduct described above, in amounts to be determined at trial.

21 H. Order Defendants to make whole the claimants by providing appropriate
22 relief available under the ADEA, 29 U.S.C. § 621 *et seq.*, as necessitated by the unlawful
23 practices complained of above in amounts to be determined at trial.

24 I. Grant a judgment requiring Defendants to pay liquidated damages to the
25 claimants with prejudgment interest, as available under the ADEA, 29 U.S.C. § 621 *et seq.*,
26 for Defendants' willful violations as described above.

27 J. Grant such further relief as the Court deems necessary and proper in the
28 public interest.

1 K. Award the Commission its costs of this action.

2 **DEMAND FOR JURY TRIAL**

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

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5 Respectfully submitted,

6 Dated: October 4, 2004

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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8
9 BY: 

10 ANNA Y. PARK
Regional Attorney

11 SUE J. NOH
Trial Attorney