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5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 JANINE VIRGA, an Individual,

Case No:

9 Plaintiff,

**NOTICE OF REMOVAL**

vs.

10 CFI SALES AND MARKETING, LTD.  
11 d/b/a and a/k/a WESTGATE RESORTS;  
CFI SALES & MARKETING, INC. d/b/a  
12 And a/k/a WESTGATE RESORTS;  
CFI RESORTS MANAGEMENT, INC.;  
13 CFI SALES & MARKETING, LLC;  
WESTGATE RESORTS, LTD;  
14 WESTGATE RESORTS, INC.;  
WESTGATE MARKETING, LLC; DOES  
15 1 through 10; and ROE Corporations 11  
Through 20, inclusive,

16 Defendants.  
17

18 **DEFENDANTS' NOTICE OF REMOVAL**

19 To: Christian Gabroy, Esquire  
Gabroy Law Office  
20 170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012

21 Pursuant to 28 U.S.C. §§ 1441(a) and 1446, Defendants, CFI SALES AND  
22 MARKETING, LTD, CFI SALES & MARKETING, INC., CFI RESORTS MANAGEMENT,  
23 INC., CFI SALES & MARKETING, LLC, WESTGATE RESORTS, LTD, WESTGATE  
24

KAEMPFER CROWELL  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113

1 RESORTS, INC. and WESTGATE MARKETING, LLC, ("Defendants")<sup>1</sup>, give notice of the  
2 removal of the above-entitled action from the District Court of the Eighth Judicial District Court,  
3 Clark County, Nevada (Case No.: A-15-712119-C) to the United States District Court, District of  
4 Nevada.

5 **Factual Background**

6 1. On January 9, 2015, Plaintiff, Janine Virga ("Virga"), filed a complaint  
7 ("Complaint") in the District Court of the Eighth Judicial District Court, Clark County, Nevada,  
8 against Defendants alleging state and federal claims, including alleged violations of 42 U.S.C. §  
9 2000e-2 ("Title VII"). A copy of the Complaint is attached as **Exhibit A**.

10 2. On January 12, 2015, a letter titled "Notice of Lawsuit" was received at the  
11 Westgate Las Vegas Resort & Casino <sup>2</sup> ("Resort"). *See Exhibit B*. The letter which  
12 purportedly was faxed on January 9, 2015, but which was not received until January 12, 2015,  
13 contained a single page which read in its entirety as follows:

14 Dear Amy Sances:

15 By this notice, Plaintiff's employer, CFI Sales and Marketing, LTD. d/b/a and a/k/a  
16 Westgate Resorts, and any other related entities are hereby put on notice of the attached  
lawsuit brought by Janine Virga.

17 3. However, no lawsuit was attached to this January 9, 2015 letter.

18 4. On January 15, 2015, a copy of the January 9, 2015 letter was received by mail at  
19 the Resort. *See Exhibit C*. No copy of "the complaint" was attached to the letter, contrary to the  
20 language of the letter indicating that it was attached.

21 5. Defendants procured a copy of the actual Complaint by January 20, 2015.  
22 However, nothing in this Notice shall be construed as a waiver of any defenses available to the

23 \_\_\_\_\_  
<sup>1</sup> This firm represents all Defendants in this matter.

24 <sup>2</sup> The address listed in the letter is not the correct address for service of process for any of the  
Defendants.

1 Defendants.

2 6. All Defendants were formally served with process on January 27, 2015.

3 **Statement of Jurisdiction**

4 7. The United States District Court for District of Nevada has original jurisdiction of  
5 the federal claim asserted by Virga in the Complaint by virtue of 28 U.S.C. § 1331. As discussed  
6 above, Virga seeks relief against Defendants for alleged violations of Title VII. *See* 42 U.S.C. §  
7 2000e and **Exhibit A**, Counts I and II alleging race and sex discrimination as well as retaliation  
8 under Title VII. The alleged violations arise out of acts or omissions which allegedly occurred  
9 within the geographic boundaries of the District of Nevada, specifically, in Clark County,  
10 Nevada. The United States District Court has original jurisdiction of federal claims arising under  
11 Title VII. Consequently, this action may be removed to this Court pursuant to 28 U.S.C. §  
12 1441(a).

13 8. Written notice of the filing of this Notice of Removal is being served this date on  
14 Virga's counsel of record.

