

1 JOHN PETER LEE, LTD.  
JOHN PETER LEE, ESQ.  
2 Nevada Bar No. 001768  
JOHN C. COURTNEY, ESQ.  
3 Nevada Bar No. 011092  
830 Las Vegas Boulevard South  
4 Las Vegas, Nevada 89101  
(702) 382-4044 ; Fax: (702) 383-9950  
5 E-mail: [info@johnpeterlee.com](mailto:info@johnpeterlee.com)  
*Attorneys for Charles Layne*

6 **UNITED STATES DISTRICT COURT**  
7  
8 **DISTRICT OF NEVADA**

9 CHARLES LAYNE, an individual,  
10  
Plaintiff,

CASE NO.:

11 v.

12 CFI SALES & MARKETING, LLC dba  
WESTGATE RESORT, CFI SALES &  
13 MARKETING, INC. dba WESTGATE  
RESORT, DOES I-X, inclusive, ROES I-X,  
14 INCLUSIVE,

**(DEMAND FOR JURY TRIAL)  
(DEMAND FOR STAY OF DISCOVERY  
UNTIL AFTER E.N.E.)**

15 Defendants.

16 2547.024958-th

17 **COMPLAINT**

18 COMES NOW, Plaintiff, CHARLES LAYNE (hereinafter "Plaintiff"), by and through his  
19 counsel, John Peter Lee, Ltd. and alleges as follows:

20 **PARTIES**

- 21 1. Plaintiff Charles Layne (hereinafter "Plaintiff") is a resident of the State of Nevada, County  
22 of Clark.
- 23 2. Defendant CFI SALES & MARKETING, LLC dba WESTGATE RESORT is a foreign  
24 limited-liability company created under the laws of the State of Florida, registered to conduct  
25 business, and conducting business, in the State of Nevada.
- 26 3. Defendant CFI SALES & MARKETING, INC. dba WESTGATE RESORT (hereinafter  
27 "WESTGATE" or "Defendant") is a foreign corporation created under the laws of the State of  
28 Florida, registered to conduct business, and conducting business, in the State of Nevada.

**JOHN PETER LEE, LTD.**  
ATTORNEYS AT LAW  
830 LAS VEGAS BLVD. SOUTH  
LAS VEGAS, NEVADA 89101  
Telephone (702) 382-4044  
Telecopier (702) 383-9950

1 4. The true names or capacities, whether individual, corporate, associate, or otherwise  
2 of Defendants DOES I through X, and ROES I through X, are unknown to Plaintiff at this time, who  
3 therefore sue said Defendants by such fictitious names. Plaintiff is informed and believes that each  
4 of said Defendants is responsible in some manner for the events and happenings referred to herein  
5 and each of said Defendants proximately caused the injuries and damages complained of herein.  
6 Plaintiff shall request leave of this Court to amend this Complaint to insert the true names and  
7 capacities of said Defendants when the same are ascertained.

8 **JURISDICTION AND VENUE**

9 5. This is an action arising under the laws of the United States of America, in particular Title  
10 VII of the Civil Rights Act of 1964 (hereinafter "Title VII"), as amended, 42 U.S.C. § 2000e *et seq.*,  
11 and the Civil Rights Act of 1991.

12 6. The jurisdiction of this Court is invoked pursuant to the provisions of Title VII, 42 U.S.C.  
13 §§ 2000e-5 and 2000e-16(c), and the general civil rights jurisdictional provisions of 28 U.S.C. §  
14 1343(a)(4) and/or § 1345.

15 7. Supplemental jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1367 over the  
16 State law claims which are so related to the federal claims in this action that they form part of the  
17 same case or controversy under Article III of the Constitution of the United States of America.

18 8. Venue is invoked pursuant to 28 U.S.C. § 1391 and is proper because a substantial portion  
19 of the events, acts or omissions giving rise to the claims occurred in southern Nevada and because  
20 at all relevant times Defendant was doing business in southern Nevada.

21 9. Defendants' conduct is discriminatory with respect to Plaintiff's race and/or color.

