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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

U.S. EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION,

Plaintiff,

v.

CONSOLIDATED REALTY, INC.

Defendant.

CASE NO.:

**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 1964 Civil Rights Act, as amended, and Title I of the Civil Rights Act of 1991 to correct intentional and unlawful employment practices that discriminate on the basis of gender, and to make whole Tasha Finley who was employed by Defendant Consolidated Realty, Inc. ("Consolidated Realty" or "Defendant"), as a Tour Coordinator, who was adversely affected by such practices.

As described in greater particularity below, the Plaintiff U.S. Equal Employment Opportunity Commission ("Commission" or "EEOC") alleges that Consolidated Realty discriminated against Tasha Finley by terminating her because of her gender, female.

The Commission further alleges that Consolidated Realty failed to maintain and preserve employment records as required by federal law.

JURISDICTION AND VENUE

1. Jurisdiction of the Court is invoked pursuant to 28 U.S.C. Section 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. Sections 2000e-5(f)(1) and (3), and Title I of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

2. The unlawful employment practices alleged herein were committed within the jurisdiction of the United States District Court for the District of Nevada.

PARTIES

3. The EEOC is an 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 Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. Sections 2000e-5(f)(1) and (3) and 2000e-6(e).

4. At all relevant times, Consolidated Realty has continuously been doing business in the District of Nevada, and continuously had fifteen or more employees.

5. At all relevant times, Consolidated Realty continuously was an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

CONDITIONS PRECEDENT

6. More than thirty (30) days prior to the institution of this lawsuit, Tasha Finley filed a charge with the Commission alleging that Consolidated Realty violated Title VII.

7. Prior to institution of this lawsuit, all conditions precedent were satisfied. The Commission's representatives attempted to eliminate the unlawful employment practices hereinafter alleged and to affect voluntary compliance with the Act through informal methods of conciliation, conference and persuasion within the meaning of Section 706(b) of Title VII, 42 U.S.C. Sections 2000e-5(b).

STATEMENT OF CLAIMS

8. Since at least May 4, 2003, Consolidated Realty has engaged in unlawful

1 employment practices in violation of Section 703(a)(1) of Title VII, 42 U.S.C. Sections
2 2000e-3. These violations include terminating Tasha Finley because of her gender,
3 female.

4 9. Since at least August, 2003, Consolidated Realty has violated 29 C.F.R. §
5 1602.14, by failing to make and preserve employment records required by the
6 Commission necessary to the Commission's administration of Title VII. More
7 specifically, Peppermill failed to maintain and preserve relevant job applications or
8 resumes after the filing of Ms. Finley's charge in violation of 29 C.F.R. § 1602.14.

9 10. The effect of the practices complained of above has been to deprive Tasha
10 Finley of equal employment opportunities and to otherwise adversely affect her
11 employment status because of her gender, female.

12 11. As a direct and proximate result of the aforesaid acts of Consolidated
13 Realty, Tasha Finley has suffered emotional pain, suffering, inconvenience, loss of
14 enjoyment of life, humiliation and/or related damages in an amount according to proof.

15 12. As a direct and proximate result of the aforesaid acts of Consolidated
16 Realty, Tasha Finley has suffered a loss of earnings in an amount according to proof.

17 13. The unlawful employment practices complained of above were and are
18 intentional within the meaning of the 1991 Civil Rights Act.

19 14. Consolidated Realty has acted with malice or reckless indifference to
20 federally protected rights of Tasha Finley.

21 PRAYER FOR RELIEF

22 Wherefore, the Commission respectfully requests that this Court:

23 A. Grant a permanent injunction enjoining Consolidated Realty, their
24 officers, successors, assigns and all persons in active concert or participation with them,
25 from engaging in any employment practices which discriminate on the basis of gender
26 or retaliate against employees or applicants for employment for opposing discrimination
27 or engaging in activity protected under Title VII.

28 B. Order Consolidated Realty to institute and carry out policies, practices and

1 programs which provide equal employment opportunities for women, and which
2 eradicate the effects of past and present unlawful employment practices.

3 C. Order Consolidated Realty to maintain and preserve relevant job
4 applications or resumes after the filing of any Charge of discrimination against
5 Consolidated Realty with the Commission or with the Nevada Equal Rights Commission

6 D. Order Consolidated Realty to make Tasha Finley whole, by providing
7 appropriate payment for backpay, frontpay, lost benefits, and prejudgment interest in
8 amounts to be determined at trial, and other affirmative relief necessary, including
9 rightful place hiring, to eradicate the effects of their unlawful employment practices.

10 E. Order Consolidated Realty to make whole Tasha Finley, by providing
11 compensation for past and future pecuniary losses resulting from the unlawful
12 employment practices described in paragraph 8 above, including emotional pain,
13 suffering, inconvenience, loss of enjoyment of life, and humiliation in amounts to be
14 determined at trial.

15 F. Order Defendants to pay punitive damages for their malicious and reckless
16 conduct described in paragraph 8 above, in amounts to be determined at trial.

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

19 H. Award the Commission its costs in this action.

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JURY TRIAL DEMAND

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

Dated: May 16, 2006.

Respectfully Submitted,

JAMES LEE
Deputy General Counsel

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