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20 **UNITED STATES DISTRICT COURT**  
 21 **CENTRAL DISTRICT OF CALIFORNIA**

22 U.S. EQUAL EMPLOYMENT  
 23 OPPORTUNITY COMMISSION,

24 Plaintiff,

25 vs.

26 RADIANT SERVICES CORP.,  
 27 BARONHR, LLC, and DOES 1-10,  
 28 inclusive,

Defendants.

Case No.:

**COMPLAINT**

- **CIVIL RIGHTS;  
EMPLOYMENT  
DISCRIMINATION**
- **ADA**

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 race (Black, White, and  
6 Asian) and national origin (non-Hispanic), sex (male and female), and disability  
7 and perceived disability to provide appropriate relief to the Charging Parties and a  
8 class of similarly aggrieved individuals (collectively “Claimants”) that were  
9 adversely affected by such practices. As set forth in detail in this Complaint,  
10 Plaintiff United States Equal Employment Opportunity Commission (“Plaintiff,”  
11 “Commission,” or “EEOC”) alleges that Defendants Radiant Services Corp.  
12 (“Radiant”) and BaronHR, LLC (“Baron”) (collectively, “Defendants”) unlawfully  
13 refused to recruit, refer and hire the Charging Parties based on their race (Black or  
14 African American). The EEOC also alleges that Defendants unlawfully failed to  
15 recruit, refer and hire a class of similarly aggrieved claimants based on race (Black,  
16 Asian and White), national origin (non-Hispanic), and sex (male and female) in  
17 violation of Title VII. The EEOC alleges that Defendant Baron failed to recruit,  
18 refer and/or hire based on disability, perceived disability, and/or record of  
19 disability through adoption of unlawful qualification standards in violation of the  
20 ADA.

21 **JURISDICTION AND VENUE**

22 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,  
23 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to  
24 Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§  
25 2000e-5(f)(1) and (3) (“Title VII”), Section 107(a) of the ADA, 42 U.S.C. §  
26 12117(a), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

27 2. The employment practices alleged to be unlawful were committed  
28 within the jurisdiction of the United States District Court for the Central District of

1 California.

2 **PARTIES**

3 3. Plaintiff United States Equal Employment Opportunity Commission  
4 (“Plaintiff”, “EEOC” or “the Commission”) is an agency of the United States of  
5 America charged with the administration, interpretation, and enforcement of Title  
6 VII and the ADA. Plaintiff is expressly authorized to bring this action by Sections  
7 706(f)(1) and (3) of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3), and Section  
8 107(a) of the ADA, which incorporates by reference Section 706(f)(1) and (3), 42  
9 U.S.C. §§ 2000e-5(f)(1) and (3).

10 4. At all relevant times, Defendant Radiant has continuously been a  
11 California corporation doing business as a commercial laundry facility with one  
12 location in Gardena, California, and has continuously had at least 15 employees.

13 5. At all relevant times, Defendant Radiant has continuously been an  
14 “employer” engaging in an industry affecting commerce under Sections 701(b),  
15 (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (c), (g), and (h), with operations in  
16 California, including Gardena, California.

17 6. At all relevant times, Defendant Baron has continuously been a  
18 California limited liability corporation doing business as a staffing agency,  
19 providing temporary workers in Gardena, California and other locations  
20 throughout the country and has continuously had at least 15 employees. Baron’s  
21 corporate headquarters are in Anaheim, California.

22 7. At all relevant times, Defendant Baron has continuously been an  
23 “employer” engaging in an industry affecting commerce under Sections 701(b),  
24 (c), (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (c), (g), and (h), with operations  
25 throughout California, and in numerous other states.

26 8. At all relevant times, Defendant Baron has been and is a covered  
27 entity under Section 101(2) of the ADA, 42 U.S.C. § 12111(2), and Baron is an  
28 employer engaged in an industry affecting commerce under Section 101(5) of the

1 ADA, 42 U.S.C. § 12111(5)(A).

2 9. At all relevant times since at least 2015, Defendants acted as joint  
3 employers. Specifically, Defendants shared and exercised control over the terms  
4 and conditions of employment. Defendants jointly identified and screened  
5 qualified applicants for temporary work at Radiant; they jointly supervised the  
6 workers' daily work, recommended and/or took employment actions including  
7 hiring, discipline, and termination. Defendants were responsible for preventing  
8 discriminatory hiring practices.

9 10. All acts and failures to act alleged herein were duly performed by and  
10 attributable to all Defendants, each acting as a successor, agent, alter ego,  
11 employee, indirect employer, joint employer, integrated enterprise, or under the  
12 direction and control of the others, except as specifically alleged otherwise. Said  
13 acts and failures to act were within the scope of such agency and/or employment,  
14 and each Defendant participated in, approved, and/or ratified the unlawful acts and  
15 omissions by the other Defendants complained of herein. Whenever and wherever  
16 reference is made in this Complaint to any act by a Defendant or Defendants, such  
17 allegations and reference shall also be deemed to mean the acts and failures to act  
18 of each Defendant acting individually, jointly, and/or severally.

