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14

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17
18 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

19
20 Plaintiff,

21 vs.

22
23 DTG LAS VEGAS, LLC; FIFTH
STREET GAMING, LLC; and DTG
24 LAS VEGAS MANAGER, LLC dba
25 DOWNTOWN GRAND HOTEL &
26 CASINO, and DOES 1-10, inclusive,

27 Defendants.
28

Case No.:

COMPLAINT-ADA

- **Disability Discrimination**
- **Denial of Reasonable Accommodation**
- **Retaliation**
- **Interference with Rights**

42 U.S.C. §§ 2000e, *et seq.*

JURY TRIAL DEMAND

1 **NATURE OF THE ACTION**

2 This is an action under Title VII of the Civil Rights Act of 1964, Title I of
3 the Americans with Disabilities Act of 1990 (“ADA”), as amended by the ADA
4 Amendment of 2008 (“ADAAA”), and Title I of the Civil Rights Act of 1991 to
5 correct unlawful employment practices on the basis of disability and to provide
6 appropriate relief to the Charging Parties and a class of aggrieved individuals
7 (collectively the “Claimants”) that were adversely affected by such practices. As
8 set forth in detail in this Complaint, Plaintiff United States Equal Employment
9 Opportunity Commission (“Plaintiff” or “Commission”) alleges that Defendants
10 DTG Las Vegas, LLC, DTG Las Vegas Manager, LLC, and Fifth Street Gaming,
11 LLC (collectively, “Defendants”) subjected Claimants to disability discrimination
12 including discharge and failure to provide reasonable accommodation, culminating
13 in constructive discharge in violation of the ADA. All the Claimants are qualified
14 individuals with disabilities. The Commission also alleges that Defendants
15 subjected Claimants to adverse employment actions such as pretextual scrutiny of
16 work performance, discipline, and discharge in retaliation for engaging in activity
17 protected by the ADA, and otherwise interfered with rights in violation of the
18 ADA.

19 **JURISDICTION AND VENUE**

20 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
21 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to
22 Section 107(a) of the ADA, 42 U.S.C. § 12117(a), which incorporates by reference
23 Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3) and
24 pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

25 2. The employment practices alleged to be unlawful were and are now
26 being committed within the jurisdiction of the United States District Court for the
27 District of Nevada.

28 **PARTIES**

1 3. Plaintiff United States Equal Employment Opportunity Commission
2 (“Plaintiff” or “Commission”) is an agency of the United States of America
3 charged with the administration, interpretation, and enforcement of Title I of the
4 ADA. Plaintiff is expressly authorized to bring this action by Section 107(a) of the
5 ADA, 42 U.S.C. § 12117(a), which incorporates by reference Sections 706(f)(1)
6 and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

7 DTG Las Vegas, LLC

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

11 5. At all relevant times, Defendant DTG Las Vegas, LLC has
12 continuously been an employer engaged in an industry affecting commerce under
13 Sections 101(5) and 101(7) of the ADA, 42 U.S.C. §§ 12111(5), (7).

14 6. At all relevant times, Defendant DTG Las Vegas, LLC has been a
15 covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

16 Fifth Street Gaming, LLC

17 7. At all relevant times, Defendant Fifth Street Gaming, LLC, a Nevada
18 corporation, has continuously been doing business in the State of Nevada and the
19 City of Las Vegas, and has continuously had at least 15 employees.

20 8. At all relevant times, Defendant Fifth Street Gaming, LLC has
21 continuously been an employer engaged in an industry affecting commerce under
22 Sections 101(5) and 101(7) of the ADA, 42 U.S.C. §§ 12111(5), (7).

23 9. At all relevant times, Defendant Fifth Street Gaming, LLC has been a
24 covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

25 DTG Las Vegas Manager, LLC

26 10. At all relevant times, Defendant DTG Las Vegas Manager, LLC, a
27 Nevada corporation, has continuously been doing business in the State of Nevada
28 and the City of Las Vegas, and has continuously had at least 15 employees.

1 11. At all relevant times, Defendant DTG Las Vegas Manager, LLC has
2 continuously been an employer engaged in an industry affecting commerce under
3 Sections 101(5) and 101(7) of the ADA, 42 U.S.C. §§ 12111(5), (7).

