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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 15-cv-01592-RPM

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

MARIA LUISA BALTAZAR BENÍTEZ;
MARIBEL SOTO PÉREZ;
MANUELA SINALOA RASCÓN; and
SERGIO CARREÓN RAMÍREZ,

Plaintiffs/Intervenors,

v.

VAIL RUN RESORT COMMUNITY ASSOCIATION, INC. D/B/A VAIL RUN RESORT;
GLOBAL HOSPITALITY RESORTS, INC.; and
WILLIAM FLEISCHER,

Defendants.

COMPLAINT IN INTERVENTION AND JURY DEMAND

I. INTRODUCTION

Plaintiffs/Intervenors Maria Luisa Baltazar Benítez (“Ms. Baltazar”), Maribel Soto Pérez (“Ms. Soto”), Manuela Sinaloa Rascón (“Ms. Sinaloa”), and Sergio Carreón Ramírez (“Mr. Carreón”), bring this Complaint under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* (“Title VII”), Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and the Civil Rights Act of 1866, 42 U.S.C. §§ 1981 and 1988, for discrimination on the basis of sex, race, national origin, and alienage, and for retaliation against protected conduct under these laws. Defendants Vail Run Resort Community

Association, Inc. d/b/a Vail Run Resort (“Defendant Vail Run Resort”), Global Hospitality Resorts, Inc. (“Defendant Global Hospitality”) (together “Vail Run”), and William Fleischer (“Defendant Fleischer”) condoned and furthered a hostile work environment including extreme sexual harassment and harassment on the basis of the race, national origin, and alienage of Plaintiffs/Intervenors, who were in Defendants’ employ. Plaintiffs/Intervenors’ direct supervisor sexually assaulted the three women, showed them inappropriate pictures, and constantly made sexualized comments. When they refused his advances, he retaliated against them by altering their working conditions. He threatened them with termination and deportation to keep them from making complaints. Ultimately, an Eagle County jury criminally convicted the harasser of unlawful sexual contact and felony extortion for his conduct against Mses. Baltazar and Soto.

Defendants refused to have any measures in place to prevent this discrimination and harassment, repeatedly disregarded Plaintiffs/Intervenors’ complaints, and favored their harasser even after Mses. Baltazar and Soto reported his conduct to the police. Throughout this time, Defendants refused to investigate Plaintiffs/Intervenors’ allegations, discipline the harasser, or change his job duties in any way. After Plaintiffs/Intervenors participated in the police investigation, Defendants launched a campaign to “clean house” of the “problem,” which they perceived to be brought on by Plaintiffs/Intervenors. While supporting the harasser even through the criminal process, Defendants subjected Plaintiffs/Intervenors to increasing retaliation and adverse employment actions leading up to the termination of their employment.

II. 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 703(a), 706(f)(1), and (3) of Title VII, 42 U.S.C. §§ 2000e-2(a), 2000e-5(f)(1), and 2000e-5(f)(3); by Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a; and by the Civil Rights Act of 1866, 42 U.S.C. §§ 1981 and 1988.

2. Venue in this Court is proper pursuant to 28 U.S.C. § 1391(b) because the employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the District of Colorado.

III. PARTIES

3. Plaintiffs/Intervenors Maria Luisa Baltazar Benítez, Maribel Soto Pérez, Manuela Sinaloa Rascón, and Sergio Carreón Ramírez were at all relevant times residents of the State of Colorado.

4. Mses. Baltazar, Soto, and Sinaloa are Hispanic and Mexican females.

5. Mr. Carreon is a Hispanic and Mexican male. He is and was at all relevant times Ms. Soto's husband.

6. At all relevant times, Defendant Vail Run Resort Community Association, Inc. d/b/a Vail Run Resort, a Colorado corporation, has been registered and actively conducting business in the State of Colorado, and has a registered agent in Colorado.

7. At all relevant times, Defendant Vail Run Resort has employed at least fifteen (15) employees.

8. At all relevant times, Defendant Vail Run Resort has 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).

9. At all relevant times, Defendant Global Hospitality Resorts, Inc. (“Defendant Global Hospitality”), a Colorado corporation, has been registered and actively conducting business in the State of Colorado, and has a registered agent in Colorado.

10. At all relevant times, Defendant Global Hospitality, in its own right or by virtue of an integrated enterprise with Defendant Vail Run Resort, has employed at least fifteen (15) employees.

11. At all relevant times, Defendant William Fleischer owned or co-owned, served as president of, and managed Defendant Global Hospitality.

12. At all relevant times, Defendant Fleischer managed Defendant Vail Run Resort and considered himself responsible for human resources.

13. At all relevant times, Defendant Fleischer was personally involved in and affirmatively linked to the discrimination and retaliation against Plaintiffs/Intervenors.

Single Integrated Enterprise, Alter-Ego, and/or Joint Employers

14. Defendant Fleischer and/or his wife Gritt Fleischer have wholly owned Defendant Global Hospitality.

15. Defendant Fleischer and/or Gritt Fleischer have served as President of and managed Defendant Global Hospitality.

16. Defendant Fleischer and/or Gritt Fleischer have wholly-owned Fleischer Enterprises, Inc. (“Fleischer Enterprises”), a Colorado corporation.

17. Defendant Fleischer and/or Gritt Fleischer have managed Fleischer Enterprises.

18. Defendant Vail Run Resort and Defendant Global Hospitality have had the same principal office address: 1000 Lions Ridge Loop, Vail, Colorado, 81657.

19. Fleischer Enterprises has had its principal office address at 1000 Lions Ridge Loop, Vail, Colorado, 81657.

20. Defendant Fleischer and/or Gritt Fleischer have served as the registered agents for both Defendant Vail Run Resort and Defendant Global Hospitality.

21. Defendant Fleischer and/or Gritt Fleischer have served as the registered agents for Fleischer Enterprises.

22. The address for the registered agent of both Defendant Vail Run Resort and Defendant Global Hospitality has been 1000 Lions Ridge Loop, Vail, Colorado, 81657.

23. The address for the registered agent of Fleischer Enterprises has been 1000 Lions Ridge Loop, Vail, Colorado, 81657.

24. At all relevant times, Mr. McLean has been employed by Defendant Global Hospitality as Vail Run Resort’s Controller.

25. After being initially employed by Defendants from 1980 to 1988, Omar Quezada (“Mr. Quezada”) was employed by Defendant Global Hospitality as Vail Run Resort’s housekeeping manager from August 2011 to August 2012.

26. Maria Ledezma a/k/a Marisa Flores (“Ms. Ledezma”) has been employed by Defendant Global Hospitality as Vail Run Resort’s housekeeping manager since September 2012.

27. Defendant Global Hospitality has paid the salaries of the managers and supervisors of Defendant Vail Run Resort, including Defendant Fleischer, Mr. McLean, Mr. Quezada, and Ms. Ledezma.

28. When Mr. Quezada worked at Defendant Vail Run Resort in 2011 and 2012, he directly supervised the housekeeping staff, including by determining their daily work assignments and schedules.

29. When Mr. Quezada worked at Defendant Vail Run Resort in 2011 and 2012, he had the power to hire, discharge, and discipline housekeeping employees, to send them home early without pay, and to field and resolve employee workplace complaints.

30. Since 2012, when Ms. Ledezma began her employment at Vail Run Resort, she has directly supervised the housekeeping staff, including by determining their daily work assignments and schedules.

31. Since 2012, when Ms. Ledezma began her employment at Vail Run Resort, she has had the power to hire, discharge, and discipline housekeeping employees, to send them home early without pay, and to field and resolve employee workplace complaints.

32. At all relevant times, Defendant Fleischer and Mr. McLean have had the power to discipline, hire, and fire housekeeping staff and management, including Plaintiffs/Intervenors, Mr. Quezada, and Ms. Ledezma.

33. Housekeeping staff employed by Defendant Vail Run Resort were made to work for Defendant Global Hospitality and/or Fleischer Enterprises in that they were required to clean other properties not owned by Defendant Vail Run Resort, including the private residence(s) of Defendant Fleischer and Gritt Fleischer.

34. Defendants Vail Run Resort and Global Hospitality have regularly shared employees, with housekeepers at Vail Run Resort performing work for both Defendants, including working for Defendant Global Hospitality by cleaning the private residence(s) of Defendant Fleischer and Gritt Fleischer.

