1 2 3 4 5 6 7 8 9 10 11 12	Anna Y. Park, SBN 164242 Sue J. Noh, SBN 192134 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 255 East Temple Street, Fourth Floor Los Angeles, CA 90012 Telephone: (213) 894-1083 Facsimile: (213) 894-1301 E-Mail: anna.park@eeoc.gov Connie K. Liem, TX SBN 791113 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION 555 W. Beech St., Suite 504 San Diego, CA. 92101 Telephone: (619) 557-7282 Facsimile: (619) 557-7274 E-Mail: connie.liem@eeoc.gov						
13 14	U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION						
15	UNITED STATES	DISTRICT COURT					
16	SOUTHERN DISTRICT OF CALIFORNIA						
IU							
17							
17 18	U.S. EQUAL EMPLOYMENT) OPPORTUNITY COMMISSION,	Case No.: <u>'17CV2436 BEN NLS</u>					
17 18 19	1	Case No.: 17CV2436 BEN NLS COMPLAINT					
17 18 19 20	OPPORTUNITY COMMISSION, Plaintiff,	COMPLAINT • CIVIL RIGHTS					
17 18 19 20 21	OPPORTUNITY COMMISSION,	COMPLAINT					
17 18 19 20 21 22	OPPORTUNITY COMMISSION, Plaintiff, vs. UNIVERSAL PROTECTION SERVICE,	COMPLAINT • CIVIL RIGHTS • EMPLOYMENT					
17 18 19 20 21 22 23	OPPORTUNITY COMMISSION, Plaintiff, vs.	COMPLAINT • CIVIL RIGHTS • EMPLOYMENT DISCRIMINATION					
17 18 19 20 21 22 23 24	OPPORTUNITY COMMISSION, Plaintiff, vs. UNIVERSAL PROTECTION SERVICE, LP, d/b/a ALLIED UNIVERSAL	COMPLAINT • CIVIL RIGHTS • EMPLOYMENT DISCRIMINATION					
17 18 19 20 21 22 23 24 25	OPPORTUNITY COMMISSION, Plaintiff, vs. UNIVERSAL PROTECTION SERVICE, LP, d/b/a ALLIED UNIVERSAL	COMPLAINT • CIVIL RIGHTS • EMPLOYMENT DISCRIMINATION (42 U.S.C. §§ 2000e, et seq.)					
17 18 19 20 21 22 23 24 25 26	OPPORTUNITY COMMISSION, Plaintiff, vs. UNIVERSAL PROTECTION SERVICE, LP, d/b/a ALLIED UNIVERSAL SECURITY SERVICES,	COMPLAINT • CIVIL RIGHTS • EMPLOYMENT DISCRIMINATION (42 U.S.C. §§ 2000e, et seq.)					
17 18 19 20 21 22 23 24 25	OPPORTUNITY COMMISSION, Plaintiff, vs. UNIVERSAL PROTECTION SERVICE, LP, d/b/a ALLIED UNIVERSAL SECURITY SERVICES,	COMPLAINT • CIVIL RIGHTS • EMPLOYMENT DISCRIMINATION (42 U.S.C. §§ 2000e, et seq.)					

NATURE OF THE ACTION

Rights Act of 1991, 42 U.S.C. § 1981a.

(h) of Title VII, 42 U.S.C. §§ 2000e (g) and (h).

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 ("Title VII"), to correct unlawful employment practices and to provide appropriate relief to Charging Party William Webb ("Webb"). Plaintiff United States Equal Employment Opportunity Commission alleges that Universal Protection Service, LP d/b/a Allied Universal Security Services unlawfully discriminated against Webb based on religion (Islam) and retaliation in violation of Title VII.

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JURISDICTION AND VENUE

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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 §706(f)(1) and

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(3), as amended, 42 U.S.C. § 2000e-5(f)(1) and (3), and § 102 of Title I of the Civil

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2. The employment practices alleged to be unlawful were committed within

the jurisdiction of the United States District Court for the Southern District of California.

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PARTIES

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3. Plaintiff U.S. Equal Employment Opportunity Commission ("Plaintiff" or "Commission") is an agency of the United States of America, charged with the

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administration, interpretation and enforcement of Title VII, and is expressly authorized to

At all relevant times, Universal Protection Service, LP d/b/a Allied

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bring this action by Section 706(f)(1) and (3) Title VII, 42 U.S.C. § 2000e-5(f)(1) and

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(3).

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24 Universal Security Services ("Defendant") has continuously been a corporation doing

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business in San Diego County, State of California.
5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(g) and

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- 6. At all relevant times, Defendant has continuously employed at least 15 employees.
- 7. Webb filed an EEOC charge of discrimination against AlliedBarton Security Services. However, Universal Protection Service, LP d/b/a Allied Universal Security Services is the proper employer and the entity responsible for (i) providing the monetary relief set forth below to Webb, and (ii) implementing the non-monetary relief. Thus, Universal Protection Service, LP d/b/a Allied Universal Security Services is the proper and/or correct party-defendant in this action.