4 12. At all relevant times, Defendant DTG Las Vegas Manager, LLC has
5 been a covered entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

6 13. At all relevant times since at least 2019, Defendants have been
7 collectively operating as a direct employer, joint employers, and/or an integrated
8 enterprise. Specifically, Defendants have common management and ownership,
9 centralized control of labor operations, and interrelation of operations as

10 Defendants:

- 11 a. collectively and/or jointly manage and operate a hotel and
12 casino at 206 N. 3rd Street, Las Vegas, Nevada 89101;
- 13 b. share centralized control of labor operations at 206 N. 3rd
14 Street, Las Vegas, Nevada 89101;
- 15 c. operate under the common management and financial control of
16 Chief Executive Officer/Manager Seth Schorr and Director of
17 Human Resources Kevin Donnelly;
- 18 d. share human resources functions such as payroll and employee
19 benefits;
- 20 e. share personnel forms and employment policies; and
- 21 f. share employees.

22 14. All acts and failures to act alleged herein were duly performed by and
23 attributable to all Defendants, each acting as a successor, agent, alter ego,
24 employee, indirect employer, joint employer, integrated enterprise, or under the
25 direction and control of the others, except as specifically alleged otherwise. Said
26 acts and failures to act were within the scope of such agency and/or employment,
27 and each Defendant participated in, approved, and/or ratified the unlawful acts and
28 omissions by the other Defendants complained of herein. Whenever and wherever

1 reference is made in this Complaint to any act by a Defendant or Defendants, such
2 allegations and reference shall also be deemed to mean the acts and failures to act
3 of each Defendant acting individually, jointly, and/or severally.

4 15. Plaintiff is ignorant of the true names and capacities of each
5 Defendant sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues
6 defendant(s) by fictitious names. The EEOC reserves the right to amend the
7 complaint to name each DOE defendant individually or corporately as it becomes
8 known. Plaintiff alleges that each DOE defendant was in some manner responsible
9 for the acts and omissions alleged herein and Plaintiff will amend the complaint to
10 allege such responsibility when the same shall have been ascertained by Plaintiff.

11 **ADMINISTRATIVE PROCEDURES**

12 16. More than thirty days prior to the institution of this lawsuit, Charging
13 Party A and Charging Party B filed charges of discrimination with the Commission
14 alleging violations of the ADA by Defendants against them and a class of
15 aggrieved individuals on the basis of disability, as well as retaliation.

16 17. Defendants received notice of these charges of discrimination, and
17 participated in the Commission's investigation, including by responding to the
18 Commission's requests for information position statements, information, and
19 documents.

20 **Charging Party A**

21 18. On or about February 21, 2021, the Commission issued the Letter of
22 Determination regarding Charging Party A's Charge, finding reasonable cause to
23 believe that Defendants violated the ADA with respect to Charging Party A and a
24 class of individuals and invited Defendants to join with the Commission in
25 informal methods of conciliation to endeavor to eliminate the discriminatory
26 practices and provide appropriate relief.

27 19. On or about April 20, 2021, Charging Party A passed away.
28

1 20. On or about April 27, 2021, the Commission notified Defendants in
2 writing that Charging Party A had passed away.

3 21. The Commission continued the administrative processing of Charging
4 Party A's charges of discrimination, having received the consent of his surviving
5 wife.

6 22. The Commission engaged in further conciliation communications
7 with Defendants and provided Defendants the opportunity to remedy the
8 discriminatory practices as described in the Letter of Determination for Charging
9 Party A. The Commission was unable to secure from Defendants a conciliation
10 agreement acceptable to the Commission.

11 23. On or about June 23, 2021, the Commission issued to Defendants a
12 Notice of Failure of Conciliation on Charging Party A's charges of discrimination
13 advising Defendants that the Commission was unable to secure a conciliation
14 agreement acceptable to the Commission.

15 24. All conditions precedent to the institution of this lawsuit have been
16 fulfilled.

17 Charging Party B

18 25. On or about July 7, 2022, the Commission issued the Letter of
19 Determination regarding Charging Party B's Charge, finding reasonable cause to
20 believe that Defendants violated the ADA with respect to Charging Party B and a
21 class of individuals and invited Defendants to join with the Commission in
22 informal methods of conciliation to endeavor to eliminate the discriminatory
23 practices and provide appropriate relief.

24 26. The Commission engaged in conciliation communications with
25 Defendants and provided Defendants the opportunity to remedy the discriminatory
26 practices described in the Letter of Determination on terms acceptable to the
27 Commission. The Commission was unable to secure from Defendants a
28

1 conciliation agreement acceptable to the Commission for Charging Party B's
2 charge of discrimination.

3 27. On or about September 9, 2022, the Commission issued to Defendants
4 a Notice of Conciliation Failure for Charging Party B's charge, advising
5 Defendants that the Commission was unable to secure a conciliation agreement
6 acceptable to the Commission.

7 28. All conditions precedent to the institution of this lawsuit have been
8 fulfilled.