35. Defendants Vail Run Resort and Global Hospitality have comingled assets by paying housekeeping employees from Defendant Vail Run Resort funds even when a housekeeper was not performing work for Defendant Vail Run Resort and was performing work at properties not owned by Defendant Vail Run Resort.

36. Defendants Vail Run Resort and Global Hospitality have shared certain property, including transportation equipment and cleaning equipment.

37. At all relevant times, Defendant Vail Run Resort and Defendant Global Hospitality and/or Fleischer Enterprises have acted as a single integrated enterprise, alter-ego, and/or joint-employer. Defendants Vail Run Resort and Global Hospitality are hereinafter collectively referred to "Vail Run," the name under which they both do business.

IV. CONDITIONS PRECEDENT

38. More than thirty (30) days prior to the institution of this lawsuit, Mses. Baltazar and Soto filed charges with the Equal Employment Opportunity Commission (“EEOC”) alleging violations of Title VII by Defendant Vail Run Resort.

39. The EEOC investigated charges of discrimination and found that unlawful hostile work environment and retaliation were class-wide.

40. On September 5, 2014, the EEOC issued Letters of Determination indicating that it found reasonable cause of unlawful discrimination and retaliation with regard to Mses. Baltazar and Soto as well as this class of individuals.

41. The EEOC filed the instant lawsuit on July 27, 2014.

42. The EEOC’s Complaint alleges that Vail Run discriminated and retaliated against Plaintiffs/Intervenors and other employees on the basis of sex and national origin, and for engaging in protected conducted, in violation of Title VII.

43. Plaintiffs/Intervenors are “persons aggrieved” within the meaning of Title VII, 42 U.S.C. § 2000e-5, with the unconditional statutory right to bring individual claims of discrimination and harassment based on sex and national origin and retaliation, and to intervene in the pending action.

44. Accordingly, Plaintiffs/Intervenors have rights to intervene in the instant lawsuit under Fed. R. Civ. P. 24(a)(1).

45. Alternatively, under the judicially recognized “single-filing rule,” Plaintiffs/Intervenors can “piggyback” on the EEOC complaint filed by similarly situated individuals, even though not all Plaintiffs/Intervenors filed Charges of Discrimination,

because their claims arise out of similar discriminatory treatment in the same time frame, and accordingly the EEOC and Defendants have been aware of the nature and scope of the allegations. See, e.g., *Foster v. Ruhrpumpen, Inc.*, 265 F.3d 1191, 1997 (10th Cir. 2004).

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

V. GENERAL ALLEGATIONS

47. Defendants have engaged in unlawful employment practices at Vail Run in violation of Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a, and the Civil Rights Act of 1866, 42 U.S.C. § 1981.

48. Ms. Baltazar worked for Defendants as a housekeeper from May 2006 until her employment was terminated in October 2012.

49. Ms. Soto worked for Defendants as a housekeeper from December 2010 until her employment was terminated in February 2013.

50. Mr. Carreón worked for Defendants in Vail Run's laundry from November 2011 until he was terminated and/or constructively discharged in February 2013.

51. Ms. Sinaloa worked for Defendants as a housekeeper from July 2008 until her employment was terminated in April 2013.

Defendants Failed to Have Any Training, Policies, and Reporting Procedures with Regard to Harassment, Discrimination, or Retaliation

52. At all relevant times, Vail Run has not had any employment handbook, employment policies, or formal training on employment law, including harassment, for their management, supervisors, or employees.

53. Mr. Quezada trained employees on sexual harassment by telling them it was a serious matter to make false allegations of sexual harassment, and that other housekeepers had gotten in trouble before for making false allegations.

54. Mr. Quezada trained his employees that they could get in trouble for making false allegations of sexual harassment and that no one should ever do this.

55. At all relevant times, this training by Mr. Quezada was the only employment- or harassment-related training Vail Run's employees received.

Defendants Deliberately Took Advantage of Mexican, Non-U.S. Citizen Employees

56. Defendants recruited Mexican, non-U.S. citizen employees.

57. At all relevant times, all of the employees in Vail Run's housekeeping department were Mexican non-U.S. citizens.

58. Because of the frequently broken time clock and Mr. McLean's manipulation of the time records, Vail Run frequently underpaid the housekeepers for their hours worked.

59. When housekeepers were ordered to clean Defendant Fleischer and/or his wife Gritt Fleischer's private residences, employees were underpaid or not paid at all for these hours.

Omar Quezada Sexually Harassed Vail Run's Housekeepers, and Harassed and Threatened Them Based on Their National Origin, Race, and Citizenship

60. In August 2011, Defendant Fleischer sought out Mr. Quezada for the position of housekeeping manager by stopping in at Mr. Quezada's sister's restaurant and leaving a message with her.

61. Defendant Fleischer and Mr. McLean interviewed Mr. Quezada and offered him the housekeeping manager position.

62. During that interview, Mr. Fleischer explained that if there was trouble in the housekeeping department, Mr. Quezada should “clean up house.”

63. Mr. Quezada lived in an apartment on the Vail Run property, about three doors from the housekeeping office.

64. Mr. Quezada’s sexual harassment was rampant throughout the housekeeping department.

65. Mr. Quezada showed cell-phone pictures to numerous employees of his penis, nude or semi-nude women, and female genitalia.

66. Quezada discussed topics of a graphic and sexual nature, in particular at lunchtime for many to hear.

67. Mr. Quezada repeatedly told the employees that they had no rights and he could have them deported at any time.

68. Mr. Quezada repeatedly called the housekeepers ignorant, uneducated, and other derogatory terms referring to the fact that they were Mexican foreigners.

69. On multiple occasions Mr. Quezada told his employees that immigration had arrived at Vail Run, at which point the housekeepers would run and hide.

70. Mr. Quezada told the housekeepers that Mr. McLean did not like Mexicans.

71. Mr. Quezada told employees he would cut their hours if they complained to management about anything.

72. Mr. Quezada also threatened to write up employees with warnings if they complained.

Mr. Quezada Harassed and Extorted Ms. Baltazar

73. Mr. Quezada sexually harassed Ms. Baltazar constantly, and within days of his starting to work at Vail Run.

74. This harassment included showing Ms. Baltazar pictures of nude women on his phone, and multiple physical incidents including sexual assault.

75. On August 24, 2011, Ms. Quezada drove Ms. Baltazar home from work and, against her will, grabbed her breast and kissed her while they were in his truck.

76. Mr. Quezada told Ms. Baltazar that ever since he had started working at Vail Run he really liked her and especially her large breasts.

77. When Ms. Baltazar told Mr. Quezada to stop, Mr. Quezada told her he could do whatever he wanted as a manager and that if she did not give in to him he could fire her.

78. Ms. Baltazar then got out of the car, ending the incident.

79. After that incident, Mr. Quezada would find ways to get Ms. Baltazar alone during work by telling other housekeepers to go work in other rooms.

80. Another time, when Ms. Baltazar was cleaning a guest room, Mr. Quezada came up from behind, grabbed her breast and buttocks, pressed his genitals against her from behind, and told her he liked her buttocks.

81. Ms. Baltazar immediately told him to stop and get out of the room, and Mr. Quezada left angrily.

82. Another time, Mr. Quezada came up from behind Ms. Baltazar while she was collecting cleaning supplies, grabbed her hand, and placed it on his penis.

83. He told her something to the effect of “look at how hard I am.”

84. Ms. Baltazar ran out crying.

85. Mr. Quezada told Ms. Baltazar that if she told anyone about this incident, he would fire her and report her to immigration.

86. On another occasion, Ms. Baltazar was cleaning the oven in a guest room, and Mr. Quezada came in, locked the door, and approached her with his pants down and an exposed erect penis.

87. Mr. Quezada removed Ms. Baltazar’s work gown and unzipped and pulled down her shorts.

88. Mr. Quezada’s attempted rape was thwarted in part by the tight bodysuit Ms. Baltazar had on underneath that he was unable to remove.

89. Ms. Baltazar told Mr. Quezada to leave immediately or she would call Mr. McLean or the police, and Mr. Quezada left when she grabbed the phone.