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

26 **ADMINISTRATIVE PROCEDURES**

27 12. More than thirty days prior to the institution of this lawsuit, Charging  
28 Parties filed charges of discrimination with the Commission alleging violations of

1 Title VII by Baron against them and a class of similarly situated workers on the  
2 basis of race (Black).

3 13. More than thirty days prior to the institution of this lawsuit, EEOC  
4 Commissioner Chai Feldblum filed Commissioner Charges against Radiant and  
5 Baron alleging Defendants' violations of Title VII and the ADA and ADAAA.

6 14. Subsequent to the charges of discrimination, the Commission  
7 investigated the Charging Parties' and Commissioner Feldblum's allegations of  
8 Defendants' unlawful employment practices.

9 15. On or about February 12, 2021, the Commission issued its Letters of  
10 Determination to Defendants finding reasonable cause to believe that Title VII and  
11 the ADA were violated and inviting Defendants to join with the Commission in  
12 informal methods of conciliation to endeavor to eliminate the unlawful  
13 employment practices and provide appropriate relief.

14 16. The Commission was unable to secure from Defendants a conciliation  
15 agreement acceptable to the Commission. On or about September 22, 2021 the  
16 Commission issued to Defendants a Notice of Failure of Conciliation.

17 17. All conditions precedent to the institution of this lawsuit have been  
18 fulfilled.

19 **STATEMENT OF CLAIMS**

20 **TITLE VII—FAILURE TO RECRUIT, REFER AND/OR HIRE BASED ON**

21 **RACE (BLACK, ASIAN AND WHITE)**

22 **AND NATIONAL ORIGIN (NON-HISPANIC)**

23 (Against All Defendants)

24 18. Since at least 2015, Defendants have engaged in unlawful  
25 employment practices, including a pattern or practice of such unlawful  
26 employment practices, in violation of Section 703(a) of Title VII, 42 U.S.C. §§  
27 2000e-2(a) & (b), based on race (Black, Asian, and non-Hispanic white) and/or  
28

1 national origin (non-Hispanic). The unlawful employment practices include but are  
2 not limited to:

- 3 a. Failing to recruit, refer and hire Black, Asian, and White  
4 applicants for employment.
- 5 b. Screening out non-Hispanic applicants.

6 19. The Charging Parties are Black women. One Charging Party applied  
7 for work through Baron in May 2013, and regularly inquired about employment  
8 opportunities. On or about March 4, 2015, Charging Party visited Baron's Carson  
9 office to inquire about positions. She saw a group of workers training for  
10 assignment. Charging Party asked a Baron receptionist where the workers were  
11 being placed, and if she was eligible. Baron's representative responded that the  
12 workers were in training to work at Baron's laundry contract client (*i.e.*, Radiant),  
13 and the client does not hire Black workers. Baron never referred Charging Party  
14 for employment.

15 20. Two other Charging Parties applied for employment at Baron's  
16 Carson, California office. They made numerous inquiries to Baron regarding  
17 employment opportunities. Baron never referred them for employment.

18 21. Radiant consistently maintained a largely homogeneous  
19 Hispanic/Latino(a) workforce at its Gardena facility.

20 22. Baron consistently referred and assigned a largely homogenous  
21 Hispanic/Latino(a) workforce throughout its offices nationwide.

22 23. These unlawful employment practices were sufficiently frequent to be  
23 Defendants' regular procedure or practice and constitute a pattern or practice of  
24 resistance to the full enjoyment of rights protected under Title VII in violation of  
25 Section 706, 42 U.S.C. § 2000e-5.

26 24. The unlawful employment practices complained of in paragraphs 18-  
27 23 above were intentional and caused Charging Parties and a class of aggrieved  
28 individuals to suffer emotional distress.

1           25. The unlawful employment practices complained of in paragraphs 18-  
2 23 above were done with malice or with reckless indifference to the federally  
3 protected rights of Charging Parties and a class of aggrieved individuals. Such  
4 practices as described above have been ongoing in giving preference to  
5 Hispanic/Latino(a) applicants. These practices and preferences systematically  
6 applied throughout Defendants' organizations.

7           **TITLE VII—FAILURE TO RECRUIT, REFER AND/OR HIRE**  
8           **BASED ON SEX (MALE AND FEMALE)**

9           (Against All Defendants)

10           26. Since at least 2015, Defendants have engaged in unlawful  
11 employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. §§  
12 2000e-2(a) & (b) based on sex (male and female).

- 13           a. Defendants failed to recruit, refer and hire male and female  
14 applicants for low-skill positions based on their sex.
- 15           b. Radiant requested male workers for specific positions (*e.g.*,  
16 sorting and transporting heavy loads), and female workers for  
17 specific positions (*e.g.*, folding and ironing), and thereby  
18 excluded male and female temporary workers seeking  
19 employment from employment opportunities.
- 20           c. Baron acquiesced to Radiant's discriminatory requests for male  
21 and female temporary workers for specific employment  
22 opportunities.

23           27. Baron ratified, acquiesced and/or implemented discriminatory  
24 preference for men or women for specific employment opportunities throughout its  
25 offices nationwide.