9 **STATEMENT OF CLAIMS**

10 **Disability Discrimination Claims**

11 29. Since at least 2018, Defendants have engaged in unlawful
12 employment practices in violation of Sections 102(a) and (b)(5)(A) of Title I of the
13 ADA, 42 U.S.C. §§12112 (a) and (b)(5)(A) against two Charging Parties and a
14 class of other aggrieved employees.

15 **Charging Party A**

16 30. Charging Party A was a qualified individual with a disability under
17 Sections 3 and 101(8) of the ADA, 42 U.S.C. §§ 12102 and 12111(8). Having
18 been employed as an Executive Casino Host at Defendants' facility "The
19 Downtown Grand Hotel & Casino" since 2015, Charging Party A possessed the
20 requisite skill, experience, and education, and was performing all the essential job
21 functions of the Executive Casino Host position with or without reasonable
22 accommodation. The essential job functions included meeting and greeting VIP
23 guests, booking reservations for guests, creating and building a guest database,
24 marketing the hotel and casino attractions to repeat VIP guests, and creating events
25 to bring in guest bookings. During the course of his employment, Charging Party A
26 received pay raises and bonuses for his good work performance.

27 31. Since April 2019, Charging Party A suffered from an actual and
28 record of impairment, Stage 4 colon cancer that, among other things, substantially

1 limited the major life activity of relieving oneself of bodily waste. Moreover, this
2 physical impairment substantially limited the major bodily operations involving
3 Charging Party A’s digestive, genitourinary, bowel, and bladder systems.

4 32. On April 23, 2019, Charging Party A started feeling very ill. He called
5 in sick and was admitted to the hospital where underwent an emergency colostomy
6 the next day.

7 33. Charging Party A was discharged from the hospital on April 29, 2019
8 and was medically required to wear an ostomy bag under his shirt at all times to
9 collect bodily waste. He was subsequently diagnosed with colon cancer. Charging
10 Party A gave notice to DTG of his diagnosis and provided a doctor’s note to Kevin
11 Donnelly, DTG’s Director of Human Resources, which stated he could return to
12 work with no restrictions.

13 34. One month later, on or about May 15, 2019, Charging Party A
14 returned to work wearing his uniform and an ostomy bag under his shirt. Upon his
15 return, Donnelly, directed Charging Party to show him the ostomy bag under his
16 shirt. Immediately after Donnelly saw the ostomy bag, he fired Charging Party A,
17 explaining that it was not safe for him and other employees to be working near an
18 ostomy bag.

19 35. On May 21, 2019, Donnelly wrote a memo to Charging Party A’s
20 personnel file stating that the Downtown Grand Hotel and Casino “feel[s] it is in
21 the best interest of safety and well-being” that Charging Party A “not return to
22 work at the present time.” Through Donnelly’s actions, comments, and written
23 statements, Defendants relied upon Charging Party A’s disability as the reason for
24 his termination.

25 Charging Party B

26 36. Charging Party B is a qualified individual with a disability under
27 Sections 3 and 101(8) of the ADA, 42 U.S.C. §§ 12102 and 12111(8). Having
28 been employed as a Table Dealer at Defendants’ facility “The Downtown Grand

1 Hotel & Casino” since October 2013, Charging Party B possessed the requisite
2 skill, experience, and education, and was performing all the essential job functions
3 of the Table Dealer position with or without reasonable accommodation. These
4 essential job functions included dealing multiple games, providing prompt,
5 accurate, and courteous service to players, explaining aspects of the game to
6 patrons, and maintaining awareness of property-wide events to market to guests.
7 Since at least early 2019, Charging Party B has an actual and record of impairment,
8 torn herniated discs and sciatica, that substantially limited major life activities that
9 include sitting, bending, reaching, lifting, and sleeping, among other things.
10 Moreover, this physical impairment substantially limited the major bodily
11 operations involving Charging Party B’s musculoskeletal system.

12 37. From October 2013 to late January 2019, Charging Party B was
13 primarily assigned to the Craps table, an assignment that allowed him to continue
14 working in light of his back impairment and physical limitations. Working at the
15 Craps table allowed Charging Party B to avoid constant bending and reaching, and
16 to prop himself on the edge of the table for support. Assignment to the Craps table
17 also gave him the choice to either sit or stand at will, and to freely move his body
18 to relieve back pain and pressure.

19 38. On or about February 1, 2019, Defendants’ manager Amanda Hanson
20 reassigned Charging Party B to the Blackjack table. Shortly thereafter, Charging
21 Party B requested to be reassigned back to working the craps table as a reasonable
22 accommodation because the prolonged standing, and constant bending and
23 reaching while dealing cards at the Blackjack table was exacerbating his back
24 pressure and causing pain. Defendants denied Charging Party B’s request for this
25 reasonable accommodation and did not further engage in the interactive process to
26 attempt to find any alternative reasonable accommodations.

