

FILED  
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For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

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20 UNITED STATES DISTRICT COURT  
21 DISTRICT OF THE NORTHERN MARIANA ISLANDS

22 U.S. EQUAL EMPLOYMENT  
23 OPPORTUNITY COMMISSION, )

24 Plaintiff, )

25 v. )

26 L&T INTERNATIONAL  
27 CORPORATION; L&T GROUP  
28 OF COMPANIES, LTD. and DOES )  
1-10, Inclusive, )

Defendant. )

CASE NO.: 06-0031

FIRST AMENDED COMPLAINT-  
CIVIL RIGHTS  
EMPLOYMENT  
DISCRIMINATION  
(42 U.S.C. §§ 2000e, *et seq.*)

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of retaliation and national origin, and to

1 provide appropriate relief to Nassar Vega, Jose Dayrit, Rufino Miguel, Tamiz  
2 Uddin, Abdul Mothalib, Monir Monir, Arvin Orense, Shahinur Rahman, Shafiqul  
3 Islam, Ramon Santos, Mohammed Kadir, Benjamin Del Rosario, Quirino Ilarde,  
4 Arnold De Vera, and a class of similarly situated individuals who were adversely  
5 affected by such practices. The Equal Employment Opportunity Commission  
6 alleges that Defendants L&T International Corporation; L&T Group of  
7 Companies, Ltd. and DOES 1-10 (collectively "Defendants" or "Defendant  
8 Employers") unlawfully terminated the employment of the named individuals,  
9 either by firing them or refusing to renew their employment contract, in retaliation  
10 for their participation in protected activity, namely, the filing of discrimination  
11 charges against Defendants. Further, Defendants unlawfully discriminated against  
12 the charging parties by targeting them for termination on account of their national  
13 origin, Bangladeshi or Filipino.

#### 14 JURISDICTION AND VENUE

15 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
16 1331, 1337, 1343 and 1345.

17 2. This action is authorized and instituted pursuant to Section 706(f)(1)  
18 and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.  
19 § 2000e-5(f)(1) and (3) and -6 ("Title VII") and Section 102 of Title I of the Civil  
20 Rights Act of 1991, 42 U.S.C. § 1981a.

21 3. Some of the employment practices alleged to be unlawful were  
22 committed within the jurisdiction of the United States District Court for the  
23 District of Northern Mariana Islands.

#### 24 PARTIES

25 4. Plaintiff, Equal Employment Opportunity Commission (the  
26 "Commission"), is the federal agency of the United State of America charged with  
27 the administration, interpretation and enforcement of Title VII, and is expressly

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1 authorized to bring this action by Section 706(f)(1) and (3) and 707 of Title VII,  
2 42 U.S.C. § 2000e-5(f)(1) and (3) and -6.

3 5. At all relevant times, Defendant Employer L&T International  
4 Corporation has continuously been a Northern Mariana Islands corporation doing  
5 business in the Northern Mariana Islands and has continuously had at least fifteen  
6 (15) employees. At all relevant times, Defendant L&T International Corporation  
7 has continuously been an employer engaged in an industry affecting commerce  
8 within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§  
9 2000e(b), (g) and (h).

10 6. At all relevant times, Defendant Employer L&T Group of Companies,  
11 Ltd., has continuously been a Northern Mariana Islands corporation doing  
12 business in the Northern Mariana Islands and has continuously had at least fifteen  
13 (15) employees. At all relevant times, Defendant L&T Group of Companies, Ltd.,  
14 has continuously been an employer engaged in an industry affecting commerce  
15 within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§  
16 2000e(b), (g) and (h).

17 7. Plaintiff is ignorant of the true names and capacities of Defendants  
18 sued as DOES 1 through 10, inclusive, herein and therefore Plaintiff sues said  
19 Defendants by such fictitious names. Plaintiff reserves the right to amend the  
20 complaint to name the DOE defendants individually or corporately as they become  
21 known. Plaintiff alleges that each of the Defendants named as DOES was in some  
22 manner responsible for the acts and omissions alleged herein and Plaintiff will  
23 amend the complaint to allege such responsibility when same shall have been  
24 ascertained by Plaintiff.

25 8. All of the acts and failures to act alleged herein were duly performed  
26 by and attributable to all Defendants, each acting as a successor, agent, joint  
27 employer, integrated enterprise, employee and/or under the direction and control  
28 of the other Defendants, except as otherwise specifically alleged. Said acts and

1 failures to act were within the scope of such agency and/or employment, and each  
2 Defendant participated in, approved and/or ratified the unlawful acts and  
3 omissions by other Defendants complained of herein. Whenever and wherever  
4 reference is made in this Complaint to any act by a Defendant or Defendants, such  
5 allegations and reference shall also be deemed to mean the acts and failures to act  
6 of each Defendant acting individually, jointly, and/or severally.

7 9. It is further alleged on information and belief that the unnamed  
8 Defendants in the complaint are alter egos, joint employers, and/or integrated  
9 enterprises of Defendants L&T International Corporation.

#### 10 **STATEMENT OF CLAIMS**

11 10. More than thirty days prior to the institution of this lawsuit, Nassar  
12 Vega, Jose Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir,  
13 Arvin Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed  
14 Kadir, Benjamin Del Rosario, Quirino Ilarde, and Arnold De Vera filed a charge  
15 with the Commission alleging violations of Title VII by Defendant Employers.  
16 All conditions precedent to the institution of this lawsuit have been fulfilled.