15 9. A true and correct copy of this Notice of Removal is being filed this date with the  
16 Clerk of the District Court for the Eighth Judicial Circuit for Clark County, Nevada. *See* **Exhibit**  
17 **D**, without attachment.

18 10. A copy of all process, pleading, and orders served upon defendant in this action  
19 has been included as Composite **Exhibit E**, as required by 28 U.S.C. § 1446(d).

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Suite 250  
Las Vegas, Nevada 89113

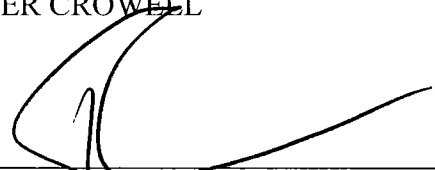
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11. Defendants have timely removed this action to federal court within thirty (30) days of their receipt of Virga’s Complaint on January 20, 2015, which is Virga’s first pleading setting forth a claim for relief upon which removal may be based, and the first pleading from which it may be ascertained that this action is one which has become removable.

DATED this 5<sup>th</sup> day of February, 2015.

KAEMPFER CROWELL

BY:



JAMES E. SMYTH II (Nevada Bar No. 6506)  
8345 West Sunset Road, Suite 250  
Las Vegas, Nevada 89113  
*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of the Court by using the CM/ECF system on this 5<sup>th</sup> day of February, 2015.

**SERVICE LIST**

Christian Gabroy, Esq., NV Bar 8805  
Ivy Hensel, Esq., NV Bar 13502  
GABROY LAW OFFICES  
170 S. Green Valley Pkwy., Ste. 280  
Henderson, NV 89012  
*Attorneys for Plaintiff*

By: Catherine Ricci  
An Employee of Kaempfer Crowell

**EXHIBIT A**

A- 15- 712119- C

DISTRICT COURT CIVIL COVER SHEET **XXIV**

Clark County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

<b>I. Party Information</b> (provide both home and mailing addresses if different)	
Plaintiff(s) (name/address/phone): Janine Virga	Defendant(s) (name/address/phone): CFI SALES AND MARKETING, LTD. DOES AND ALSO WESTGATE RESORTS, CF, SALES & MARKETING, INC. DOES AND ALSO WESTGATE RESORTS, CFI RESORTS MANAGEMENT, INC.; CFI SALES AND MARKETING, LLC; WESTGATE RESORTS, LTD.; WESTGATE RESORTS, INC.; WESTGATE MARKETING, LLC; DOES 1 through 15; and RDE Corporation 11 through 21, inclusive.
Attorney (name/address/phone): Gabroy Law Offices 170 S Green Valley Parkway, Suite 280 Henderson, NV 89012 (702) 259-7777	Attorney (name/address/phone):

<b>II. Nature of Controversy</b> (please select the one most applicable filing type below)		
<b>Civil Case Filing Types</b>		
<b>Real Property</b>	<b>Negligence</b>	<b>Torts</b>
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input checked="" type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b>	<b>Construction Defect &amp; Contract</b>	<b>Judicial Review/Appeal</b>
<b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b>		<b>Other Civil Filing</b>
<input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ	<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

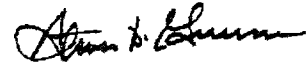
Business Court filings should be filed using the Business Court civil coversheet.

01/09/2015  
Date

  
Signature of initiating party or representative

See other side for family-related case filings.

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COMP  
GABROY LAW OFFICES  
Christian Gabroy (#8805)  
Ivy Hensel (#13502)  
The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite 280  
Henderson, Nevada 89012  
Tel (702) 259-7777  
Fax (702) 259-7704  
christian@gabroy.com  
ATTORNEYS FOR PLAINTIFF

DISTRICT COURT

EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY NEVADA

JANINE VIRGA, an Individual,

Plaintiff,

vs.

CFI SALES AND MARKETING, LTD.  
d/b/a and a/k/a WESTGATE RESORTS;  
CFI SALES & MARKETING, INC. d/b/a  
and a/k/a WESTGATE RESORTS; CFI  
RESORTS MANAGEMENT, INC.; CFI  
SALES & MARKETING, LLC;  
WESTGATE RESORTS, LTD;  
WESTGATE RESORTS, INC;  
WESTGATE MARKETING, LLC; DOES  
1 through 10; and ROE Corporations 11  
through 20, inclusive,

Defendants.