22 10. The conduct complained of in this action involves, *inter alia*, failure to promote and unequal  
23 terms and conditions of employment, based sole, or at least in part, on Plaintiff's membership in a  
24 protected class.

25 11. Plaintiff filed charges with the United States Equal Employment Opportunity Commission  
26 ("EEOC") regarding the alleged discriminatory acts and the EEOC issued its Letter of Determination  
27 finding "that the evidence obtained in the investigation establishes reasonable cause to believe that  
28 the [WESTGATE] subjected [Plaintiff] to different terms and conditions of employment by

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LAS VEGAS, NEVADA 89101  
Telephone (702) 382-4044  
Telecopier (702) 383-9950

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1 restricting him to the potential customers and possible sales to only those of his same race, in  
2 violation of Title VII.” Exhibit “1”.

3 12. The United States Equal Opportunity Employment Commission issued a Notice-of-Right-to-  
4 Sue letter (copy attached), dated October 17, 2014, which was received by Plaintiff on or about  
5 October 20, 2014. Exhibit “2”.

6 13. Plaintiff is an employee within the meaning of 42 U.S.C. § 2000e(f).

7 14. Defendants are an employer, employment agency, or labor organization within the meaning  
8 of 42 U.S.C. § 2000e(b), (c), or (d).

9 15. Defendant is engaged in commerce within the meaning of 42 U.S.C. § 2000e(g).

10 16. Plaintiff has exhausted his administrative remedies in compliance with Title VII.

11 17. Plaintiff filed the instant complaint within 90 days of receipt of the Notice-of-Right-to-Sue  
12 letter issued by the EEOC.

13 **GENERAL FACTUAL ALLEGATIONS**

14 18. On or about January 31, 2011, Plaintiff filed an Employment Discrimination Complaint with  
15 the Nevada Equal Rights Commission (hereinafter “NERC”), naming “Westgate Resorts” as the  
16 discriminating party.

17 19. Plaintiff alleged to NERC and the EEOC (collectively, the “EEOC”), and again alleges  
18 herein, that Richard Siegel (hereinafter “Siegel”) is, and was at all relevant times, the Vice President  
19 of Sales for Defendant.

20 20. Plaintiff alleged to the EEOC, and again alleges herein, that Ed Makula is, and was at all  
21 relevant times, the local Human Resources Manager for Defendant.

22 21. Plaintiff was hired by Defendant, or Defendant’s predecessor in interest, on or about July 1,  
23 1994.

24 22. Plaintiff was given the position of salesperson for Defendant in 1994 when Plaintiff worked  
25 for Defendant in Orlando, Florida.

26 23. Over the next eleven (11) months, Plaintiff’s performance was so exemplary that he was  
27 promoted to sales manager in July of 1995.

28 24. In 1996, Defendant opened a satellite resort operation, commonly referred to as Westgate

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1 Towers.

2 25. At the time the Westgate Towers was opened, Plaintiff's performance as a sales manager was  
3 so exemplary that he was promoted to Assistant Director of Sales for the Westgate Towers project.

4 26. Plaintiff was instrumental in assisting Defendant in "selling-out" the Westgate Towers  
5 project ahead of schedule.

6 27. Upon the success of "selling-out" the Westgate Towers project, Defendant transferred  
7 Plaintiff to the Westgate Vacation Villas' operation.

8 28. Defendant regarded Plaintiff as very successful in the performance of his assigned duties as  
9 evidenced by the fact that Plaintiff was paid an annual salary of \$150,000.00 in 2001, his salary was  
10 increased to \$185,000.00 in 2002, and Plaintiff continued to enjoying increasing remuneration,  
11 peaking at approximately \$250,000.00, until the time that Plaintiff began complaining about the  
12 Discrimination Policy and Procedures (defined below) that were in effect at the Las Vegas  
13 operations.

14 29. In 2008, Plaintiff became an employee under the chain of command of Richard Siegel.