27 39. Sometime during March 2019, Charging Party B requested to be
28 placed on a part-time work schedule where he would work four consecutive days

1 with three days off (“4/3 work schedule”) as a reasonable accommodation in order
2 to have three (3) consecutive days off to fully recover after working the Blackjack
3 table for four (4) consecutive shifts. Charging Party B also provided Defendants
4 with a doctor’s note asking that he avoid dealing cards due to back pain and
5 sciatica.

6 40. However, Hanson denied Charging Party B a 4/3 work schedule and
7 told him that “we [DTG] don’t have to accommodate you.” She started to
8 regularly subject him to threats of discipline and pretextual scrutiny of his work
9 performance.

10 41. Sometime in late March 2019, Charging Party B again requested to be
11 reassigned to the Craps table as a reasonable accommodation and complained to
12 Donnelly that working the Blackjack table was hard on his back and causing more
13 intense pain to the point that Charging Party B required the use of a walking cane.
14 Because he was forced to continue working the Blackjack table for five
15 consecutive eight (8) hour shifts, Charging Party B’s back impairment worsened.
16 He could no longer tolerate the resulting back pain and working conditions,
17 culminating in his constructive discharge.

18 Other Class Members

19 42. Apart from the Charging Parties, Defendants also subjected a class of
20 aggrieved individuals to disability discrimination, including but not limited to
21 failing to adequately and effectively engage in the interactive process, failing to
22 provide reasonable accommodations for the aggrieved individuals’ known
23 disabilities and limitations, and subjecting them to constructive discharge in
24 violation of the ADA. For example, Defendants failed to provide the reasonable
25 accommodation of an adjustable desk chair to a class member with levoscoliosis
26 and failed to engage in the interactive process with him, leading to his constructive
27 discharge. The class of aggrieved individuals were all qualified for their respective
28 positions and able to perform all of their essential job functions with or without

1 reasonable accommodation(s). When these aggrieved individuals placed the
2 employer on notice of their disability and/or requested a reasonable
3 accommodation, DTG failed and refused to provide a reasonable accommodation
4 and/or engage in the interactive process as required by the ADA.

5 **Retaliation and Interference with Rights Claims**

6 43. Since at least 2019, Defendants have engaged in unlawful
7 employment practices in violation of Section 503 (a) and (b) of Title I of the ADA,
8 42 U.S.C. §12203 (a) and (b), by subjecting Claimants to retaliation for engaging
9 in protected activity and interfering with their exercise and enjoyment of rights
10 under the ADA. For example:

11 44. After Charging Party A engaged in protected activity by a) seeking
12 reinstatement in May 2019, b) filing an EEOC charge of discrimination on August
13 7, 2019, and c) seeking seven (7) months of back pay from Defendants, he was
14 subjected to pretextual discipline and discharged on February 27, 2020 in
15 retaliation in violation of Section 503(a) of the ADA.

16 45. After Charging Party A exercised his rights by a) seeking
17 reinstatement in May 2019, b) filing an EEOC charge of discrimination on August
18 7, 2019, and c) seeking seven (7) months of back pay from Defendants, Defendants
19 interfered with the enjoyment and exercise of his rights by threatening to discharge
20 him, and then subjecting him to pretextual discipline and actual discharge on
21 February 27, 2020 in violation of Section 503(b) of the ADA.

22 46. After Charging Party B engaged in protected activity and exercised
23 his rights by requesting reasonable accommodation(s) during February and March
24 2019, Defendants retaliated and interfered with his rights by subjecting him to pre-
25 textual over-scrutiny of his work performance and threats of unfair discipline in
26 violation of Sections 503 (a) and (b) of the ADA.

27 47. The effect of the practices complained of above has been to deprive
28 the Charging Parties and other aggrieved individuals of equal employment

1 opportunities and otherwise adversely affect their working conditions because of
2 disability.

3 48. The unlawful employment practices complained of above were
4 intentional.

5 49. The unlawful employment practices complained of above were done
6 with malice or with reckless indifference to the federally protected rights of the
7 Charging Parties and other aggrieved individuals.

8 **PRAYER FOR RELIEF**

9 The Commission respectfully requests that this Court:

10 A. Grant a permanent injunction enjoining Defendants, its officers,
11 successors, assigns, and all persons in active concert or participation with each of
12 them, from engaging in any employment practices in violation of Sections 102,
13 107, and 503 of the ADA.