Case No.: A- 15- 712119 - C

Dept.:

XXI V

COMPLAINT

(Jury Demand)

GABROY LAW OFFICES  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 259-7704

COMPLAINT AT LAW

COMES NOW Plaintiff, Janine Virga ("Plaintiff"), by and through her attorney  
Christian Gabroy, Esq. and Ivy Hensel, Esq. of Gabroy Law Offices, and hereby alleges  
and complains against Defendant CFI Sales and Marketing, LTD. d/b/a and a/k/a Westgate  
Resorts ("Westgate" or "Defendant"), Defendant CFI Sales and Marketing, Inc. d/b/a and  
a/k/a Westgate Resorts, Defendant CFI Resorts Management, Inc., Defendant CFI Sales



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(702) 259-7777 FAX: (702) 259-7704

1 and Marketing, LLC., Defendant Westgate Resorts, LTD., Defendant Westgate Resorts,  
2 Inc., Defendant Westgate Marketing, LLC., and states as follows:

3 JURISDICTION

4 1. This is a civil action for damages under state and federal laws prohibiting  
5 unlawful employment actions and to secure the protection of and to redress deprivation of  
6 rights under these laws.

7 2. Jurisdiction and venue is based upon 42 U.S.C. §2000e-2, NRS Chapter  
8 613; and NRS Chapter 233.

9 3. All alleged unlawful employment actions occurred in this judicial district.

10 4. Plaintiff demands a jury trial on all issues triable by jury herein.

11 PROCEDURAL REQUIREMENTS

12 5. Plaintiff has satisfied all administrative and jurisdictional requirements  
13 necessary to maintain this lawsuit. Plaintiff timely filed her charge of discrimination with  
14 the Equal Employment Opportunity Commission ("EEOC") on or about January 6, 2011. A  
15 true and correct copy of Plaintiff's charge of discrimination is attached hereto as Exhibit I.  
16 Such allegations of Exhibit I are hereby incorporated herein in this Complaint.  
17

18 6. Subsequently, the EEOC engaged in an investigation in regards to Plaintiff's  
19 charge of discrimination.  
20

21 7. On or about April 23, 2014, the EEOC issued a determination letter in which  
22 the EEOC found reasonable cause to believe that Defendant had violated the  
23 requirements of Title VII of the Civil Rights Act of 1964. See a true and correct of the letter  
24 of determination from the EEOC attached hereto as Exhibit II. Such allegations of the  
25 letter of determination finding reasonable cause is hereby incorporated herein this  
26 Complaint.  
27

1 8. On or about October 17, 2014, the EEOC issued Plaintiff a Notice of Right  
2 to Sue. See a true and correct copy of Plaintiff's right to sue attached hereto as Exhibit III.  
3 As such, this matter has been timely filed.

4 THE PARTIES

5 9. At all times relevant, plaintiff was  
6 a. an individual residing in this judicial district  
7 b. an employee of Defendant as that term is defined in Title VII of the Civil  
8 Rights Act of 1964, 42 USCA §2000(e) and NRS Chapter 613.

9  
10 10. All incidents giving rise to this suit occurred in the city of Las Vegas, Clark  
11 County, State of Nevada.

12 11. Plaintiff is informed and believes and thereon alleges that, at all times  
13 relevant, Defendants were listed with the Nevada Secretary of State and were doing  
14 business in this Judicial District in Clark County, Nevada where the subject unlawful  
15 employment practices occurred.

16  
17 12. Plaintiff is informed and believes and thereon alleges that at all times  
18 relevant, Defendants were Plaintiff's employer, as that term is defined in 42 USC  
19 §2000e and NRS 613.310(2) in that Defendants had "fifteen or more employees for  
20 each working day in each of twenty or more calendar weeks in the current or preceding  
21 calendar year."

22  
23 13. According to the Nevada Secretary of State, Defendant CFI Sales &  
24 Marketing, LTD. was originally organized on or about July 12, 2005. Subsequently,  
25 Defendant CFI Sales & Marketing, LTD. cancelled its limited partnership due to merger on  
26 or about February 8, 2007. Further, Defendants are liable as an employer under our law  
27 as successor entities, joint venturers, and or joint enterprises under our laws.

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1           14.    There is an unity of interest and ownership between all corporate  
2 Defendants.