15 30. The industry standard for matching salespersons to prospective buyers is generally on a  
16 rotational basis, whereby race, color and gender does not play a role in the standard.

17 31. There are few exceptions to the general industry standard. For example, if a prospective  
18 buyer does not speak English well, and prefers to communicate in Japanese, the prospective buyer  
19 would be matched to a salesperson who spoke Japanese, if such a salesperson was available.

20 32. From the time that Plaintiff was put under the chain of command of Siegel, Plaintiff, among  
21 others, witnessed race, general, national origin and sex gradually becoming a determinative factor  
22 in matching buyers to salespersons.

23 33. Upon information and good faith belief, Siegel was the chief architect of an elaborate and  
24 detailed system of unlawful discrimination having an impact and effect on all sales persons  
25 employed by Defendant in the Las Vegas area (hereinafter the "Discrimination Policy and  
26 Procedures"), including Plaintiff.

27 34. Pursuant to the Discrimination Policy and Procedures, all Black salespersons were to be  
28 matched with prospective Black buyers of time-share units from Defendant.

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1 35. Pursuant to the Discrimination Policy and Procedures, all White salespersons were to be  
2 matched with prospective White buyers of time-share units from Defendant.

3 36. Pursuant to the Discrimination Policy and Procedures, all Latino (i.e., Hispanic) salespersons  
4 were to be matched with prospective Latino buyers of time-share units from Defendant. This aspect  
5 of the Discrimination Policy and Procedures was strictly adhered to whenever possible even if the  
6 Latino prospective buyers spoke perfect English.

7 37. Pursuant to the Discrimination Policy and Procedures, all Lesbian, Gay, Bisexual and  
8 Transgender (hereinafter "LGBT") salespersons were to be matched with prospective LGBT buyers  
9 of time-share units from Defendant, with a preference known to all salespersons that Gays were to  
10 be matched with Gays, Lesbians with Lesbians, etc., whenever possible.

11 38. Pursuant to the Discrimination Policy and Procedures, all male salespersons, particularly  
12 closers, were not to be matched with prospective female buyers of time-share units from Defendant.

13 39. On one particular and specific instance, Lance Burns (hereinafter "Burns"), a Black  
14 Salesperson, tried to sell a time-share unit to a White family.

15 40. Upon information and good faith belief, Burns and the supervising salesperson on duty was  
16 admonished by upper-level management for pairing a Black salesperson with a White prospective  
17 buyer.

18 41. On another particular and specific instance, Charles Dawkins, agent for Defendant, called  
19 upon Plaintiff, a Black male, to close a sale whereby the prospective buyers were two females.

20 42. Siegel personally instructed Plaintiff that he was not permitted to close the sale with the two  
21 females, and Siegel ordered a female salesperson to close the sale with the female prospective  
22 buyers.

23 43. The female salesperson closed the sale with the two females in the amount of approximately  
24 \$60,000.00, causing Plaintiff a lost opportunity to earn approximately \$1,800.00 in commissions.

25 44. Thereafter, Plaintiff was made fully aware that there existed a strict policy of racial and  
26 sexual profiling, instituted and/or promoted by Siegel himself.

27 45. During Plaintiff's tenure with Defendant, Plaintiff learned that the following persons, among  
28 others, were direct witnesses to the Discrimination Policies and Procedures: (1) Naima Salama; (2)

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Telecopier (702) 383-9950

1 Joshua Campos; (3) Craig Kelly; (4) Sandy Saltzburg; (5) Brandon Beerbohn; (6) Janine Virga; (7)  
2 Indra Estivariz; and (8) Victor Curry.

3 46. Upon information and good faith belief, all of the witnesses mentioned in the previous  
4 paragraph are no longer employed by Defendant, except Victor Curry, a White upper-level manager  
5 who willfully assisted Siegel in making sure that the Discrimination Policy and Procedures were  
6 followed to the fullest extent possible.

7 47. Makula, the Human Resources Manager, was also made fully aware of the Discrimination  
8 Policy and Procedures, but knowingly opted to turn a blind eye to the unlawful practice.