26           28. These unlawful employment practices were sufficiently frequent to be  
27 Defendants' regular procedure or practice and constitute a pattern or practice of  
28

1 resistance to the full enjoyment of rights protected under Title VII in violation of  
2 Section 706, 42 U.S.C. § 2000e-5.

3 29. The unlawful employment practices complained of in paragraphs 26-  
4 28 above were intentional and caused Charging Parties and a class of aggrieved  
5 individuals to suffer emotional distress.

6 30. The unlawful employment practices complained of in paragraphs 26-  
7 28 above were done with malice or with reckless indifference to the federally  
8 protected rights of Charging Parties and a class of aggrieved individuals. Such  
9 practices as described above have been ongoing in giving preference to men and  
10 women, respectively, for specific assignments. These practices and preferences  
11 systematically applied throughout Defendants' organizations.

12 **ADA—FAILURE TO RECRUIT, REFER AND HIRE**  
13 **BASED ON DISABILITY, RECORD OF DISABILITY,**  
14 **AND/OR REGARDED AS DISABLED**

15 (Against Baron)

16 31. Since at least 2015, Defendant Baron has engaged in an unlawful  
17 employment practice in violation of 42 U.S.C. §§ 12112(d)(2)(A) and 12112(b)(6),  
18 based on disability and perceived disability.

19 32. Baron uses an unlawful qualification standard by recruiting and  
20 referring physically fit candidates with no history of injury, which excludes  
21 individuals with disabilities, perceived disabilities, and record of disability in  
22 violation of the ADA.

23 33. Baron acquiesced to at least one client's requests for only physically  
24 fit workers with no current or prior medical conditions or injuries.

25 34. Baron screened out candidates based on disability, perceived  
26 disability or record of disability.



1 35. The effect of Baron’s qualification standard has been to deprive  
2 Claimants of equal employment opportunities and otherwise adversely affect their  
3 working conditions because of disability or perceived disability.

4 36. The unlawful employment practices complained of in paragraphs 31-  
5 35 above were intentional and caused a class of aggrieved individuals with  
6 disabilities and/or perceived disabilities to suffer emotional distress because of  
7 Baron’s ADA violations.

8 37. The unlawful employment practices complained of in paragraphs 31-  
9 35 above were and are done with malice or with reckless indifference to the  
10 federally protected rights of a class of aggrieved individuals who were subjected to  
11 Baron’s pre-offer disability-related inquiries and its qualification standards that  
12 were not job-related.

13 **PRAYER FOR RELIEF**

14 Wherefore, the Commission respectfully requests that this Court:

15 A. Grant a permanent injunction enjoining each Defendant, their  
16 officers, successors, assigns, and all persons in active concert or participation with  
17 them, from engaging in any employment practices in violation of Sections 703(a)  
18 and (b) of Title VII.

19 B. Grant a permanent injunction enjoining Baron, its officers, successors  
20 and assigns and all persons in active concert or participation with Baron, from  
21 engaging in any employment practices in violation of the ADA.

22 C. Order each Defendant to institute and carry out policies, practices,  
23 and programs to ensure that they would not engage in further unlawful practices in  
24 violation of Sections 703(a) and (b) of Title VII.

25 D. Order Baron to institute and carry out policies, practices, and  
26 programs to ensure that they would not engage in further unlawful practices in  
27 violation of the ADA, 42 U.S.C. §§ 12112(d)(2)(A) and 12112(b)(6).

28 E. Order Baron to make whole the Charging Parties by providing:

1           1.     Appropriate back pay with prejudgment interest, in amounts to  
2     be determined at trial, and other affirmative relief necessary to eradicate the  
3     effects of its unlawful employment practices;

4           2.     Compensation for past and future pecuniary and non-pecuniary  
5     losses pursuant to Title VII, resulting from the unlawful practices described  
6     above, including but not limited to emotional pain, suffering,  
7     inconvenience, mental anguish, humiliation, and loss of enjoyment of life,  
8     in amounts to be determined at trial; and,

9           3.     Punitive damages for its malicious and/or reckless conduct in  
10    an amount to be determined at trial.

11        F.     Order Defendants to make whole the class of aggrieved individuals  
12    who were harmed by Defendants' discriminatory hiring practices in violation of  
13    Title VII by providing:

14           1.     Appropriate back pay with prejudgment interest, in amounts to  
15     be determined at trial, and other affirmative relief necessary to eradicate the  
16     effects of its unlawful employment practices;

17           2.     Compensation for past and future pecuniary and non-pecuniary  
18     losses pursuant to Title VII, resulting from the unlawful practices described  
19     above, including but not limited to emotional pain, suffering,  
20     inconvenience, mental anguish, humiliation, and loss of enjoyment of life,  
21     in amounts to be

22           3.     Punitive damages for their malicious and/or reckless conduct  
23     in an amount to be determined at trial.

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

25        H.     Grant such further relief as the Court deems necessary and proper in  
26    the public interest.

27    //

28    //

**JURY TRIAL DEMAND**

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

Dated: September 13, 2022

Respectfully Submitted,

GWENDOLYN YOUNG REAMS,  
Acting General Counsel

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