3           15.    Upon information and belief, the Defendants are affiliated corporations with  
4 the same owners, managers or officers between them. The Defendants are jointly and  
5 severally liable for Defendant's actions. The assets and liabilities of all Defendants were  
6 and are at relevant times treated as the assets of one and the same entity.

7           16.    At all times pertinent hereto, Defendants were the agents and/or employees  
8 and/or co-adventurers and/or partners and/or alter egos and/or predecessors and/or  
9 successors of their Co-Defendants, and in doing the acts and omissions hereinafter  
10 alleged were acting in the course and scope of such agency, employment, co-adventure,  
11 partnership, or alter ego and with the permission, consent, and encouragement of their  
12 Co-Defendants. Upon information and belief, the named Defendants operate to some  
13 degree a single enterprise, pursue the same business, serve each other, and share  
14 common management and resources. Further, there is common ownership and financial  
15 control between the entities, centralized control of labor operations and interrelations of  
16 the operations. Under our law, they constitute an integrated enterprise and employer of  
17 Plaintiff.  
18

19  
20           17.    Does 1-10 and Roe Corporations 11-20, at all times relevant, were  
21 entities, whether individual, corporate, limited liability company and/or companies,  
22 associates, partnership(s), agents or otherwise, who are in some manner responsible  
23 for the manner of events, happenings and/or negligence described herein, who were  
24 Plaintiff's employer and who are unknown to Plaintiff at this time and therefore Plaintiff  
25 sues said Defendant(s) by such fictitious names and will seek leave of the Court to  
26 Amend this Complaint to show their true names and capacities when ascertained.  
27  
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1 These Defendants who are sued by such fictitious names owed Plaintiff a duty of  
2 reasonable care and/or violated statutory provisions that apply to Plaintiff and protect  
3 Plaintiff. Plaintiff demands a trial by jury on all issues.

4 FACTUAL ALLEGATIONS

5 18. In or around August of 2008, Defendants hired Plaintiff as a sales associate.

6 19. At all times relevant, Plaintiff was an exemplary employee of Defendants.  
7 Plaintiff received positive performance reviews.

8 20. Plaintiff is a Caucasian female and, at all times relevant, while employed  
9 with Defendants was unmarried.

10 21. As a part of her duties as a sales associate, Plaintiff was required to engage  
11 in tours with potential clients. Plaintiff's supervisors, who were agents of Defendants,  
12 assigned potential clients to sales associates.

13 22. Agents of Defendants, including the Director of Sales, Victor Curry ("Curry"),  
14 established a policy and procedure in which sales associates were matched to potential  
15 clients based on race, ethnicity, and sex.

16 23. The Director of Sales stated that if the sales associates were more "similar"  
17 to the potential clients based on race, ethnicity, or sex, the sales associates would be  
18 able to sell more because the parties had more in common.

19 24. Based on Defendants' policy and procedure, Plaintiff was assigned to tours  
20 of potential clients who were Caucasian, typically were female, typically unmarried, and  
21 around the same age as Plaintiff.

22 25. While employed by Defendants, Plaintiff took two potential clients who were  
23 African-American on a tour.

24 26. Subsequently, the President, David Siegel ("Siegel"), an agent of  
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1 Defendants, asked why Plaintiff toured an African-American couple, because Plaintiff was  
2 Caucasian.

3 27. On another occasion, Plaintiff invited a potential client who was African-  
4 American to sit with her at a table. Siegel chastised Plaintiff for inviting an African-  
5 American client to sit at a "Caucasian table." Subsequently, when Plaintiff did not secure  
6 a deal with the potential clients at the table, Siegel stated it was because Plaintiff invited  
7 the African-American to the "Caucasian table."

8 28. Defendant continued to assign potential clients who were Caucasian,  
9 young, and unmarried females to Plaintiff. Plaintiff asked Curry why this practice was  
10 occurring, and he stated it was because he believed "she could only sell to Whites."

11 29. Defendants' discriminatory policy and practice of assigning potential clients  
12 to sales associates based on race limited Plaintiff's pool of potential sales prospects and,  
13 thus, Plaintiff's earning potential.

14 30. Plaintiff opposed the discriminatory matching policies and procedures used  
15 by Defendants.

16 31. Plaintiff opposed the discriminatory matching policies to her direct  
17 supervisors, Mario Urella and Andrew Sebastian. In response, her direct supervisors  
18 stated that the policies were not going to change and that the sales associates needed to  
19 accept the policies and procedures.