Mr. Quezada Harassed and Extorted Ms. Soto

90. Ms. Soto was pregnant when Mr. Quezada started working at Vail Run in August 2011 as her manager.

91. About two weeks after he started, Mr. Quezada told Ms. Soto that he liked pregnant women because they could not have any more “problems” since they were already pregnant.

92. Ms. Soto suffered a miscarriage and returned to work on November 14, 2011.

93. That day, Ms. Soto and Mr. Quezada were on the elevator together, and he hugged her and fondled her breast.

94. Mr. Quezada then told Ms. Soto that he was going to take away her depression and commented that her breasts were big.

95. When the elevator door opened, Ms. Soto pushed away Mr. Quezada and told him to get out.

96. Mr. Quezada then went into an open storage room and dropped his pants, exposing his penis.

97. Mr. Quezada subjected Ms. Soto to constant sexual harassment on many other occasions, including the following:

a. Mr. Quezada asked Ms. Soto if she wanted to watch a pornographic movie at his apartment.

b. Mr. Quezada proposed to Mses. Soto and Baltazar that they have a threesome.

c. Mr. Quezada showed Ms. Soto several inappropriate pictures on his phone, including pictures of his penis and a picture from the shoulders down of a naked woman who Mr. Quezada said was his wife.

98. Mr. Quezada offered Ms. Soto a promotion, a car, and other benefits if she had sex with him.

99. Sandra González, who was a housekeeper and eventually a housekeeping supervisor at Vail Run, overheard Mr. Quezada tell Ms. Soto, “You know what you have to do,” which she understood to mean that Mr. Quezada was demanding sexual favors from Ms. Soto in exchange for work-related benefits.

100. Mr. Quezada also threatened to deport Ms. Soto if she did not give in to his sexual advances.

101. Ms. Soto did not report Mr. Quezada’s sexual harassment to management because of his threats.

Mr. Quezada Harassed and Extorted of Ms. Sinaloa

102. Soon after Mr. Quezada started working for Vail Run in August 2011, he persistently asked Ms. Sinaloa to go out on a date.

103. Ms. Sinaloa repeatedly rejected Mr. Quezada’s advances but eventually agreed to go to dinner with him as friends.

104. Mr. Quezada and Ms. Sinaloa went to dinner at the pizza restaurant on the Vail Run premises.

105. Mr. Quezada then pressured Ms. Sinaloa to accompany him to his apartment on the premises.

106. Once they arrived at his apartment, Mr. Quezada put on a pornographic movie, started kissing Ms. Sinaloa, took off his pants, showed her his penis, and tried to take her pants off.

107. Ms. Sinaloa refused to have sex with Mr. Quezada and made up an excuse to stop the encounter.

108. In response, Mr. Quezada yelled at Ms. Sinaloa and threatened her with increasing her workload.

109. After the incident, Mr. Quezada followed through with this threat. He gave Ms. Sinaloa more work than she could handle, assigned her more rooms and the dirtiest rooms, and changed her schedule.

110. Mr. Quezada continued to proposition Ms. Sinaloa, telling her he thought about her and wanted to have sex with her.

111. Mr. Quezada made sexualized comments to Ms. Sinaloa such as: "You're good at work; you must be good at other things too."

112. On one occasion, while Ms. Sinaloa was cleaning a kitchen, Mr. Quezada came up from behind her and hugged her.

113. Ms. Sinaloa threatened Mr. Quezada with a knife in order to get him to stop.

114. On another occasion, Mr. Quezada called Ms. Sinaloa over to his office and said, "Guess what I have in here?" When she arrived at his office, she saw that it was a pornographic movie showing.

115. Ms. Sinaloa was disgusted and left his office immediately.

116. Because Ms. Sinaloa kept rejecting his advances, Mr. Quezada said nasty things to and about Ms. Sinaloa, including graphic comments of a sexual nature. He called her a prostitute and an "ugly vagina."

117. Mr. Quezada would also tell other employees that he and Ms. Sinaloa were having sex, and would describe it for them.

118. Mr. Quezada told housekeeper Martina Ramírez-Arambula that he had performed oral sex on Ms. Sinaloa but was unable to satisfy her.

119. Mr. Quezada also repeatedly insulted Ms. Sinaloa by calling her an “Indian,” which was a reference to her Mexican heritage and dark skin.

120. At one point Mr. Quezada said he caught a peek under Ms. Sinaloa’s shirt in the area of her stomach, and he said it was not nice. He then touched her waist and stomach area.

121. Mr. Quezada also made sexual comments to Ms. Sinaloa about her female coworkers, including that he wanted to have sex with housekeeper Olga Montes-Saenz and wondered what she looked like naked.

122. Mr. Quezada showed Ms. Sinaloa various pictures on his phone, including male and female genitalia, naked women, and a woman in a bathing suit or lingerie, who Mr. Quezada said was his wife.

123. Ms. Sinaloa was fearful of reporting Mr. Quezada’s harassment because of his threats of deportation.

124. Ms. Sinaloa complained about Mr. Quezada to Mr. McLean, who dismissed her complaints.

Housekeeping Staff Complained to Mr. McLean About Mr. Quezada’s Mistreatment

125. After months of having to endure Mr. Quezada’s harassment, abuse, and threats, several members of the housekeeping department met with Mr. McLean to complain of Mr. Quezada’s misconduct in early 2012.

126. Attendees of the meeting included Ms. Soto, Ms. Baltazar, Ms. Sinaloa, Mr. Carreón, Ms. González, Ms. Montes-Saenz, Rosa Fernández, Aida Domínguez, and an interpreter.

127. The attendees complained about Mr. Quezada, including that he made inappropriate comments such as about sex and male and female genitalia.

128. Ms. González broke down in tears when explaining that she was afraid of Mr. Quezada because he always went into guest rooms trying to grab women.

129. The employees asked for Mr. Quezada to be fired.

130. It became apparent during this meeting that Mr. McLean had already heard complaints about Mr. Quezada, but had told the housekeepers they had no right to approach Mr. McLean with complaints.

131. And this time, the result was no different. Mr. McLean said that nothing could be done and that Mr. Quezada was doing a fine job managing the hotel.

132. Mr. McLean said he did not want to hear any more complaints about Mr. Quezada and that the door was open for whoever did not like it.

Ms. Soto Reported Mr. Quezada's Conduct to the Police

133. On April 21, 2012, after enduring Mr. Quezada's harassment and threats for close to a year, Ms. Soto reported Mr. Quezada to Mr. McLean and the police.

134. Ms. Soto had attended a "know-your-rights" training in Leadville and learned that Mr. Quezada could not follow through on his threats of deportation.

135. On April 21, Mr. Quezada cut Ms. Soto's hours for refusing his advances.

136. Later that day, Mr. Quezada told Ms. Soto, as he had done in the past, that she “knew what to do” if she wanted more hours and money, and to be a supervisor.

137. Ms. Soto complained to Mr. Quezada about his conduct and asked for Defendant Fleischer’s phone number, but Mr. Quezada refused to give it to her.

138. Ms. Soto told Mr. Quezada she was going to report him to the police.

139. In response, Mr. Quezada told Ms. Soto she was fired.

140. After Ms. Soto informed Mr. Quezada that she was now aware of her rights, he replied that Colorado permits employers to dismiss employees for any reason.

141. Ms. Soto then ran to Ms. Sinaloa’s house crying, and Ms. Sinaloa called Mr. Carreón.

142. Mr. Carreón picked up Ms. Soto, and the two of them went to get a friend, Arturo, who spoke both English and Spanish, so that they could go talk to Mr. McLean.

143. Ms. Soto, Mr. Carreón, and Arturo went to Mr. McLean’s office, where Ms. Soto told him about the incidents of harassment.

144. Mr. McLean got angry and yelled at Ms. Soto. He accused her of lying in order to get bonuses.

145. Ms. Soto handed Mr. McLean the number to call the police.

146. Mr. McLean calmed down and made the call.

147. Officer Jacobs arrived at Vail Run and interviewed Ms. Soto about the harassment and immigration threats.

Mr. Quezada Received No Discipline and Continued to Work as the Housekeeping Manager at Vail Run

148. After Ms. Soto reported Mr. Quezada to the police, Vail Run placed Ms. Soto on two weeks of paid leave.

149. Ms. Soto asked Defendant Fleischer to fire Mr. Quezada.

150. Defendant Fleischer told Ms. Soto and Mr. Carreón he could not fire either Mr. Quezada or Ms. Soto because Mr. Quezada had not been found guilty.