14 B. Order Defendants to institute and carry out policies, practices, and
15 programs which provide equal employment opportunities for employees with
16 disabilities, and which eradicate the effects of its past and present unlawful
17 employment practices and to ensure that it does not engage in further unlawful
18 practices in violation of Sections 102, 107, and 503 of the ADA.

19 C. Order Defendants to make the Claimants whole by providing back pay
20 with prejudgment interest, in amounts to be determined at trial, and other
21 affirmative relief necessary to eradicate the effects of these unlawful employment
22 practices.

23 D. Order Defendant(s) to make the Claimants whole, where appropriate,
24 by providing compensation for past and future pecuniary losses, including but not
25 out-of-pocket expenses suffered by her which resulted from the unlawful
26 employment practices described above in the amounts to be determined at trial.

27 E. Order Defendant(s) to make the Claimants whole by providing
28 compensation, where appropriate, for non-pecuniary losses resulting from the

1 unlawful employment practices described above in amounts to be determined at
2 trial. The non-pecuniary losses include emotional pain, suffering, inconvenience,
3 mental anguish, humiliation and loss of enjoyment of life, in amounts to be
4 determined at trial.

5 F. Order Defendant(s) to pay the Claimants, where appropriate, punitive
6 damages for its malicious and/or reckless conduct as described above in amounts
7 to be determined at trial.

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

10 H. Award the Commission its costs of this action.

11
12 **JURY TRIAL DEMAND**

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

15
16
17
18
19 Dated: April 6, 2023

Respectfully submitted,

20 GWENDOLYN YOUNG REAMS
21 Acting General Counsel

22 CHRISTOPHER LAGE
23 Deputy General Counsel

24 U.S. EQUAL EMPLOYMENT
25 OPPORTUNITY COMMISSION
26 131 "M" Street, N.E.
27 Washington, D.C. 20507
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By:

ANNA Y. PARK,
Regional Attorney
Los Angeles District Office
U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

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CIVIL COVER SHEET

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.)

I. (a) PLAINTIFFS

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Anna Y. Park, Nakkisa Akhavan, Taylor Markey, U.S. EEOC, 255 E. Temple St., 4th Floor, Los Angeles, CA 90012, (213) 785-3080; Connie Liem, U.S. EEOC, 555 W. Beech St., Ste. 504, San Diego, CA 92101, (619) 900-1617

DEFENDANTS

DTG LAS VEGAS, LLC; FIFTH STREET GAMING, LLC; and DTG LAS VEGAS MANAGER, LLC dba DOWNTOWN

GRAND HOTEL & CASINO, and DOES 1-10, inclusive
County of Residence of First Listed Defendant Clark County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, Labor, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. § 12117(a)

Brief description of cause:

Discrimination on the basis of disability and retaliation

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

April 6, 2023

SIGNATURE OF ATTORNEY OF RECORD

s/ Anna Y. Park

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff(s)

v.

DTG LAS VEGAS, LLC, et al, and DOES 1-10, inclusive

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) DTG LAS VEGAS, LLC dba DOWNTOWN GRAND HOTEL & CASINO PARACORP INCORPORATED (Registered Agent) 318 N CARSON ST #208 Carson City, NV, 89701, USA

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anna Y. Park, Regional Attorney
U.S. Equal Employment Opportunity Commission
255 E. Temple Street, 4th Floor
Los Angeles, CA 90012
anna.park@eeoc.gov

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff(s)

v.

DTG LAS VEGAS, LLC, et al, and DOES 1-10, inclusive

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) FIFTH STREET GAMING, LLC dba DOWNTOWN GRAND HOTEL & CASINO E JOE CAIN ESQ (Registered Agent) 650 S MAIN ST. LAS VEGAS, NV, 89101, USA

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anna Y. Park, Regional Attorney
U.S. Equal Employment Opportunity Commission
255 E. Temple Street, 4th Floor
Los Angeles, CA 90012
anna.park@eeoc.gov

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____ .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

District of Nevada

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff(s)

v.

DTG LAS VEGAS, LLC, et al, and DOES 1-10, inclusive

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) DTG LAS VEGAS MANAGER, LLC dba DOWNTOWN GRAND HOTEL & CASINO PARACORP INCORPORATED (Registered Agent) 318 N CARSON ST #208 Carson City, NV, 89701, USA

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Anna Y. Park, Regional Attorney
U.S. Equal Employment Opportunity Commission
255 E. Temple Street, 4th Floor
Los Angeles, CA 90012
anna.park@eeoc.gov

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

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was received by me on *(date)* _____.

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_____ on *(date)* _____; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the summons unexecuted because _____; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: