

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Robert M. March
CLERK-ALBUQUERQUE

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
LARKEN, INC. OF ALBUQUERQUE and)
LARKEN, INC., d/b/a RADISSON HOTEL,)
)
Defendant.)
_____)

CIV-01 0382
CIV
LORENZO E GARCIA
JURY TRIAL DEMANDED

NATURE OF THE ACTION

This action is commenced pursuant to 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 bases of national origin and sex, and to provide appropriate relief to Janet Sanchez who was adversely affected by such practices. This action is also commenced pursuant to the Age Discrimination in Employment Act to correct unlawful employment practices on the basis of age and to provide appropriate relief to Janet Sanchez. The Equal Employment Opportunity Commission alleges that Janet Sanchez, an executive housekeeper employed by Radisson Hotel for many years, was terminated from employment by Radisson's general manager who began employment with Radisson in Albuquerque approximately three (3) months prior to the termination, because of her national origin (Hispanic), sex (female), and/or her age (fifty-one [51]).

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. 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. This action is also authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Section 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA") as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of New Mexico

PARTIES

3. 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). The Commission is also the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of the Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, Larken, Inc. of Albuquerque and Larken Inc., d/b/a Radisson Hotel ("defendant Larken") has continuously been an Iowa corporation doing business in the

8. The effect of the practices complained of in Paragraph 7 has been to deprive Janet Sanchez of equal employment opportunities and otherwise adversely affect her status as an employee because of her national origin, sex and/or age.

9. The unlawful employment practices complained of in Paragraph 7 were intentional.

10. The unlawful employment practices complained of in paragraph 7 were done with malice or reckless indifference to the federally protected rights of Janet Sanchez.

11. The unlawful employment practices complained of in Paragraph 7 were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant Larken, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment discrimination based on national origin, sex and/or age, including the unlawful termination from employment of Janet Sanchez.

B. Order defendant Larken to institute and carry out policies, practices, and programs which provide equal employment opportunities for Hispanic women who are age forty (40) or above, and which eradicate the effects of its past and present unlawful employment practices.

C. Order defendant Larken to make whole Janet Sanchez by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including, but not limited to, reinstatement of Janet Sanchez.

D. Grant a judgement requiring defendant Larken to pay appropriate back wages in an amount to be determined at trial, an equal sum as liquidated damages, and prejudgment interest to Janet Sanchez.

E. Order defendant Larken to make whole Janet Sanchez by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above, including job search expenses, medical expenses, and moving expenses, in amounts to be determined at trial.

F. Order defendant Larken to make whole Janet Sanchez by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in Paragraph 7 above, including emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life, in amounts to be determined at trial.

G. Order defendant Larken to pay Janet Sanchez punitive damages for its malicious and reckless conduct described in Paragraph 7 above, in an amount to be determined at trial.

H. Grant such further relief as the Court deems necessary and proper in the public interest.

I. Award the Commission its costs in this action.

JURY TRIAL DEMAND

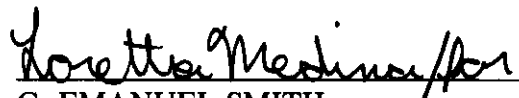
The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 5th day of April, 2001.

Respectfully submitted,

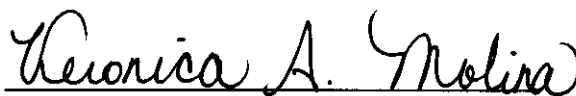
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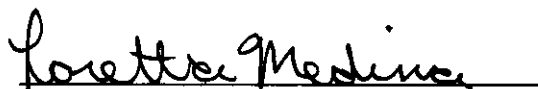


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