20 32. On or about November 2, 2010, Plaintiff informed her direct supervisor,  
21 Curry, that if the discriminatory matching practices did not cease, she planned to provide  
22 her two weeks' notice. In response, Curry discharged Plaintiff.

23 33. On or about November 2, 2010, Defendants discharged Plaintiff.

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**FIRST CAUSE OF ACTION**  
**Race Discrimination / Harassment/Retaliation**

42 U.S.C. §2000e-2 (Title VII) / NRS 613.330/42 U.S.C. §2000e-3(a)

1  
2 34. Plaintiff repeats and realleges all of the allegations contained in Paragraphs  
3 1 through 33 of this complaint as though fully set forth herein.

4 35. Plaintiff is Caucasian and is identifiable based on her ancestry and ethnic  
5 characteristics.

6 36. At all relevant times, while working for Defendant, Plaintiff had two-toned  
7 hair and minor tattoos visible on her body.

8 37. Plaintiff's performance record shows that she was qualified for the position  
9 of sales associate.

10 38. Despite her qualifications, Defendants, through the actions of its agents and  
11 Plaintiff's supervisors as more fully set forth above, subjected Plaintiff to adverse  
12 employment actions, including according discriminatory treatment to employees by a  
13 pattern of racial discrimination and matching procedures based on race, by denying job  
14 opportunities, and eventually terminating Plaintiff on the basis of her race and opposition  
15 to discriminatory practices.

16 39. Defendants through its policies and procedures assigned potential clients to  
17 Plaintiff based on physical appearance. Defendants assigned potential clients to Plaintiff  
18 who were Caucasian and potential clients with tattoos.

19 40. Defendants through its agents reprimanded Plaintiff for interacting with  
20 potential clients who were African-American.

21 41. This disparate treatment created an abusive, severe, pervasive and hostile  
22 work environment in violation of Title VII and NRS 613.330.

23 42. Defendants, through its managers and directors, knew of this disparate  
24 treatment and took no action to stop it.  
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43. As a direct and proximate result of Defendants' conduct described hereinabove, Plaintiff has sustained damages in excess of Ten Thousand Dollars (\$10,000.00).

44. As a result of Defendants' conduct, as set forth herein, Plaintiff has been required to retain the services of an attorney, and, as a direct, natural, and foreseeable consequence thereof, has been damaged thereby and is entitled to reasonable attorneys' fees and costs.

45. Defendants have acted willfully and maliciously, and with oppression, fraud, or malice, and as a result of Defendants' wrongful conduct, Plaintiff is entitled to an award of exemplary or punitive damages.

**SECOND CAUSE OF ACTION**  
**Sex Discrimination / Harassment/Retaliation**  
**42 U.S.C. §2000e-2 (Title VII) / NRS 613.330/42 U.S.C. §2000e-3(a)**

46. Plaintiff repeats and realleges all of the allegations contained in Paragraphs 1 through 45 of this complaint as though fully set forth herein.

47. As set forth above, Plaintiff is a member of a protected class, female.

48. Plaintiff was discriminated against and terminated on the basis of her sex.

49. Plaintiff was qualified for the position of sales associate. Plaintiff received consistently positive performance reviews.

50. Despite her qualifications, Defendants, through the actions its agents and Plaintiff's supervisors as more fully set forth above, subjected Plaintiff to adverse employment actions, including according discriminatory treatment by conduct of a pattern of sex discrimination, by matching potential clients to sales associates based on sex, by denying job opportunities, and eventually terminating Plaintiff on the basis of her sex and opposition to discriminatory practices.

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1 51. Defendants through its policies and procedures assigned potential clients to  
2 Plaintiff based on physical appearance. Defendants assigned potential clients to Plaintiff  
3 who were female, young, and Caucasian.

4 52. This disparate treatment created an abusive and hostile work environment  
5 in violation of Title VII and NRS 613.330.

6 53. Defendants, through its managers and directors, knew of this disparate  
7 treatment and took no action to stop it.

8 54. As a direct and proximate result of Defendants' conduct described  
9 hereinabove, Plaintiff has sustained damages in excess of Ten Thousand Dollars  
10 (\$10,000.00).