151. Defendants administered no discipline to Mr. Quezada and did not require him to take any time off.

152. Mr. Quezada continued to work his regular shifts as Vail Run's housekeeping manager as his criminal investigation proceeded.

153. Defendants did not change any of Mr. Quezada's supervisory powers, his job duties, or his responsibilities.

154. Mr. Quezada and Ms. Soto's schedules continued to overlap, with them working together three days per week.

155. Mr. Quezada continued to hold supervisory powers over Ms. Soto, including determining her schedule.

156. While Mr. Quezada did not speak directly with Ms. Soto, he used Mses. González and Montes-Saenz to deliver his orders.

157. Through Mses. González and Montes-Saenz, Mr. Quezada punished Ms. Soto for her complaint by, for example, assigning her harder duties.

Defendants Retaliated Against Ms. Soto and Mr. Carreón After the Report to the Police

158. Mr. Quezada hired and supervised Mr. Carreón.

159. Mr. Carreón had witnessed Mr. Quezada's constant vulgar, sexual remarks, particularly at lunchtime when Mr. Quezada spoke about genitalia, among other things.

160. Mr. Carreón was also subjected to Mr. Quezada's constant threats of deportation.

161. Mr. Carreón became aware of Mr. Quezada's other acts of harassment, such as the pictures Mr. Quezada showed to female employees including Mr. Carreón's mother Ms. Ramírez-Arambula, and the sexual assaults against his wife Ms. Soto.

162. After the April 21, 2012 report to the police, Mr. Quezada made work a living hell for Mr. Carreón.

163. Mr. Quezada reduced Mr. Carreón's hours and increased his workload.

164. Mr. Quezada altered Mr. Carreón's schedule to inconvenience him.

165. Mr. Quezada repeatedly sent Mr. Carreón home without pay.

166. Mr. Quezada yelled at and ridiculed Mr. Carreón.

167. Mr. Quezada told Mr. Carreón that he and Ms. Soto were ungrateful and that Mr. Carreón was not a man because he let women tell him what to do.

168. Mr. Quezada told everyone that Mr. Carreón was a coward.

169. Mr. Quezada even challenged Mr. Carreón to a physical fight.

170. At one point Mr. Quezada told Mr. Carreón he was fired, but he retracted the termination when Mr. Carreón threatened to report Mr. Quezada to Mr. McLean.

171. On May 15, 2012, Defendants implemented a policy that barred married individuals from working together in housekeeping.

172. Ms. Soto and Mr. Carreón were told that one of them would have to leave Vail Run by November 2012.

173. This policy was not enforced against anyone other than Ms. Soto and Mr. Carreón.

174. On May 16, 2012, Ms. Soto and Mr. Carreón went to Mr. McLean, with an interpreter, to complain about the retaliation for the April 21 report to the police.

175. Mr. McLean documented this meeting in a memorandum and wrote therein: “As a result of the meeting my opinion of Mirabel [sic] Soto-Perez was very negatively changed, finding her extremely vindictive toward Omar, and questioning what she previously accused Omar of doing.”

Defendants Ignored the Vail Police Department’s Admonitions about Keeping Mr. Quezada Employed as Housekeeping Manager

176. On May 17, 2012, Officer Jacobs arrived at Vail Run and investigated Ms. Soto’s allegations by interviewing a number of her coworkers.

177. Ms. Soto’s coworkers confirmed Mr. Quezada’s harassment of Ms. Soto and also reported the sexual harassment they experienced, including the following examples:

a. On two occasions while in the lunchroom and in the presence of other employees, Mr. Quezada showed Ms. González pictures of a naked woman, supposedly his wife, on his cell phone.

b. Housekeeper Ignacio Hernández-Huerta had heard Mr. Quezada make inappropriate comments of a sexual nature in front of female employees including his wife.

c. Housekeeper Manuel Rodríguez-Meza said that his wife had left Vail Run because Mr. Quezada had made her job intolerable.

d. Mr. Rodríguez-Meza further reported that Mr. Quezada told his wife that she was pretty and that she would be much happier and living like a queen if she were with him.

e. Ms. Ramírez-Arambula, reported that Mr. Quezada said disrespectful things in front of the female employees and showed everyone pictures of a woman in a bikini who he said was his wife.

f. Ms. Montes-Saenz said that Mr. Quezada would routinely tell sexual jokes, would ask female employees what type or color of underwear they were wearing, and would ask about which sexual positions they liked.

g. Ms. Montes-Saenz said that one time she came into work in a good mood, and Mr. Quezada said, “oh you have a smile on your face, you must have made your husband really happy.”

h. Ms. Montes-Saenz said that Mr. Quezada would directly stand behind her and stare at her backside when she bent over.

i. Ms. Montes-Saenz said that Mr. Quezada would compare the women’s behinds when the employees were together.

j. Ms. Domínguez stated that Mr. Quezada acted and said things that were “out of line” and sexual in nature, and that made her uncomfortable.

k. Ms. Domínguez said that Mr. Quezada was sexually harassing the female employees.

178. Officer Jacobs also interviewed Mr. Quezada, whom he found to be the only non-credible interviewee that day.

179. After the interviews, Defendant Fleischer met with Mr. Quezada.

180. Defendant Fleischer told Mr. Quezada that Ms. Soto was making a mere accusation, Ms. Soto had no proof, and it was her word against Mr. Quezada’s.

181. Defendant Fleischer told Mr. Quezada it was a “he said, she said” situation.

182. Defendant Fleischer told Mr. Quezada that he believed him and that Vail Run would stand behind him against Ms. Soto.

183. At the meeting, Mr. Quezada admitted to Defendant Fleischer that he had pictures of his girlfriend on his phone.

184. Defendant Fleischer said that, from a man to another man, it is not a crime to have nude pictures of one’s girlfriend on their phone.

185. Detective Jacobs also met with Defendant Fleischer and Mr. McLean on May 17, 2012.

186. Detective Jacobs told Defendant Fleischer and Mr. McLean that every employee with whom he had spoken that day was fearful of Mr. Quezada.

187. Detective Jacobs told Defendant Fleischer and Mr. McLean that he had strong concerns about Mr. Quezada's behavior.

188. Detective Jacobs told Defendant Fleischer and Mr. McLean that most of the employees with whom he spoke with did not believe Mr. Quezada should be a supervisor.

189. Defendant Fleischer told to Detective Jacobs that both he and Mr. Quezada were being set up.

190. Defendant Fleischer told Officer Jacobs that he strongly supported Mr. Quezada after working with him for a number of years.

191. Despite Officer Jacobs's report to Defendant Fleischer and Mr. McLean, Mr. Quezada received no discipline and continued to work as housekeeping manager at Vail Run.

192. Vail Police arrested Mr. Quezada for the first time on June 11, 2012.

193. On June 12, 2012, Eagle County Court issued a restraining order requiring Mr. Quezada.

194. Despite the arrest and restraining order, Defendants continued to employ Mr. Quezada as Vail Run housekeeping manager.

Ms. Baltazar Reported Mr. Quezada's Conduct to the Police

195. Mr. Quezada continued to harass Ms. Baltazar.

196. Mr. Quezada told Ms. Baltazar that if she did not have sex with him, he would make her work harder and have her deported.

197. Ms. Baltazar continued to keep quiet because of Mr. Quezada's threats and because Defendants had continued to support Mr. Quezada and had retaliated against Ms. Soto and Mr. Carreón after the April 21, 2012 report to the police.

198. Mr. Quezada told Ms. Baltazar that he could do whatever he wanted with the support of Defendant Fleischer and Mr. McLean.

199. In August 2012, Mr. Quezada fired Ms. Baltazar's son Eduardo after Eduardo had confronted Mr. Quezada about his harassment of Ms. Baltazar.

200. Eduardo had seen his mother crying all the time and had found out about the harassment from other coworkers.

201. Also in August 2012, Mr. Quezada changed Ms. Baltazar's schedule to prevent her from working the second job she had held for years.