STATEMENT OF CLAIMS

- 8. All conditions precedent have been fulfilled by more than thirty (30) days prior to the institution of this lawsuit.
- 9. The Commission issued Defendant Letters of Determination finding reasonable cause to believe that Title VII was violated and invited Defendant to join with the Commission in informal methods of conciliation to provide appropriate relief.
- 10. The Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.
- 11. Defendant operates a private security services company within San Diego County, CA.
- 12. Webb was employed as a Security Guard by Defendant from July 24, 2015 to July 30, 2015. Webb was qualified for the Security Guard position.
- 13. During July 2015, Defendant discriminated against Webb based on his religion (Islam) in violation of Sections 701(j) and 703(a) of Title VII.
- 14. On July 30, 2015, Defendant discharged Webb based on religion (Islam) and retaliation in violation of Sections 703(a) and 704 (a) of Title VII.
- 15. The effect of the practices complained of in paragraphs 13-14 above has been to deprive Webb of equal employment opportunities based on religion and for having engaged in protected activity.

16. The employment practices complained of in paragraphs 13-14 above were 1 intentional and caused Webb to suffer emotional distress. 2 3 4 PRAYER FOR RELIEF The Commission respectfully requests that this Court: 5 Grant a permanent injunction enjoining Defendant from engaging in any 6 A. 7 employment practice in violation of Title VII. Order Defendant to institute and carry out policies, practices, and 8 B. programs to prevent unlawful employment practices. 9 Order Defendant to make whole Webb by providing appropriate back pay C. 10 with prejudgment interest. 11 D. Order Defendant to make Webb whole by providing compensation for past 12 and future pecuniary losses, and for emotional pain, suffering, and mental anguish. 13 /// 14 15 /// /// 16 17 18 19 20 21 22 23 24 25 26 27 28

1 JURY TRIAL DEMAND 2 The Commission requests a jury trial on all questions of fact raised by its 3 Complaint. 4 5 6 7 Respectfully Submitted Dated: December 5, 2017 8 9 JAMES L. LEE, 10 Acting General Counsel 11 GWENDOLYN YOUNG REAMS, 12 Associate General Counsel 13 U.S. EQUAL EMPLOYMENT 14 OPPORTUNITY COMMISSION 15 131 "M" Street, N.E. Washington, D.C. 20507 16 17 18 By: 19 ANNA Y. PARK. Regional Attorney 20 SUE J. NOH, 21 Supervisory Trial Attorney 22 23 CONNIE K. LIEM, Senior Trial Attorney 24 U.S. EQUAL EMPLOYMENT 25 OPPORTUNITY COMMISSION 26 27 28

$_{\text{JS 44 (Rev. 06/17)}}\text{Case 3:17-cv-02436-BEN-NLS-Decument-1-2 SHEE-12/05/17} \quad \text{PageID.6} \quad \text{Page 1 of 2}$