9 48. After complaining about the Discrimination Policy and Procedures to Executive Director  
10 Jesus Rodriguez and Director Victor Curry, Siegel began a scheme and/or process of punishing and  
11 demoting Plaintiff over a period of several months, until such time that Plaintiff was earning less  
12 than \$60,000.00 per year.

13 49. When Plaintiff complained to directors for Defendant about the Discrimination Policy and  
14 Procedures, Plaintiff was told that he was not being a "team player."

15 50. Plaintiff was also specifically directed to follow the Discrimination Policy and Procedures.

16 51. Plaintiff also complained to his lower-level superiors about the Discrimination Policy and  
17 Procedures including, without limitation, Naima Salama and Joshua Campos.

18 52. Plaintiff was transferred to Flamingo Bay, one of Defendant's properties that would give  
19 Plaintiff a lesser opportunity to earn income, particularly when coupled with the fact that Plaintiff  
20 was stripped of his six-figure salary and relegated to a commission-only position at a comparatively  
21 blighted property.

22 53. Upon the transfer, Plaintiff's income fell from earning thousands per week to a mere  
23 hundreds per week.

24 54. Due to the financial hardship imposed upon Plaintiff for not being a "team player" with  
25 respect to the Discrimination Policy and Procedures, Plaintiff felt compelled to resign from his  
26 employment for Defendant in October of 2010.

27 55. Plaintiff, after filing a complaint with EEOC, met with Intake Officer Maurice Davis to  
28 discuss his case on Tuesday, March 22, 2011, at approximately 3:00 p.m.



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LAS VEGAS, NEVADA 89101  
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1 56. Since leaving the employment for Defendant, Plaintiff has secured other employment  
2 opportunities, however, Plaintiff now earns only a fraction of what he earned prior to complaining  
3 about the Discrimination Policy and Procedures.

4 57. Plaintiff's financial condition became such a hardship that Plaintiff was forced to seek relief  
5 by and through a bankruptcy action and his home has been in various states of the foreclosure  
6 process over the past few years.

7 **FIRST CAUSE OF ACTION**

8 **(Unlawful Discrimination Under Title VII of the Civil Rights Act of 1964 – Race/Color)**

9 58. Plaintiff reaffirms and realleges paragraphs 1 through 57 as if specifically set forth herein.

10 59. Plaintiff was subjected to, *inter alia*, a hostile work environment, treated differently than  
11 similarly situated non-Black employees, particularly due to, *inter alia*, the Discrimination Policy and  
12 Procedures.

13 60. Defendant's employment decisions related to Plaintiff's wages and job assignments were  
14 motivated, at least in part, by Plaintiff's race and/or color, particularly his being Black.

15 61. Plaintiff sustained damages as an actual and proximate result of Defendant's employment  
16 decisions that were based upon Plaintiff's membership in a protected class, particularly the class of  
17 persons of African/Carribbean descent.

18 62. Plaintiff was forced to hire legal counsel to bring the instant action.

19 **SECOND CAUSE OF ACTION**

20 **(Violation of NRS 613.330, *et seq.*)**

21 63. Plaintiff reaffirms and realleges paragraphs 1 through 62 as if specifically set forth herein.

22 64. Defendant's employment decisions related to Plaintiff's wages and job assignments were  
23 motivated, at least in part, by Plaintiff's race and/or color and/or age, particularly his being a  
24 heteroexual, Black male over the age of forty.

25 65. Plaintiff sustained damages as an actual and proximate result of Defendant's employment  
26 decisions that were based upon Plaintiff's sex and/or color and/or race and/or ethnicity and/or his  
27 sexual orientation, heterosexual.

28 66. Plaintiff was forced to hire legal counsel to bring the instant action.

**THIRD CAUSE OF ACTION**

**(Retaliation)**

67. Plaintiff reaffirms and realleges paragraphs 1 through 66 here and above as if specifically set forth more fully herein.

68. Defendant began treating Plaintiff with increased oppression, *inter alia*, after Plaintiff complained about the Discrimination Policy and Procedures.