202. Unable to tolerate the blatant abuse and retaliation any longer, on August 22, 2012, Ms. Baltazar went to the Vail Police and reported Mr. Quezada.

203. Vail Police arrested Mr. Quezada on August 24, 2012 for the second time.

Defendant Fleischer Asked for Mr. Quezada's Resignation from Vail Run, Provided Him Alternative Employment, and Provided Him with Defendants' Attorney

204. After the August 2012 arrest, Defendant Fleischer called Mr. Quezada to ask for his resignation as housekeeping manager of Defendant Vail Run Resort.

205. During this phone call, Defendant Fleischer was apologetic and told Mr. Quezada he had no choice but to ask for the resignation.

206. Defendant Fleischer also told Mr. Quezada that Mr. Quezada was a good employee and was likely set up.

207. Defendant Fleischer further told Mr. Quezada that anything he may have done with the female housekeepers was consensual.

208. Defendants continued to employ Mr. Quezada at Defendant Fleischer's personal ranch in Wolcott, Colorado for one-and-a-half months.

209. In October 2012, Defendants hired Mr. Quezada to work at the Wolcott ranch again.

210. Mr. Quezada continued to work with female staff at Defendant Fleischer's ranch.

211. Mr. Quezada's employment ended approximately one month later when Defendants had no more work to give him.

212. Defendant Fleischer encouraged Mr. Quezada use Brett Heckman, an attorney who had previously advised Defendants on legal matters, for his criminal defense.

213. Defendant Fleischer has testified that Mr. Heckman is a "fixer" for Vail Run.

214. Defendant Fleischer offered for Defendants to pay the attorneys' fees for defending the criminal case.

215. Defendant Fleischer told Mr. Quezada that Defendants had set aside a fund of \$2,500 to pay for his defense.

216. Defendant Fleischer told Mr. Quezada that \$2,500 was all that was necessary to deal with the false allegations, which would disappear.

Vail Run Hired Maria Ledezma a/k/a Marisa Flores to “Clean House” of Those Who Came Forward Against Mr. Quezada

217. Defendant Fleischer interviewed Ms. Ledezma twice prior to hiring her to be Vail Run’s housekeeping manager in September 2012.

218. In a second interview in which she was offered the position, Defendant Fleischer told Ms. Ledezma that he wanted someone to take charge of the housekeeping department because of the many problems that had occurred there.

219. Defendant Fleischer specifically mentioned a couple whom he did not want working together, and he said one of them had to leave.

220. Defendant Fleischer also told Ms. Ledezma that problems in the housekeeping department had led to a lawsuit.

221. Ms. Ledezma came to understand that Ms. Soto and Mr. Carreón were the couple to whom Defendant Fleischer had referred in her interview.

222. Ms. Ledezma testified that the policy of husbands and wives not working together was Vail Run’s only official employment-related policy.

223. Ms. Ledezma also testified that the reason for this policy was that Mr. Carreón seeing Mr. Quezada’s harassment of Ms. Soto would create conflict in the housekeeping department.

224. Ms. Ledezma also came to understand that the problems in housekeeping to which Defendant Fleischer had referred were Ms. Baltazar, Ms. Soto, Mr. Quezada, the criminal prosecution of Mr. Quezada, and Vail Run’s potential civil liability.

225. When Ms. Ledezma took over as housekeeping manager, she regularly told employees that she was hired to “clean house” of employees associated with the complaints against Mr. Quezada.

226. Ms. Ledezma told Ms. Baltazar she was going to be the first to go because it was her complaint against Mr. Quezada that had caused the most damage, resulting in his termination.

227. Ms. Ledezma learned from various employees about what Mr. Quezada had done.

228. Ms. Ledezma regularly discussed Mr. Quezada’s conduct with Meses. Baltazar and Soto their complaints against Mr. Quezada and Defendants.

229. Ms. Ledezma relayed what Meses. Baltazar and Soto told her to Messrs. Fleischer and McLean.

230. Ms. Ledezma also learned from the police or Mr. Quezada’s attorney that Mr. Quezada was subjected to harassment charges.

231. Ms. Ledezma did not believe that Mr. Quezada sexually harassed Ms. Baltazar, Ms. Soto, or Ms. Sinaloa, and instead blamed them for creating problems for Vail Run.

Defendants Terminated Plaintiffs/Intervenors’ Employment

232. On October 3, 2012, Defendants terminated Ms. Baltazar’s employment, through a joint decision by Defendant Fleischer, Mr. McLean, and Ms. Ledezma.

233. On February 10, 2013, Ms. Ledezma gave three housekeeping employees—Ms. Montes-Saenz, Ms. Fernandez, and Emilia Terrazas—three-day suspensions without pay.

234. Ms. Ledezma told Ms. Soto she was going to fire them, a threat that eventually proved to be true.

235. Ms. Soto objected to Ms. Ledezma's decisions and asked why she was treating the housekeepers so poorly.

236. Ms. Ledezma responded by shouting at her about the employees.

237. Ms. Soto told Ms. Ledezma that she was going to complain to Defendant Fleischer, which made Ms. Ledezma very nervous.

238. After this exchange, Ms. Ledezma went to speak with Defendant Fleischer and Mr. McLean, and they discussed giving Ms. Soto a written warning.

239. Defendant Fleischer and Mr. McLean told Ms. Ledezma to document everything that had occurred and suggested content for the warning.

240. On February 17, 2013, Ms. Ledezma presented Ms. Soto with the written warning.

241. The warning included many admonitions (some in ALL CAPS), including: "Further you explicitly understand that I, Marisa, ha[ve] nothing to do with any past incidents involving any past manager, those incidents are between police and senior management and are not to be discussed ever again in housekeeping, on the Vail Run Property or with me."

242. According to Ms. Ledezma, this point referred to “[t]he fact that she had mentioned that day that I was the same as Omar. And I let her know that she did not have any reason to be talking about things that happened in the past.”

243. Ms. Soto refused to sign the warning because of the many inaccuracies contained therein.

244. Ms. Soto attempted to speak to Defendant Fleischer and Mr. McLean, but they refused to speak with her.

245. Mr. McLean fired Ms. Soto and told her to leave Vail Run immediately.

246. Ms. Soto went to find her husband, Mr. Carreón, in the laundry room, and Mr. McLean and Ms. Ledezma followed her.

247. When they arrived at the laundry room, Mr. Carreón asked that Ms. Soto be paid the wages she was owed.

248. Mr. McLean discharged and/or constructively discharged Mr. Carreón, by telling him that he needed to leave the property immediately with Ms. Soto.

249. Mr. McLean called the police to have Ms. Soto and Mr. Carreón escorted off the Vail Run premises.

250. Ms. Sinaloa fruitlessly complained to Mr. McLean on two occasions about Ms. Ledezma’s mistreatment.

251. On February 18, 2013, Ms. Sinaloa interrupted a manager’s meeting to deliver a written complaint to Defendant Fleischer about Ms. Ledezma as supervisor and the fact that Ms. Ledezma had family members working at Vail Run.

252. Ms. Ledezma escalated her retaliation thereafter, until she terminated Ms. Sinaloa's employment on April 13, 2013.

253. Defendants had always regarded Plaintiffs/Intervenors as outstanding employees:

254. Ms. Baltazar stood out to Defendant Fleischer in her trustworthiness and loyalty when she had reported that a previous manager was stealing from Vail Run.

255. In the warning that Ms. Soto refused to sign, Ms. Ledezma praised Ms. Soto's work performance: "I have found you to have a good work ethic, helpful and supportive of my efforts to make the department better."

256. Ms. Soto and Mr. Carreón both earned raises approximately five months prior to their termination.

Mr. Quezada Was Criminally Convicted After Vail Run Provided an Attorney and Evidence to Support Him

257. On November 21, 2013, an Eagle County, Colorado jury found Mr. Quezada guilty of unlawful sexual contact and felony extortion as to his conduct toward Ms. Baltazar.

258. Thereafter, Mr. Quezada pleaded guilty to the same charges with respect to Ms. Soto.

259. During the trial, Mr. McLean produced evidence and testimony that was favorable to Mr. Quezada's defense.

260. Mr. McLean pushed a laundry cart into the elevator at Vail Run, took pictures, and testified that it would be "very difficult" for two people to fit in the elevator with the laundry cart the way Mr. McLean had positioned it.