11 55. As a result of Defendants' conduct, as set forth herein, Plaintiff has been  
12 required to retain the services of an attorney, and, as a direct, natural, and foreseeable  
13 consequence thereof, has been damages thereby and is entitled to reasonable attorneys'  
14 fees and costs.

15 56. Defendants acted willfully and maliciously, and with oppression, fraud, or  
16 malice, and as a result of Defendants' wrongful conduct, Plaintiff is entitled to an award of  
17 exemplary or punitive damages.  
18

19  
20 **WHEREFORE**, Plaintiff prays for a judgment against Defendants in as follows:

- 21 1. For general damages in excess of \$10,000.00;  
22 2. For special damages in excess of \$10,000.00;  
23 3. For consequential damages in excess of \$10,000.00;  
24 4. For punitive damages in excess of \$10,000.00;  
25 5. For reasonable attorneys' fees and costs of suit incurred herein; and,  
26 6. Such other and further relief as this Honorable Court may deem just and  
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proper.

Dated this 9th day of January 2015.

Respectfully submitted,

GABROY LAW OFFICES

By h  
CHRISTIAN GABROY

The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite  
280

Henderson, Nevada 89012

Tel (702) 259-7777

Fax (702) 259-7704

**GABROY LAW OFFICES**  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 259-7704

# **EXHIBIT I**

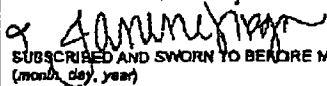

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EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input checked="" type="checkbox"/> FEPA	0106-11-0005L
		<input checked="" type="checkbox"/> EEOC	34B-2011-00164
<b>Nevada Equal Rights Commission</b> and EEOC			
State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.)		Home Phone (incl. Area Code)	Date of Birth
Ms. Janine Virga		[REDACTED]	[REDACTED]
Street Address		City, State and ZIP Code	
[REDACTED]			
Name of the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name		No. Employees, Members	Phone No. (include Area Code)
WESTGATE RESORTS		500 or More	(702) 785-5555
Street Address		City, State and ZIP Code	
3769 Las Vegas Blvd., South Las Vegas, NV 89109			
Name		No. Employees, Members	Phone No. (include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate boxes.)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		Earliest: 08-01-2008    Latest: 11-02-2010 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s):			
Respondent discriminated against me because of my race, White and/ gender, Female, by denying me equal terms and conditions of employment and discharging me. I filed my complaint with the Nevada Equal Rights Commission on November 11, 2010.			
I worked for the Respondent from August 2008 until November 2, 2010, as a Sales Associate.			
During my employment, Victor Curry, Director of Sales, denied me equal terms and conditions of employment. Mr. Curry established a policy that matched sales representatives to the profile of potential clients. David Segal, President asked me why I "toured" a Black couple, when I was White. He also chastised me calling an African-American to a "Caucasian" table. When I did not get the deal, Mr. Segal stated that it was because of the action for bringing the Black client to the White table. Ms. Curry also repeatedly gave me young, tattooed White, unmarried females as potential clients. When I asked him why he was doing this, he replied that he felt I could only sell to Whites.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct:		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
Date: 01/16/2011    Charging Party Signature: Janine Virga		SIGNATURE OF COMPLAINANT: Janine Virga SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE	

EEOC Form 5 (11/09)

01-07-11 P05:12 IN

<b>CHARGE OF DISCRIMINATION</b> <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To:	Agency(ies) Charge No.(s):
		<input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	0106-11-0005L 34B-2011-00164
Nevada Equal Rights Commission		and EEOC	
<small>State or local Agency, if any</small>			
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): This discriminatory practice greatly affected my earning potential, by limiting the pool of potential sale prospects.			
On November 2, 2010, Mr. Curry discharged me, I was discharged along with Sales Associates, Raphael Ernest, Arielle Anderson, and Sales Manager, Brandon Beerbohm.			
It is my contention that we were discharged because we opposed the discriminatory practice of racial profiling of potential sales clients.			
I believe the Respondent's actions violate Title VII of the Civil Rights Act of 1964, as amended and Nevada State Law.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.	
x 1/16/2011		SIGNATURE OF COMPLAINANT 	
Date		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
x 			
Charging Party Signature			

# **EXHIBIT II**

---



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

113 Las Vegas Blvd. South, Suite 8112  
Las Vegas, NV 89101  
Intake Information Group: (800) 669-4000  
Intake Information Group TTY: (800) 669-4020  
Las Vegas Status Line: (866) 418-3473  
Las Vegas Direct Dial: (702) 388-5013  
TTY (702) 388-5098  
FAX (702) 388-5094

