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CLERK US DISTRICT COURT
DISTRICT OF NEVADA

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CV-S-04-0907-LDG-PAL

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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 U.S. EQUAL EMPLOYMENT
15 OPPORTUNITY COMMISSION,

16 Plaintiff,

17 v.

18 WESTERN CASEWORK
19 CORPORATION,

20 Defendant.

) DOCKET NO. CV-S-_____

) **COMPLAINT-CIVIL RIGHTS**

) • **NATIONAL ORIGIN
HARASSMENT**

) • **NATIONAL ORIGIN DISPARATE
PAY**

) **DEMAND FOR JURY TRIAL**

21 **JURISDICTION AND VENUE**

22 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,
23 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3)
24 and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1)
25 and (3) 2000e-6 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §
26 1981a. This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
27 Rights Act of 1991 to correct unlawful employment practices on the basis of national origin
(Hispanic), and to provide appropriate relief to Miguel Bazan, Juan Carlos Bello, Manuel Bello-
Monjaras, Claudio Marchi, Octavio Mendoza, and Oscar Pereyra, and a class of similarly
situated individuals, who were adversely affected by such practices. Plaintiff U.S. Equal
Employment Opportunity Commission ("Commission" or "EEOC") alleges that the individuals

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1 named above and a class of similarly situated individuals were harassed by supervisors and
2 coworkers on the basis of their national origin (Hispanic).

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

5 **PARTIES**

6 3. Plaintiff Commission is the agency of the United States of America charged with
7 the administration, interpretation and enforcement of Title VII, and is expressly authorized to
8 bring this action by Section 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1)
9 and (3) and 2000e-6.

10 4. At all relevant times, Defendant Employer has continuously been a Nevada
11 corporation doing business in the State of Nevada and the City of Las Vegas, and has
12 continuously had at least 15 employees.

13 5. At all relevant times, Defendant Employer has continuously been an employer
14 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
15 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

16 **STATEMENT OF CLAIMS**

17 6. More than thirty days prior to the institution of this lawsuit, Miguel Bazan, Juan
18 Carlos Bello, Manuel Bello-Monjaras, Claudio Marchi, Octavio Mendoza, and Oscar Pereyra
19 (collectively, "Charging Parties") filed charges with the Commission alleging violations of
20 Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit
21 have been fulfilled.

22 7. Beginning at least as early as September 25, 1995, and continuing through at
23 least April 23, 2001, Defendant Employer engaged in unlawful employment practices at its Las
24 Vegas, Nevada offices and at various work sites to which the Charging Parties and a class of
25 similarly situated individuals were assigned by Defendant Employer to perform work from day
26 to day, in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2. Throughout their
27 employment, the Charging Parties and a class of similarly situated individuals were subjected to

1 a hostile work environment by Defendant Employer because of their national origin (Hispanic).
2 The Charging Parties and class of similarly situated individuals were subjected to severe,
3 pervasive physical and verbal abuse and humiliation by both supervisors and coworkers,
4 including physical harm and unwanted physical contact, and derogatory, hurtful commentary
5 and jokes because of their national origin (Hispanic). Defendant Employer failed to take
6 immediate preventive and corrective measures to eliminate the discriminatory practices.

7 8. Since at least as early as September 25, 1995, Defendant Employer has engaged
8 in a pattern or practice of resistance to the full enjoyment of the civil rights of the Charging
9 Parties and a class of similarly situated individuals in violation of Section 707 of Title VII,
10 42 U.S.C. § 2000e-6, by creating and maintaining a hostile environment for Hispanic employees
11 because of their national origin (Hispanic).

12 9. The effect of the practices complained of in paragraphs 7-8 above has been to
13 deprive Charging Parties and a class of similarly situated individuals of equal employment
14 opportunities and otherwise adversely affect their status as employees, because of their national
15 origin (Hispanic).

16 10. The unlawful employment practices complained of in paragraphs 7-9 above were
17 intentional.

18 11. The unlawful employment practices complained of in paragraphs 7-9 above were
19 done with malice or with reckless indifference to the federally protected rights of Charging
20 Parties and a class of similarly situated individuals.

21 **PRAYER FOR RELIEF**

22 Wherefore, the Commission respectfully requests that this Court:

23 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
24 successors, assigns, and all persons in active concert or participation with it, from engaging in
25 harassment and any other employment practice which discriminates on the basis of national
26 origin (Hispanic).

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1 B. Order Defendant Employer to institute and carry out policies, practices, and
2 programs which provide equal employment opportunities for Hispanic employees, and which
3 eradicate the effects of its past and present unlawful employment practices.

4 C. Order Defendant Employer to make whole Miguel Bazan, Juan Carlos Bello,
5 Manuel Bello-Monjaras, Claudio Marchi, Octavio Mendoza, and Oscar Pereyra, and a class of
6 similarly situated individuals, by providing compensation for past and future pecuniary losses
7 resulting from the unlawful employment practices described in paragraphs 7-11 above, in
8 amounts to be determined at trial.

9 D. Order Defendant Employer to make whole Miguel Bazan, Juan Carlos Bello,
10 Manuel Bello-Monjaras, Claudio Marchi, Octavio Mendoza, and Oscar Pereyra, and a class of
11 similarly situated individuals, by providing compensation for past and future nonpecuniary
12 losses resulting from the unlawful practices complained of in paragraphs 7-11 above, including
13 humiliation, emotional pain, suffering, loss of enjoyment of life, and inconvenience, in amounts
14 to be determined at trial.

15 E. Order Defendant Employer to pay punitive damages to Miguel Bazan, Juan
16 Carlos Bello, Manuel Bello-Monjaras, Claudio Marchi, Octavio Mendoza, and Oscar Pereyra,
17 and a class of similarly situated individuals for its malicious and reckless conduct described in
18 paragraphs 7-11 above, in amounts to be determined at trial.

19 F. Grant such further relief as the Court deems necessary and proper in the public
20 interest.

21 G. Award the Commission its costs of this action.

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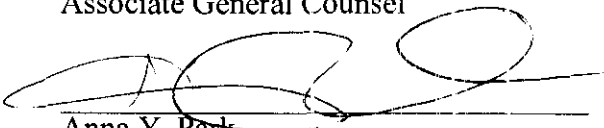
JURY TRIAL DEMAND

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

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General Counsel

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EQUAL EMPLOYMENT
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