261. The testimony was intended to undermine Ms. Soto's account of the incident in the elevator in which Mr. Quezada grabbed her breast.

Defendants Never Investigated the Allegations Against Mr. Quezada

262. Defendants made no efforts to conduct any investigation into the allegations of harassment against Mr. Quezada.

263. Defendants operated under the guise of not wanting to interfere with the police investigation, but they did not make any effort to find out what came of Mr. Quezada's criminal charges.

264. Mr. McLean disbelieved Ms. Baltazar's allegations.

265. Mr. McLean believed Ms. Soto brought drama to the workplace and disrupted business when she made accusations against Mr. Quezada.

266. However, on June 5, 2014, Mr. Fleischer, while under oath, referred to Mr. Quezada as a "sex offender" and stated that he thought Ms. Baltazar and Soto were subjected to sexual harassment while working for Vail Run.

Defendants Disparaged Plaintiffs/Intervenors and Continued to Defend Mr. Quezada During the Colorado Civil Rights Division Investigation

267. Ms. Baltazar filed a charge of discrimination against Defendant Vail Run Resort with the Colorado Civil Rights Division ("CCRD") on January 7, 2013.

268. The substance of Defendant Vail Run Resort's position statement, dated February 12, 2013, focused entirely on disparaging Ms. Baltazar.

269. Defendant Fleischer explained that Ms. Baltazar was not harassed and had fabricated her allegations because she "had a personal problem with a previous

manager, Omar Quesada [sic],” and that Mr. Quezada was “one of the hardest workers that I have ever employed.”

270. Ms. Soto filed her charge of discrimination with the CCRD against Defendant Vail Run Resort on April 29, 2013.

271. The substance of Defendant Vail Run Resort’s position statement, dated May 8, 2013, similarly focused entirely on disparaging Ms. Soto.

272. Defendant Fleischer started off the letter by explaining that based on reviewing Ms. Soto’s charge, she must be “uneducated or with no schooling.”

273. Defendant Fleischer denied that Ms. Soto was harassed and called her a “liar” and “bipolar.”

274. Like with Ms. Baltazar, Defendant Fleischer’s letter stated that Ms. Soto “had a personal problem with a previous manager, Omar Quesada [sic]”

275. Mr. Heckman, the same attorney who represented Mr. Quezada in his criminal defense, assisted Defendant Vail Run Resort in its defense of the charge of discrimination with the CCRD.

276. Mr. Heckman’s representation of Mr. Quezada began in June 2012, he wrote a letter to the CCRD on Defendant Vail Run Resort’s behalf in August 2013, and Mr. Quezada’s trial was in November 2013.

277. During the CCRD’s investigation, Megan Bonta, a social worker with Catholic Charities, reported that Defendant Fleischer “stormed into her office and began harassing her for helping” Mses. Baltazar and Soto with their charges.

278. Ms. Bonta reported Mr. Fleischer's intimidation to the CCRD and the police.

VI. STATEMENT OF CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of 42 U.S.C. §§ 2000e-2(a) and 2000e-5(f)(1)

Sex Discrimination in Employment

Mses. Baltazar, Soto, and Sinaloa Against Defendants Vail Run Resort and Global Hospitality (collectively, "Vail Run")

279. The allegations contained in the foregoing paragraphs are hereby incorporated by reference.

280. Mses. Baltazar, Soto, and Sinaloa, as females in the workplace, are members of a class protected by section 703(a) of Title VII, 42 U.S.C. §2000e-2(a).

281. Vail Run discriminated against Mses. Baltazar, Soto, and Sinaloa, in violation of Title VII, by subjecting them to sexual harassment, and by creating and tolerating a sexually hostile work environment.

282. The offensive sexual conduct described in the preceding paragraphs was sufficiently severe or pervasive to alter the terms and conditions of employment for Mses. Baltazar, Soto, and Sinaloa.

283. The sexual harassment and hostile work environment to which Mses. Baltazar, Soto, and Sinaloa were subjected was perpetrated by one of Vail Run's employees with direct supervisory authority over the aforementioned female employees and occurred on a frequent and routine basis over a substantial period of time.

284. Vail Run knew or should have known of the sexually hostile work environment because Vail Run's supervisors and managers observed it, because the

harassment was frequent and notorious in nature, and/or because Mses. Baltazar, Soto, and Sinaloa and other Vail Run employees complained about it.

285. Vail Run failed to take prompt or effective action to prevent, correct or remedy the sexually hostile work environment.

286. Vail Run continually treated Mses. Baltazar, Soto, and Sinaloa's complaints with incredulity and hostility, and instead favored their male harasser.

287. These acts or omissions by Vail Run caused the sexually hostile work environment experienced by Mses. Baltazar, Soto, and Sinaloa.

288. Vail Run additionally discriminated against Mses. Baltazar, Soto, and Sinaloa because of their sex, in violation of Title VII, through adverse employment actions carried out by their managers and supervisors.

289. Vail Run's discriminatory adverse employment actions against Mses. Baltazar, Soto, and Sinaloa included allowing the hostile work environment caused by Mr. Quezada to continue; allowing Mr. Quezada to exploit his supervisory power and adversely affect Mses. Baltazar, Soto, and Sinaloa's work environment, assignments, schedules, hours, and pay; hiring Ms. Ledezma to "clean house" and take care of the "problems" in Vail Run's housekeeping department; allowing Ms. Ledezma to exploit her supervisory power and adversely affect Mses. Baltazar, Soto, and Sinaloa's work environment, assignments, schedules, hours, and pay; and ultimately discharging and/or constructively discharging Mses. Baltazar, Soto, and Sinaloa.

290. At all pertinent times, Mses. Baltazar, Soto, and Sinaloa performed the functions of their jobs competently and were qualified for their positions with Vail Run.

291. Vail Run treated Meses. Baltazar, Soto, and Sinaloa less favorably than their similarly situated male counterparts.

292. The effect of the practices complained of above has been to deprive Meses. Baltazar, Soto, and Sinaloa of equal employment opportunities, and otherwise adversely affect their status as employees, because of their sex.

293. The unlawful employment practices complained of above were intentional.

294. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Meses. Baltazar, Soto, and Sinaloa.

295. The sex-related employment practices, sexually hostile work environment, and other acts or omissions of Vail Run and its agents, supervisors, and employees directly and proximately resulted in such damages as may be proven at trial, including but not limited to lost income and benefits; lost employment opportunities; psychological, emotional, and mental anguish; distress, humiliation, embarrassment, and degradation; pain and suffering; and Meses. Baltazar, Soto, and Sinaloa's attorneys' fees in bringing this action.

SECOND CLAIM FOR RELIEF
Violation of 42 U.S.C. §§ 2000e-2(a) and 2000e-5(f)(1)
National Origin Discrimination in Employment
All Plaintiffs/Intervenors Against Defendants Vail Run Resort and Global Hospitality (collectively, "Vail Run")

296. The allegations contained in the foregoing paragraphs are hereby incorporated by reference.

297. Plaintiffs/Intervenors, as employees of Mexican national origin, are members of a class of citizens protected by section 703(a) of Title VII, 42 U.S.C. §2000e-2(a).

298. Vail Run discriminated against Plaintiffs/Intervenors in violation of Title VII by subjecting them to a hostile work environment based on their national origin, Mexican, and by creating and tolerating a hostile work environment based on their national origin, Mexican.

299. The offensive national-origin-based hostile work environment described in the preceding paragraphs was sufficiently severe or pervasive to alter the terms and conditions of employment for Plaintiffs/Intervenors.

300. The hostile work environment to which Plaintiffs/Intervenors were subjected was perpetrated by one of Vail Run's employees with direct supervisory authority over the aforementioned Mexican employees and occurred on a frequent and routine basis over a substantial period of time.

301. Vail Run knew or should have known of the hostile work environment based on Plaintiffs/Intervenors' national origin because Vail Run's supervisors and managers observed it, because the harassment was frequent and notorious in nature, and/or because Plaintiffs/Intervenors and other Vail Run employees complained about it.

302. Vail Run failed to take prompt or effective action to prevent, correct or remedy the hostile work environment experienced by Plaintiffs/Intervenors based on their national origin, Mexican.

