

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED (1)

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U.S. DISTRICT COURT
WESTERN DISTRICT OF MICH.

BY 

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

vs.

CROWN PLAZA HOTEL

Defendant.

Case No.

Honorable

5:05 CV 0139

Robert Holmes Bell
Chief, U.S. District Judge

COMPLAINT
AND JURY DEMAND

NATURE OF THE ACTION

This is an action brought under Title VII of the Civil Rights Act of 1964 to correct unlawful employment practices and to provide appropriate relief to Carlos Suarez ("Suarez") and similarly situated employees who were adversely affected by such practices. The Equal Employment Opportunity Commission ("The Commission"), alleges that Crown Plaza Hotel ("Defendant"), discriminated against Suarez and other similarly situated individuals, when it permitted them to be harassed and subjected to a hostile work environment because of their national origin. The Commission further alleges that the Defendant failed to take prompt, effective, remedial action to stop the harassment and correct the hostile work environment.

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 Sections

706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, and 42 U.S.C. 2000e-5(f)(1) and (3).

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Michigan, Southern Division.

PARTIES

3. Plaintiff, 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).

4. At all relevant times, Defendant Crown Plaza Hotel, has continually been a corporation doing business in the state of Michigan and the city of Grand Rapids, and has continuously had in excess of fifteen (15) employees.

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

STATEMENT OF CLAIMS

6. More than sixty (60) days prior to the institution of this lawsuit, Carlos Suarez filed a charge of discrimination with The Commission alleging a violation of Title VII. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least April 2003, Defendant engaged in unlawful employment practices in violation of Title VII, when it permitted Suarez and other similarly situated

individuals to be harassed and subjected to a hostile work environment because of their national origin. The harassment included the following incidents:

- a). Verbal abuse towards Suarez and other Mexicans with references to national origin including being called a dumb Mexican too stupid to do the job, a stupid Mexican and a lazy Mexican;
- b). Reduction of Suarez' work hours from full time to twelve hours per week;
- c). Forcing Suarez to perform tasks that were impossible to complete in the allotted time;
- d). Forcing Suarez to work overtime for which he was not paid; and
- e). Discharging Suarez' employment because of his national origin.

8. The effect of the conduct complained of in Paragraph 7, above, has been to deprive Suarez and other similarly situated individuals of equal employment opportunities and otherwise adversely affect their status as employees because of their national origin.

9. The unlawful conduct complained of in Paragraph 7, above, was intentional.

10. As a result of the unlawful employment practices complained of above, Suarez and other similarly situated individuals have suffered from emotional pain, suffering, inconvenience, mental anguish and loss of enjoyment of life.

11. The unlawful employment practices complained of above were and are done with malice or reckless indifference to the federally protected rights of Suarez and other similarly situated individuals.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in harassment and any other employment practice which discriminates based on national origin ;
- B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for Mexicans, and which eradicate the effects of its past and present unlawful employment practices.
- C. Order Defendant to make whole Suarez by providing appropriate back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;
- D. Order Defendant to make whole Suarez and other similarly situated individuals by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above in amounts to be proven at trial;
- E. Order Defendant to make whole Suarez and other similarly situated individuals by providing compensation for past and future nonpecuniary losses resulting from the unlawful employment practices described in Paragraph 7 above in amounts to be proven at trial;
- F. Order Defendant to pay punitive damages for its malicious and reckless conduct, as described in Paragraph 7 above, in amounts to be proven at trial;
- G. Grant such further relief as the Court deems necessary and proper in the

public interest;

J. Award the Commission its cost of this action.

JURY TRIAL DEMAND

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

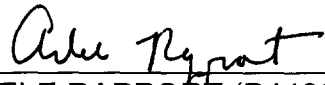
Respectfully submitted,

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