69. Plaintiff sustained damages as an actual and proximate result of Defendant's retaliation against Plaintiff.

70. Plaintiff was forced to hire legal counsel to bring the instant action.

**JURY DEMAND**

Plaintiff hereby demands this matter be heard by a jury.

**PRAAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that this Court grant the following relief:

1. Enjoin Defendant, its officers, agents, employees, successors and all persons in active concert or participation with it, from discriminating on the basis of race, color, national origin, ethnicity and sexual orientation;
2. Order Defendant to adopt a policy designed to reasonably accommodate the race and color of employees and prospective employees who are subject to the policy;
3. Provide make-whole remedial relief to Plaintiff, including back pay and/or front pay with interest, to compensate him for the loss he has suffered as a result of Defendant's discriminatory conduct alleged in this Complaint;
4. Award damages to Plaintiff to fully compensate him for pain, suffering, inconvenience, mental anguish and loss of enjoyment of life caused by Defendant's discriminatory conduct alleged in this Complaint;
5. Award nominal damages to Plaintiff;
6. Award punitive damages to Plaintiff;
7. Award a declaration of seniority relief to Plaintiff;
8. Award salary increases to Plaintiff;

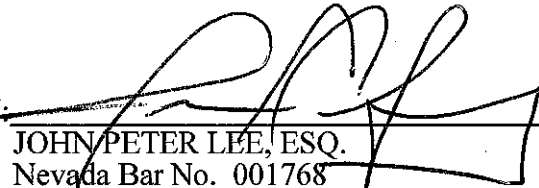
**JOHN PETER LEE, LTD.**  
 ATTORNEYS AT LAW  
 830 LAS VEGAS BLVD. SOUTH  
 LAS VEGAS, NEVADA 89101  
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- 1 9. Award future monetary losses to Plaintiff;
- 2 10. Award Plaintiff attorney's fees and costs pursuant to 42 U.S.C. § 2000e-5(k), NRS 613.490,
- 3 or any other statute;
- 4 11. Enjoin Defendant to allow Plaintiff to interview for advanced positions within Defendant's
- 5 company;
- 6 12. Issue a stay of proceedings immediately after the pleadings stage has been closed until such
- 7 time that the parties have engaged in settlement discussions by and through the Early Neutral
- 8 Evaluation process; and
- 9 13. Any other relief that the Court deems appropriate under the circumstances.

10 DATED this 14<sup>th</sup> day of January, 2015.

11 JOHN PETER LEE, LTD.

12  
 13 BY:   
 14 JOHN PETER LEE, ESQ.  
 15 Nevada Bar No. 001768  
 16 JOHN C. COURTNEY, ESQ.  
 17 Nevada Bar No. 011092  
 18 830 Las Vegas Boulevard South  
 19 Las Vegas, Nevada 89101  
 20 (702) 382-4044 Fax: (702) 383-9950  
 21 *Attorneys for Plaintiff*

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JOHN PETER LEE, LTD.  
 ATTORNEYS AT LAW  
 830 LAS VEGAS BLVD. SOUTH  
 LAS VEGAS, NEVADA 89101  
 Telephone (702) 382-4044  
 Telecopier (702) 383-9950

**Exhibit “1”**

**Exhibit “1”**



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Las Vegas Local Office**

333 Las Vegas Blvd. South, Suite 8112  
Las Vegas, NV 89101  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-6820  
Las Vegas Status Line: (866) 408-8075  
Las Vegas Direct Dial: (702) 388-5013  
TTY (702) 388-5098  
FAX (702) 388-5094

**EEOC Charge No.: 34B-2011-00453**

Charles Layne  
7640 Abilene Hills Ave.  
Las Vegas, NV 89178

Charging Party

Westgate Resorts/CFI marketing  
3785 Las Vegas Blvd. South  
Suite 3500  
Las Vegas, NV 89109

Respondent

**LETTER OF DETERMINATION**

I issue the following determination as to the merits of the charge.