303. Vail Run continually treated Plaintiffs/Intervenors' complaints with incredulity and hostility, and instead favored their harasser.

304. These acts or omissions by Vail Run caused the hostile work environment experienced by Plaintiffs/Intervenors based on their national origin, Mexican.

305. Vail Run additionally discriminated against Plaintiffs/Intervenors because of their national origin, in violation of Title VII, through adverse employment actions carried out by their managers and supervisors.

306. Vail Run's discriminatory adverse employment actions against Plaintiffs/Intervenors included allowing the hostile work environment caused by Mr. Quezada to continue; allowing Mr. Quezada to exploit his supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; hiring Ms. Ledezma to "clean house" and take care of the "problems" in Vail Run's housekeeping department; allowing Ms. Ledezma to exploit her supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; and ultimately discharging and/or constructively discharging Plaintiffs/Intervenors.

307. At all pertinent times, Plaintiffs/Intervenors performed the functions of their jobs competently and were qualified for their positions with Vail Run.

308. Vail Run treated Plaintiffs/Intervenors less favorably than their similarly situated non-Mexican counterparts.

309. The effect of the practices complained of above has been to deprive Plaintiffs/Intervenors of equal employment opportunities, and otherwise adversely affect their status as employees, because of their national origin, Mexican.

310. The unlawful employment practices complained of above were intentional.

311. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Plaintiffs/Intervenors.

312. The national-origin-related employment practices, hostile work environment, and other acts or omissions of Vail Run and its agents, supervisors, and employees directly and proximately resulted in such damages as may be proven at trial, including but not limited to lost income and benefits; lost employment opportunities; psychological, emotional, and mental anguish; distress, humiliation, embarrassment, and degradation; pain and suffering; and Plaintiffs/Intervenors' attorneys' fees in bringing this action.

THIRD CLAIM FOR RELIEF
Violation of 42 U.S.C. § 2000e-3(a)
Retaliation

All Plaintiffs/Intervenors Against Defendants Vail Run Resort and Global Hospitality (collectively, "Vail Run")

313. The allegations contained in the foregoing paragraphs are hereby incorporated by reference.

314. Vail Run retaliated against Plaintiffs/Intervenors in violation of section 704 of Title VII, 42 U.S.C. §2000e-3(a).

315. Plaintiffs/Intervenors engaged in protected activity within the meaning of §704 of Title VII, 42 U.S.C. §2000e-4(a), by opposing what they reasonably believed

were unlawful discriminatory employment practices based on sex and/or national origin and/or by filing charges, testifying, assisting, or participating in investigation, proceeding, or hearing, and/or by being associated with someone who engaged in one or more of these protected activities.

316. Plaintiffs/Intervenors' protected activity included refusing and expressing opposition to Mr. Quezada's advances; filing charges with the police, CCRD, and EEOC; repeatedly complaining to Mr. Quezada, Ms. Ledezma, Mr. McLean, and Defendant Fleischer of the harassment, discrimination, and retaliation they were experiencing; participating in police and agencies' investigations into Vail Run's conduct; assisting in Mr. Quezada's criminal prosecution; and being closely related to individuals engaging in these activities.

317. Vail Run actively discouraged Plaintiffs/Intervenors from making complaints and treated their complaints with incredulity and hostility.

318. In response to Plaintiffs/Intervenors' protected conduct, Vail Run retaliated against them through adverse employment actions carried out by their managers and supervisors.

319. Vail Run's retaliatory adverse employment actions against Plaintiffs/Intervenors included allowing the hostile work environment caused by Mr. Quezada to continue; allowing Mr. Quezada to exploit his supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; hiring Ms. Ledezma to "clean house" and take care of the "problems" in Vail Run's housekeeping department; allowing Ms. Ledezma to exploit her supervisory

power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; and ultimately discharging and/or constructively discharging Plaintiffs/Intervenors.

320. Vail Run treated Plaintiffs/Intervenors more adversely than their similarly counterparts counterparts who did not engage in protected activity within the meaning of Title VII.

321. The effect of the practices complained of in the forgoing paragraphs has been to deprive Plaintiffs/Intervenors of equal employment opportunities and otherwise adversely affect their status as employees, because they engaged in protected activity.

322. The unlawful employment practices complained of above were intentional.

323. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Plaintiffs/Intervenors.

324. The retaliatory employment practices and other acts or omissions of Vail Run and its agents, supervisors, and employees directly and proximately resulted in such damages as may be proven at trial, including but not limited to lost income and benefits; lost employment opportunities; psychological, emotional, and mental anguish; distress, humiliation, embarrassment, and degradation; pain and suffering; and Plaintiffs/Intervenors' attorneys' fees in bringing this action.

FOURTH CLAIM FOR RELIEF
Violation of 42 U.S.C. § 1981
Discriminatory Treatment Based on Race
All Plaintiffs/Intervenors Against All Defendants

325. The allegations contained in the foregoing paragraphs are hereby incorporated by reference.

326. Plaintiffs/Intervenors are Hispanic and Mexican and thus members of a protected class under 42 U.S.C. § 1981. See *St. Francis Coll. v. Al-Khazraji*, 481 U.S. 604, 611 (1987); *Manzanares v. Safeway Stores, Inc.*, 593 F.2d 968, 970 (10th Cir. 1979); *Zapata v. IBP, Inc.*, No. Civ. A. 93-2366-EEO, 1998 WL 717621, at *3 (D. Kan. Sept. 29, 1998).

327. Defendants discriminated against Plaintiffs/Intervenors in violation of 42 U.S.C. § 1981 based on their race.

328. Defendants by and through the conduct of their employees and agents have unlawfully denied Plaintiffs/Intervenors the benefits, privileges, promotional opportunities, and terms and conditions of their employment due to their race.

329. Defendants additionally discriminated against Plaintiffs/Intervenors in violation of 42 U.S.C. § 1981 by subjecting them to a hostile work environment, including harassment and extortion, because of their race, and by creating and tolerating a hostile work environment because of their race.

330. The offensive race-based hostile work environment described in the preceding paragraphs was sufficiently severe or pervasive to alter the terms and conditions of employment for Plaintiffs/Intervenors.

331. The hostile work environment to which Plaintiffs/Intervenors were subjected was perpetrated by one of Defendants' employees with direct supervisory authority over the aforementioned Hispanic and Mexican employees and occurred on a frequent and routine basis over a substantial period of time.

332. Defendants knew or should have known of the race-based hostile work environment because Defendants' supervisors and managers observed it, because the harassment was frequent and notorious in nature, and/or because Plaintiffs/Intervenors and other Vail Run employees complained about it.

333. Defendants failed to take prompt or effective action to prevent, correct or remedy the race-based hostile work environment experienced by Plaintiffs/Intervenors.

334. Defendants continually treated Plaintiffs/Intervenors' complaints with incredulity and hostility, and instead favored their harasser.

335. These acts or omissions by Defendants caused the race-based hostile work environment experienced by Plaintiffs/Intervenors.

336. Plaintiffs/Intervenors were additionally subjected to adverse treatment because of their race, including but not limited to denial of continued employment based on their race, as detailed herein.

337. Defendants' race-based adverse employment actions against Plaintiffs/Intervenors included allowing the hostile work environment caused by Mr. Quezada to continue; allowing Mr. Quezada to exploit his supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; hiring Ms. Ledezma to "clean house" and take care of the "problems" in Vail Run's housekeeping department; allowing Ms. Ledezma to exploit her supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; and ultimately discharging and/or constructively discharging Plaintiffs/Intervenors.

338. Defendants treated Plaintiffs/Intervenors less favorably than their similarly situated non-Mexican, non-Hispanic counterparts.

339. The effect of the practices complained of above has been to deprive Plaintiffs/Intervenors of equal employment opportunities, otherwise adversely affect their status as employees, deprive them of their right to make and enforce contracts, and deprive them of the full and equal benefit of laws, because of their race.

340. The unlawful employment practices complained of above were intentional.

341. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Plaintiffs/Intervenors.

342. The race-based employment practices of Defendants and their agents, supervisors, and employees directly and proximately resulted in such damages as may be proven at trial, including but not limited to lost income and benefits; lost employment opportunities; psychological, emotional, and mental anguish; distress, humiliation, embarrassment, and degradation; pain and suffering; and Plaintiffs/Intervenors' attorneys' fees in bringing this action.

