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16 UNITED STATES DISTRICT COURT

17 DISTRICT C

18 CV-S-05-1101-PMP-PAL

19 U.S. EQUAL EMPLOYMENT
20 OPPORTUNITY COMMISSION,)

21 Plaintiff,)

22 v.)

23 MGM MIRAGE, INC., d/b/a)
24 MANDALAY BAY RESORT &)
25 CASINO,)

26 Defendant.)

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

JURY TRIAL DEMAND

29 NATURE OF THE ACTION

30 This is an action under Title VII of the Civil Rights Act of 1964, as
31 amended, and Title I of the Civil Rights Act of 1991 to correct unlawful
32 employment practices on the basis of sex, female, and unlawful retaliation against
33 employees who engaged in protected activities in violation of Title VII. Plaintiff

1 United States Equal Employment Opportunity Commission (“Commission”)
2 alleges that Defendant MGM Mirage, Inc., d/b/a Mandalay Bay Resort & Casino
3 (“Defendant”) subjected Charging Party Orasa Benpard (“Benpard”) to a hostile
4 work environment on the basis of sex, female. The Commission further alleges
5 that Defendant subjected Charging Parties Xu Mei (“Mei”), Jinchang Deng
6 (“Deng”), Yin-Fong Hui-Lai (“Hui-Lai”), Hong Situ (“Situ”) and other similarly
7 situated individuals to retaliation in violation of Section 704(a) of Title VII for
8 opposing the sex discrimination against Benpard and engaging in other protected
9 activities.

10 JURISDICTION AND VENUE

11 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
12 1331, 1337, 1343 and 1345.

13 2. This action is authorized and instituted pursuant to Section 706(f)(1)
14 and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
15 § 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of Title I of the Civil Rights
16 Act of 1991, 42 U.S.C. § 1981a.

17 3. The employment practices alleged to be unlawful were committed
18 within the jurisdiction of the United States District Court for the District of
19 Nevada.

20 PARTIES

21 4. Plaintiff, Equal Employment Opportunity Commission, is the federal
22 agency charged with the administration, interpretation and enforcement of
23 Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and
24 (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

25 5. At all relevant times, Defendant has been a Nevada corporation
26 continuously doing business within the jurisdiction of the United States District
27 Court for the District of Nevada. At all relevant times, Defendant has
28 continuously employed fifteen (15) or more persons.

1 6. At all relevant times, Defendant has continuously engaged in an
2 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
3 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

4 STATEMENT OF CLAIMS

5 7. More than thirty days prior to the institution of this lawsuit, Benpard,
6 Mei, Deng, Hui-Lai, and Situ filed charges with the Commission alleging
7 violations of Title VII by Defendant. The Commission investigated and issued a
8 Letter of Determination finding that Benpard was subjected to a hostile work
9 environment on the basis of sex, female. The Commission also investigated and
10 issued Letters of Determination finding that Mei, Deng, Hui-Lai, Situ, and other
11 similarly situated individuals were subjected to a hostile work environment and/or
12 disparate treatment in retaliation for having opposed the sexual harassment against
13 Benpard and for engaging in protected activities. All conditions precedent to the
14 institution of this lawsuit have been fulfilled.

15 8. Since at least March 2003, Defendant has engaged in unlawful
16 employment practices at its Las Vegas facility, in violation of Section 703(a) of
17 Title VII, 42 U.S.C. §2000e-2(a)(1) by subjecting Benpard to a hostile work
18 environment on the basis of sex, female. The sexual harassment that Benpard was
19 subjected to includes, but is not limited to, unwanted touching, intimidation, and
20 leering.

21 9. Since at least March 2003, Defendant has engaged in unlawful
22 employment practices at its Las Vegas facility, in violation of Section 704(a) of
23 Title VII, 42 U.S.C. §2000e-3(a) by retaliating against Mei, Deng, Hui-Lai, Situ
24 and other similarly situated individuals for having engaged in protected activities,
25 including opposing the sexual harassment. The retaliation against Mei, Deng,
26 Hui-Lai, Situ and other similarly situated individuals includes, but is not limited
27 to, subjecting them to a hostile work environment and/or disparate terms and
28 conditions of employment, including, but not limited to, written and verbal threats,

1 physical assaults, and vandalism of personal property at the workplace. For
2 example, in retaliation for having engaged in protected activities, Deng was
3 subjected to disparate discipline and subsequently discharged, Situ was subjected
4 to disparate discipline and reduced work hours, and Hui-Lai was subjected to
5 disparate discipline.

6 10. The effect of the practice(s) complained of in paragraphs 8 and 9
7 above has been to deprive Benpard, Mei, Deng, Hui-Lai, Situ, and other similarly
8 situated individuals of equal employment opportunities and otherwise adversely
9 affect their status as employees, because of sex, female, and/or because of having
10 engaged in protected activity under Title VII.

11 11. The unlawful employment practices complained of in paragraphs 8
12 and 9 above were intentional.

13 12. The unlawful employment practices complained of in paragraphs 8
14 and 9 above were done with malice or with reckless indifference to the
15 federally protected rights of Benpard, Mei, Deng, Hui-Lai, Situ and other
16 similarly-situated individuals.

17 13. As a direct and proximate result of Defendant's aforesaid acts
18 Benpard, Mei, Deng, Hui-Lai, Situ, and other similarly situated individuals have
19 each suffered emotional pain, suffering, inconvenience, loss of enjoyment of life,
20 humiliation and damages, according to proof.

21 14. As a direct and proximate result of Defendant's aforesaid acts,
22 Deng, and Situ suffered a loss of earnings in an amount according to proof.

23 PRAYER FOR RELIEF

24 Wherefore, the Commission respectfully requests that this Court:

25 A. Grant a permanent injunction enjoining Defendant, their respective
26 officers, successors, assigns, agents, and all persons in active concert or
27 participation with them, from engaging in any employment practice which
28 discriminates on the basis of sex, female;

1 B. Grant a permanent injunction enjoining Defendant, their respective
2 officers, successors, assigns, agents, and all persons in active concert or
3 participation with them, from retaliating against any employee who engages in any
4 protected activity under Title VII;

5 C. Order Defendant to institute and carry out policies, practices, and
6 programs which provide equal employment opportunities and a non-hostile work
7 environment for female employees, and employees who have engaged in protected
8 activities, which eradicate the effects of its past and present unlawful employment
9 practices;

10 D. Order Defendant to make whole Deng and Situ by providing
11 appropriate reinstatement and any back pay with prejudgment interest, front pay in
12 amounts to be determined at trial, and/or other affirmative relief necessary to
13 eradicate the effects of its unlawful employment practices;

14 E. Order Defendant to make whole Benpard, Mei, Deng, Hui-Lai, Situ,
15 and other similarly situated individuals by providing compensation for past and
16 future non-pecuniary losses resulting from the unlawful practices complained of in
17 paragraphs 8 and 9 above, including, but not limited to, emotional pain, suffering,
18 inconvenience, loss of enjoyment of life, and humiliation, in amounts to be
19 determined at trial;

20 F. Order Defendants to pay Benpard, Mei, Deng, Hui-Lai, Situ, and
21 other similarly situated individuals punitive damages for its malicious and reckless
22 conduct described in paragraphs 8 and 9 above, in amounts to be determined at
23 trial;

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

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.

Respectfully Submitted,

JAMES LEE,
Deputy General Counsel

GWENDOLYN YOUNG REAMS,
Associate General Counsel

U.S. EQUAL EMPLOYMENT
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By: 

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