17 11. Since at least May 21, 2003, Defendant Employers engaged in a  
18 pattern and practice of unlawful employment discrimination at its Saipan,  
19 Northern Mariana Islands, facility in violation of Section 703(a), 704(a) and 707  
20 of Title VII, 42 U.S.C. § 2000e-2(a), -3(a), and -6. These practices include, but  
21 are not limited to, unlawfully terminating the employment of Nassar Vega, Jose  
22 Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir, Arvin  
23 Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed Kadir,  
24 Benjamin Del Rosario, Quirino Ilarde, Arnold De Vera, and a class of similarly  
25 situated individuals, either by firing them or refusing to renew their employment  
26 contract, in retaliation for their participation in protected activity, namely, the  
27 filing of discrimination charges against Defendant Employers.

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1 Defendants retaliated against claimants for opposing discrimination.  
2 Defendants unlawfully discriminated against the charging parties by targeting  
3 them for termination on account of their national origin, Bangladeshi or Filipino.

4 12. The effect of the practice complained of above has been to deprive  
5 Nassar Vega, Jose Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir  
6 Monir, Arvin Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos  
7 Mohammed Kadir, Benjamin Del Rosario, Quirino Ilarde, Arnold De Vera, and a  
8 class of similarly situated individuals of equal employment opportunities and  
9 otherwise adversely affect their status as employees because of their national  
10 origin and in retaliation for their protected activities.

11 13. The unlawful employment practices complained of above were  
12 intentional.

13 14. The unlawful employment practices complained of above were done  
14 with malice or with reckless indifference to the federally protected rights of  
15 Nassar Vega, Jose Dayrit, Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir  
16 Monir, Arvin Orense, Shahinur Rahman, Shafiqul Islam, Ramon Santos,  
17 Mohammed Kadir, Benjamin Del Rosario, Quirino Ilarde, Arnold De Vera, and a  
18 class of similarly situated individuals.

19 **PRAYER FOR RELIEF**

20 Wherefore, the Commission respectfully requests that this Court:

21 A. Grant a permanent injunction enjoining Defendant Employers, their  
22 officers, successors, assigns, and all persons in active concert or participation  
23 with them, from (1) engaging in retaliation and disparate treatment and any other  
24 employment practices which discriminates on the basis of national origin, and (2)  
25 discriminating against any individual because he or she has opposed any unlawful  
26 employment practice or because he or she has made a charge, testified, assisted, or  
27 participated in any manner in an investigation, proceeding, or hearing under 42  
28 U.S.C. §2000e-3.

1 B. Order Defendant Employers to institute and carry out policies,  
2 practices, and programs which provide equal employment opportunities for  
3 Bangladeshi and Filipinos and which eradicate the effects of their past and present  
4 unlawful employment practices.

5 C. Order Defendant Employers to make whole Nassar Vega, Jose Dayrit,  
6 Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir, Arvin Orense,  
7 Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed Kadir, Benjamin  
8 Del Rosario, Quirino Ilarde, Arnold De Vera, and a class of similarly situated  
9 individuals by providing appropriate backpay with prejudgment interest, in  
10 amounts to be determined at trial, and other affirmative relief necessary to  
11 eradicate the effects of their unlawful employment practices, including but not  
12 limited to reinstatement.

13 D. Order Defendant Employers to make whole Nassar Vega, Jose Dayrit,  
14 Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir, Arvin Orense,  
15 Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed Kadir, Benjamin  
16 Del Rosario, Quirino Ilarde, Arnold De Vera, and a class of similarly situated  
17 individuals by providing compensation for past and future nonpecuniary losses  
18 resulting from the unlawful practices described above, including relocation  
19 expenses, job search expenses, and medical expenses not covered by the  
20 Employers' employee benefit plan, in amounts to be determined at trial.

21 E. Order Defendant Employers to make whole Nassar Vega, Jose Dayrit,  
22 Rufino Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir, Arvin Orense,  
23 Shahinur Rahman, Shafiqul Islam, Ramon Santos, Mohammed Kadir, Benjamin  
24 Del Rosario, Quirino Ilarde, Arnold De Vera, and a class of similarly situated  
25 individuals by providing compensation for past and future nonpecuniary losses  
26 resulting from the unlawful practices complained of above, including emotional  
27 pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in  
28 amounts to be determined at trial.

1 F. Order Defendant Employers to pay Nassar Vega, Jose Dayrit, Rufino  
2 Miguel, Tamiz Uddin, Abdul Mothalib, Monir Monir, Arvin Orense, Shahinur  
3 Rahman, Shafiqul Islam, Ramon Santos, Mohammed Kadir, Benjamin Del  
4 Rosario, Quirino Ilarde, Arnold De Vera, and a class of similarly situated  
5 individuals punitive damages for their malicious and reckless conduct described  
6 above in amounts to be determined at trial.

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

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

10 JURY TRIAL DEMAND

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

13 Dated: June 8, 2007

Respectfully Submitted,

14 RONALD S. COOPER  
15 General Counsel

16 JAMES L. LEE  
17 Deputy General Counsel

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