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

purpose of initiating the civil do	ocket sneet. (SEE INSTRUC	TIONS ON NEXT PAGE O	F THIS FC	PRM.)			
I. (a) PLAINTIFFS				DEFENDANTS			
U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION				UNIVERSAL PROTECTION SERVICE, LP, d/b/a ALLIED UNIVERSAL SECURITY SERVICES			
(b) County of Residence o	f First Listed Plaintiff			County of Residence of First Listed Defendant San Diego			
(EXCEPT IN U.S. PLAINTIFF CASES)				NOTE BULLING CO	(IN U.S. PLAINTIFF CASES	*	
				NOTE: IN LAND CO THE TRACT	ONDEMNATION CASES, USE TO LAND INVOLVED.	THE LOCATION OF	
(c) Attorneys (Firm Name, A	Address, and Telephone Numbe	r)		Attorneys (If Known)			
Anna Y. Park, EEOC 255 Angeles, CA 90012, (213				<u>'17 CV2436 BEN NLS</u>			
II. BASIS OF JURISDI	CTION (Place an "X" in O	ne Box Only)		TIZENSHIP OF P	RINCIPAL PARTIES	(Place an "X" in One Box for Plaintify and One Box for Defendant)	
✗ 1 U.S. Government	☐ 3 Federal Question			PT	rf def	PTF DEF	
Plaintiff	(U.S. Government l	Not a Party)	Citize	en of This State	1 ☐ 1 Incorporated or P of Business In		
☐ 2 U.S. Government Defendant	☐ 4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citize	en of Another State	2		
				en or Subject of a reign Country	3 🗖 3 Foreign Nation	□ 6 □ 6	
IV. NATURE OF SUIT			Lr	ODEELTHDE/DEN A 1 /05 /		of Suit Code Descriptions.	
CONTRACT 110 Insurance	PERSONAL INJURY	PERSONAL INJUR		DRFEITURE/PENALTY 25 Drug Related Seizure	BANKRUPTCY ☐ 422 Appeal 28 USC 158	OTHER STATUTES ☐ 375 False Claims Act	
☐ 120 Marine	□ 310 Airplane	☐ 365 Personal Injury -		of Property 21 USC 881	☐ 423 Withdrawal	376 Qui Tam (31 USC)	
☐ 130 Miller Act ☐ 140 Negotiable Instrument	☐ 315 Airplane Product Liability	Product Liability 367 Health Care/	□ 69	00 Other	28 USC 157	3729(a)) ☐ 400 State Reapportionment	
☐ 150 Recovery of Overpayment	□ 320 Assault, Libel &	Pharmaceutical			PROPERTY RIGHTS	☐ 410 Antitrust	
& Enforcement of Judgment 151 Medicare Act	Slander ☐ 330 Federal Employers'	Personal Injury Product Liability			☐ 820 Copyrights ☐ 830 Patent	☐ 430 Banks and Banking ☐ 450 Commerce	
☐ 152 Recovery of Defaulted	Liability	☐ 368 Asbestos Personal	l		☐ 835 Patent - Abbreviated	☐ 460 Deportation	
Student Loans (Excludes Veterans)	☐ 340 Marine ☐ 345 Marine Product	Injury Product Liability			New Drug Application ☐ 840 Trademark	470 Racketeer Influenced and Corrupt Organizations	
☐ 153 Recovery of Overpayment	Liability	PERSONAL PROPER		LABOR	SOCIAL SECURITY	480 Consumer Credit	
of Veteran's Benefits ☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle ☐ 355 Motor Vehicle	☐ 370 Other Fraud☐ 371 Truth in Lending	/	0 Fair Labor Standards Act	□ 861 HIA (1395ff) □ 862 Black Lung (923)	□ 490 Cable/Sat TV□ 850 Securities/Commodities/	
☐ 190 Other Contract	Product Liability ☐ 360 Other Personal	☐ 380 Other Personal	7 72	20 Labor/Management Relations	☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI	Exchange	
☐ 195 Contract Product Liability ☐ 196 Franchise	Injury	Property Damage 385 Property Damage	□ 74	0 Railway Labor Act	☐ 865 RSI (405(g))	☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts	
	☐ 362 Personal Injury - Medical Malpractice	Product Liability	□ 75	1 Family and Medical Leave Act		☐ 893 Environmental Matters ☐ 895 Freedom of Information	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITION	NS 🗆 79	0 Other Labor Litigation	FEDERAL TAX SUITS	Act	
☐ 210 Land Condemnation	440 Other Civil Rights	Habeas Corpus:	1 79	1 Employee Retirement	☐ 870 Taxes (U.S. Plaintiff	☐ 896 Arbitration	
☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment	☐ 441 Voting 442 Employment	☐ 463 Alien Detainee ☐ 510 Motions to Vacate		Income Security Act	or Defendant) ☐ 871 IRS—Third Party	☐ 899 Administrative Procedure Act/Review or Appeal of	
☐ 240 Torts to Land ☐ 245 Tort Product Liability	□ 443 Housing/	Sentence ☐ 530 General			26 USC 7609	Agency Decision 950 Constitutionality of	
☐ 290 All Other Real Property	Accommodations 445 Amer. w/Disabilities -	☐ 535 General ☐ 535 Death Penalty		IMMIGRATION	i	State Statutes	
	Employment 446 Amer. w/Disabilities -	Other: 540 Mandamus & Other		2 Naturalization Application 5 Other Immigration			
	Other	☐ 550 Civil Rights		Actions			
	☐ 448 Education	☐ 555 Prison Condition☐ 560 Civil Detainee -					
		Conditions of					
V. ORIGIN (Place an "X" in	On a Ray Only	Confinement					
X 1 Original □ 2 Rea	moved from 3	Remanded from Appellate Court	□ 4 Rein Reoj	pened Anothe	r District Litigation	n - Litigation -	
				(specify) Do not cite jurisdictional stat	utes unless diversity):	Direct File	
VI. CAUSE OF ACTIO	Brief description of ca	use:	•	mended; 42 U.S.C. §	§ 2000e et seq		
VII DEOLIECTED IN		Employment Discrin		EMAND 6	CHECK VEC. 1	101 111 111	
VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.			V D	DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes □ No			
VIII. RELATED CASI	(See instructions):						
IF ANY	(see instructions):	JUDGE			DOCKET NUMBER		
DATE		SIGNATURE OF AT	TORNEY (OF RECORD			
12/05/2017 FOR OFFICE USE ONLY		/s/ Anna Park					
RECEIPT#AM	MOUNT	APPLYING IFP		JUDGE	MAG. JU	DGE	

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)

- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.
- V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket. **PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.