FIFTH CLAIM FOR RELIEF
Violation of 42 U.S.C. § 1981
Discriminatory Treatment Based on Alienage
All Plaintiffs/Intervenors Against All Defendants

343. The allegations contained in the foregoing paragraphs are hereby incorporated by reference.

344. Plaintiffs/Intervenors are not U.S. citizens and thus are members of a protected class under 42 U.S.C. § 1981. See, e.g., *Martinez v. Partch*, No. 07-cv-01237-REB-MEH, 2008 WL 113907, at *2 (D. Colo. Jan. 9, 2008) (collecting cases).

345. Defendants discriminated against Plaintiffs/Intervenors in violation of 42 U.S.C. § 1981 based on their alienage.

346. Defendants by and through the conduct of their employees and agents have unlawfully denied Plaintiffs/Intervenors the benefits, privileges, promotional opportunities, and terms and conditions of their employment due to their alienage.

347. Defendants additionally discriminated against Plaintiffs/Intervenors in violation of 42 U.S.C. § 1981 by subjecting them to a hostile work environment, including sexual harassment and extortion, because of their alienage, and by creating and tolerating a hostile work environment because of their alienage.

348. The offensive alienage-based hostile work environment described in the preceding paragraphs was sufficiently severe or pervasive to alter the terms and conditions of employment for Plaintiffs/Intervenors.

349. The hostile work environment to which Plaintiffs/Intervenors were subjected was perpetrated by one of Defendants' employees with direct supervisory authority over the aforementioned non-U.S.-citizen employees and occurred on a frequent and routine basis over a substantial period of time.

350. Defendants knew or should have known of the alienage-based hostile work environment because Defendants' supervisors and managers observed it, because the harassment was frequent and notorious in nature, and/or because Plaintiffs/Intervenors and other Vail Run employees complained about it.

351. Defendants failed to take prompt or effective action to prevent, correct or remedy the alienage-based hostile work environment experienced by Plaintiffs/Intervenors.

352. Defendants continually treated Plaintiffs/Intervenors' complaints with incredulity and hostility, and instead favored their harasser.

353. These acts or omissions by Defendants caused the alienage-based hostile work environment experienced by Plaintiffs/Intervenors.

354. Plaintiffs/Intervenors were additionally subjected to adverse treatment because of their alienage, including but not limited to denial of continued employment based on their alienage, as detailed herein.

355. Defendants' alienage-based adverse employment actions against Plaintiffs/Intervenors included allowing the hostile work environment caused by Mr. Quezada to continue; allowing Mr. Quezada to exploit his supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; hiring Ms. Ledezma to "clean house" and take care of the "problems" in Vail Run's housekeeping department; allowing Ms. Ledezma to exploit her supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; and ultimately discharging and/or constructively discharging Plaintiffs/Intervenors.

356. Defendants treated Plaintiffs/Intervenors less favorably than their similarly situated U.S. citizen counterparts.

357. The effect of the practices complained of above has been to deprive Plaintiffs/Intervenors of equal employment opportunities, otherwise adversely affect their status as employees, deprive them of their right to make and enforce contracts, and deprive them of the full and equal benefit of laws, because of their alienage.

358. The unlawful employment practices complained of above were intentional.

359. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Plaintiffs/Intervenors.

360. The alienage-based employment practices of Defendants and their agents, supervisors, and employees directly and proximately resulted in such damages as may be proven at trial, including but not limited to lost income and benefits; lost employment opportunities; psychological, emotional, and mental anguish; distress, humiliation, embarrassment, and degradation; pain and suffering; and Plaintiffs/Intervenors' attorneys' fees in bringing this action.

SIXTH CLAIM FOR RELIEF
Violation of 42 U.S.C. § 1981
Retaliation
All Plaintiffs/Intervenors Against all Defendants

361. The allegations contained in the foregoing paragraphs are hereby incorporated by reference.

362. Defendants retaliated against Plaintiffs/Intervenors in violation of 42 U.S.C. § 1981.

363. Plaintiffs/Intervenors engaged in protected activity by opposing what they reasonably believed were unlawful discriminatory employment practices prohibited by 42 U.S.C. § 1981 based on race and alienage, and/or by filing charges, testifying,

assisting, or participating in investigation, proceeding, or hearing, and/or by being associated with someone who engaged in one or more of these protected activities.

364. Plaintiffs/Intervenors' protected activity included filing charges with the police, CCRD, and EEOC; repeatedly complaining to Mr. Quezada, Ms. Ledezma, Mr. McLean, and Defendant Fleischer of the harassment, discrimination, and retaliation they were experiencing; participating in police and agencies' investigations into Defendants' conduct; assisting in Mr. Quezada's criminal prosecution; and being closely related to individuals engaging in these activities.

365. Defendants actively discouraged Plaintiffs/Intervenors from making complaints and treated their complaints with incredulity and hostility.

366. In response to Plaintiffs/Intervenors' protected conduct, Defendants retaliated against them through adverse employment actions carried out by their managers and supervisors.

367. Defendants' retaliatory adverse employment actions against Plaintiffs/Intervenors included allowing the hostile work environment caused by Mr. Quezada to continue; allowing Mr. Quezada to exploit his supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; hiring Ms. Ledezma to "clean house" and take care of the "problems" in Vail Run's housekeeping department; allowing Ms. Ledezma to exploit her supervisory power and adversely affect Plaintiffs/Intervenors' work environment, assignments, schedules, hours, and pay; and ultimately discharging and/or constructively discharging Plaintiffs/Intervenors.

368. Defendants treated Plaintiffs/Intervenors more adversely than their similarly situated counterparts who did not oppose race and alienage discrimination in the workplace.

369. The effect of the practices complained of above has been to deprive Plaintiffs/Intervenors of equal employment opportunities, otherwise adversely affect their status as an employees, deprive them of their right to make and enforce contracts, and deprive them of the full and equal benefit of laws, because they engaged in protected activity.

370. The unlawful employment practices complained of above were intentional.

371. The unlawful employment practices complained of above were done with malice or reckless indifference to the federally protected rights of Plaintiffs/Intervenors.

372. The retaliatory employment practices and other acts or omissions of Defendants and their agents, supervisors, and employees directly and proximately resulted in such damages as may be proven at trial, including but not limited to lost income and benefits; lost employment opportunities; psychological, emotional, and mental anguish; distress, humiliation, embarrassment, and degradation; pain and suffering; and Plaintiffs/Intervenors' attorneys' fees in bringing this action.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs/Intervenors respectfully request that this Court enter judgment in their favor and against Defendants, and award them all relief as allowed by law, including, but not limited to the following:

All declaratory relief and injunctive relief, as appropriate;

- a. Actual economic damages, including but not limited to backpay, frontpay, and lost benefits, as established at trial;
- b. Compensatory damages, including but not limited to those for future pecuniary and non-pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, and other non-pecuniary losses;
- c. Punitive damages for all claims as allowed by law in an amount to be determined at trial;
- d. Issuance of an Order mandating appropriate equitable relief, including but not limited to:
 1. A formal written apology from Defendants to Plaintiffs/Intervenors;
 2. The imposition of policy changes designed to avoid future similar misconduct by Defendants;
 3. Mandatory training designed to avoid future similar misconduct by Defendants; and
 4. Imposition of disciplinary action against appropriate employees of Defendants;
- e. Pre-judgment and post-judgment interest at the highest lawful rate;
- f. Attorneys' fees and costs; and
- g. Such further relief as justice requires.

PLAINTIFFS/INTERVENORS DEMAND A JURY TRIAL ON ALL ISSUES SO TRIABLE.

RESPECTFULLY SUBMITTED this 19th day of August 2015.

RATHOD I MOHAMEDBHAI LLC

s/Arash Jahanian _____

Arash Jahanian

Qusair Mohamedbhai

2701 Lawrence Street, Suite 100

Denver, CO 80205

(303) 578-4400 (t)

(303) 578-4401 (f)

aj@rmlawyers.com

qm@rmlawyers.com

ATTORNEYS FOR PLAINTIFFS/INTERVENORS