EEOC Charge No.: 34B-2011-00164

Janine Virgin

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 she was discriminated against because of her sex, female, and her race, White, in that she 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 her protected class, as well as being terminated, in violation of 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 her to the potential customers and possible sales to only those of her 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-2011-00164

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 III**

---



EEOC Form 161-A (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE  
(CONCILIATION FAILURE)

To: Janine Virga  
[Redacted]  
[Redacted]

From: Los Angeles District Office  
255 E. Temple St. 4th  
Los Angeles, CA 90012

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
34B-2011-00164	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.

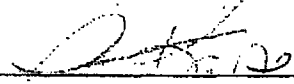
- NOTICE OF SUIT RIGHTS -  
(See the additional information attached to this form.)

**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

**EXHIBIT B**

01/09/2015 16:58 Gabroy Law Offices

(FAX) 702 259 7704

P.001/001

# GABROY LAW OFFICES

The District At Green Valley Ranch  
170 South Green Valley Parkway  
Suite 280

Henderson Nevada 89012

P: (702) 259-7777

F: (702) 259-7704

christian@gabroy.com

RECEIVED  
LEGAL DEPARTMENT

JAN 13 2015

Christian Gabroy

\*Also Admitted In Illinois

January 9, 2015

## NOTICE OF LAWSUIT

VIA FACSIMILE (702)732-5472 AND REGULAR MAIL

Westgate Las Vegas Resort & Casino

Attn: Amy Sances

3000 Paradise Rd.

Las Vegas, NV 89109

*Re: Janina Virga*

Dear Amy Sances:

By this notice, Plaintiff's employer, CFI Sales and Marketing, LTD. d/b/a and a/k/a Westgate Resorts, and any other related entities are hereby put on notice of the attached lawsuit brought by Janina Virga.

Sincerely,

GABROY LAW OFFICES



Christian Gabroy, Esq.

CJG/cs

**EXHIBIT C**

# GABROY LAW OFFICES

The District At Green Valley Ranch  
170 South Green Valley Parkway  
Suite 280

Henderson Nevada 89012

P: (702) 259-7777

F: (702) 259-7704

christian@gabroy.com

RECEIVED  
GABROY LAW OFFICES

JAN 16 2015

Christian Gabroy  
\*Also Admitted in Illinois

January 9, 2015

## NOTICE OF LAWSUIT

### VIA FACSIMILE (702)732-5472 AND REGULAR MAIL

Westgate Las Vegas Resort & Casino

Attn: Amy Sances

3000 Paradise Rd.

Las Vegas, NV 89109

*Re: Janine Virga*

Dear Amy Sances:

By this notice, Plaintiff's employer, CFI Sales and Marketing, LTD. d/b/a and a/k/a Westgate Resorts. and any other related entities are hereby put on notice of the attached lawsuit brought by Janine Virga.

Sincerely,

GABROY LAW OFFICES



Christian Gabroy, Esq.

CJG/cs

# Send Result Report



MFP

## TASKalfa 3550ci

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[2LC\_1000.009.001] [2K9\_1100.002.001] [2LC\_7000.007.009]

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## GABROY LAW OFFICES

The District At Green Valley Ranch  
170 South Green Valley Parkway  
Suite 280

Henderson Nevada 89012

P: (702) 259-7777

F: (702) 259-7704

christian@gabroy.com

Christian Gabroy

\*Also Admitted In Illinois

January 9, 2015

### NOTICE OF LAWSUIT

VIA FACSIMILE (702)732-5472 AND REGULAR MAIL

Westgate Las Vegas Resort & Casino

Attn: Amy Sances

3000 Paradise Rd.

Las Vegas, NV 89109

No.	Date and Time	Destination	Times	Type	Result	Resolution/ECM
001	01/09/15 16:58	7027325472	0'00'27"	FAX	OK	200x100 Normal/Off

**EXHIBIT D**

1 JAMES E SMYTH II  
Nevada Bar No. 6506  
2 KAEMPFER CROWELL  
8345 West Sunset Road, Suite 250  
3 Las Vegas, Nevada 89113  
Telephone: (702) 792-7000  
4 Fax: (702) 796-7181  
[j Smyth@kcnvlaw.com](mailto:j Smyth@kcnvlaw.com)  
5 *Attorneys for Defendants*

6  
7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 JANINE VIRGA, an Individual,  
10 Plaintiff,  
vs.