Respondent is an employer within the meaning of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000-e et. seq. ("Title VII"). Timeliness and all requirements for coverage have been met.

Charging Party alleges that he was retaliated against for complaining about a discriminatory policy in that he was subjected to different terms and conditions of employment, including, but not limited to, being denied to ability to give tours to potential customers outside of his protected class, being demoted then discharged and upon rehire, being constructively discharged in violation of the Title VII.

Respondent denies the allegations.

I have determined that the evidence obtained in the investigation establishes reasonable cause to believe that the Respondent subjected Charging Party to different terms and conditions of employment by restricting him to the potential customers and possible sales to only those of his same race, in violation of Title VII.

The Commission makes no finding regarding any other allegation made in the charge.

Respondent is reminded that Federal law prohibits retaliation against persons who have exercised their right to inquire or complain about matters they believe may violate the law. Discrimination

**Determination**

**EEOC Charge No.: 34B-2011-00453**

**Page 2 of 2**

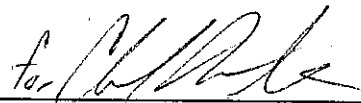
against persons who have cooperated in EEOC investigations is also prohibited. These protections apply regardless of the EEOC's determination on the merits of the charge.

According to Section 706(b) Title VII of the Civil Rights Act of 1964, as amended, requires that if the EEOC determines that there is reasonable cause to believe that the charge is true, it shall endeavor to eliminate the alleged unlawful practices by informal methods of conference, conciliation, and persuasion. Having determined that there is reason to believe that a violation occurred, the Commission now invites the parties to join with it in a collective effort toward a just resolution of this matter. If the Respondent declines to enter into settlement discussions, or when, for any other reason, a settlement acceptable to the Director is not obtained, the Director will inform the parties in writing and advise them of the court enforcement alternatives available to the Charging Party, aggrieved persons and the Commission.

Should the Respondent have further questions regarding the conciliation process, or the conciliation terms they would like to propose, we encourage the Respondent to contact Investigator Ramiro Gutierrez at (702) 388-5081. Should there be no response from the Respondent in fourteen (14) days, please be advised that the EEOC may conclude that further conciliation efforts would be futile or nonproductive.

On Behalf of the Commission:

4/23/14  
Date

  
\_\_\_\_\_  
Amy Burkholder  
Local Director  
Las Vegas Local Office

cc: Myrna L. Maysonet  
Greenspoon Marder, P.A.  
201 East Pine Street, Suite 500  
Orlando, FL 32801

**Exhibit “2”**

**Exhibit “2”**

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**NOTICE OF RIGHT TO SUE**  
(CONCILIATION FAILURE)To: Charles Layne  
7640 Abilene Hills Ave.  
Las Vegas, NV 89178From: Los Angeles District Office  
255 E. Temple St. 4th  
Los Angeles, CA 90012On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
34B-2011-00453	Ramiro M. Gutierrez, Investigator	(213) 894-6573

**TO THE PERSON AGGRIEVED:**

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

  
 Rosa M. Viramontes,  
Acting District Director
10 17 14  
(Date Mailed)

Enclosures(s)

cc: Sarah A. Slaughter, Esq.  
Greenspoon Marder Law  
201 East Pine Street, Suite 500  
Orlando, FL 32801



**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

**CIVIL COVER SHEET**

JS 44 (Rev. 12/12)

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**

Charles Layne

(b) County of Residence of First Listed Plaintiff Clark County, NV  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
John Peter Lee, Ltd., 830 Las Vegas Blvd. S., Las Vegas, NV 89101  
(702) 382-4044

**DEFENDANTS**

CFI SALES & MARKETING, LLC dba WESTGATE RESORT; CFI SALES & MARKETING, INC. dba WESTGATE RESORT

County of Residence of First Listed Defendant  
(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
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 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)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

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

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	PROPERTY RIGHTS	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			IMMIGRATION	FEDERAL TAX SUITS	
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**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

**VI. CAUSE OF ACTION**

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

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 750,000 CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 14 Jan, 2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_