Case No.: A-15-712119-C  
Dept. No.: XXIV

11 CFI SALES AND MARKETING, LTD.  
d/b/a and a/k/a WESTGATE RESORTS;  
12 CFI SALES & MARKETING, INC. d/b/a  
And a/k/a WESTGATE RESORTS;  
13 CFI RESORTS MANAGEMENT, INC.;  
CFI SALES & MARKETING, LLC;  
14 WESTGATE RESORTS, LTD;  
WESTGATE RESORTS, INC.;  
15 WESTGATE MARKETING, LLC; DOES  
1 through 10; and ROE Corporations 11  
16 Through 20, inclusive,

**NOTICE OF FILING NOTICE OF  
REMOVAL**

17 **NOTICE OF FILING NOTICE OF REMOVAL**

18 PLEASE TAKE NOTICE that Defendants, CFI SALES AND MARKETING, LTD, CFI  
19 SALES & MARKETING, INC., CFI RESORTS MANAGEMENT, INC., CFI SALES &  
20 MARKETING, LLC, WESTGATE RESORTS, LTD, WESTGATE RESORTS, INC. and  
21 WESTGATE MARKETING, LLC, ("Defendants"), have filed a Notice of Removal of this  
22 action on February 5, 2015, pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, in the United  
23 States District Court for the District of Nevada, Case No. A-15-712119-C, Dept. XXIV.  
24

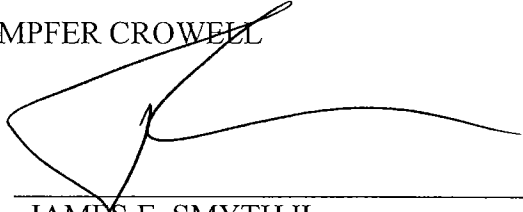
KAEMPFER CROWELL  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113



1 States District Court for Nevada. In accordance with 28 U.S.C. § 1446(d), "...the State court  
2 shall proceed no further unless and until the case is remanded." A copy of the Notice of  
3 Removal is attached and filed herewith

4 DATED this 5<sup>th</sup>, day of February, 2015.

5 KAEMPFER CROWELL



7 BY:

JAMES E. SMYTH II  
Nevada Bar No. 6506  
8345 West Sunset Road, Suite 250  
Las Vegas, Nevada 89113

KAEMPFER CROWELL  
8345 West Sunset Road  
Suite 250  
Las Vegas, Nevada 89113

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing **NOTICE OF FILING NOTICE OF REMOVAL** was made this date by depositing a true copy of the same for mailing at Las Vegas, Nevada, addressed to each of the following:

Christian Gabroy, Esq., NV Bar 8805  
Ivy Hensel, Esq., NV Bar 13502  
GABROY LAW OFFICES  
170 S. Green Valley Pkwy., Ste. 280  
Henderson, NV 89012  
*Attorneys for Plaintiff*

DATED this 5<sup>th</sup> day of February, 2015.

  
\_\_\_\_\_  
an employee of Kaempfer Crowell

**EXHIBIT E**

A- 15- 712119- C

DISTRICT COURT CIVIL COVER SHEET **XXIV**

Clark County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

<b>I. Party Information</b> (provide both home and mailing addresses if different)	
Plaintiff(s) (name/address/phone): Janine Virga	Defendant(s) (name/address/phone): <small>CFI SALES AND MARKETING, LTD. d/b/a and a/k/a WESTGATE RESORTS; CFI SALES &amp; MARKETING, INC. d/b/a                  and a/k/a WESTGATE RESORTS; CFI RESORTS MANAGEMENT, INC.; CFI SALES AND MARKETING, LLC;                  WESTGATE RESORTS, LTD; WESTGATE RESORTS, INC; WESTGATE MARKETING, LLC; DOES 1 through 10;                  and ROE Corporations 11 through 20, inclusive.</small>
Attorney (name/address/phone): Gabroy Law Offices 170 S Green Valley Parkway, Suite 280 Henderson, NV 89012 (702) 259-7777	Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)

<b>Civil Case Filing Types</b>		
<b>Real Property</b> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input checked="" type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b>		<b>Other Civil Filing</b>
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

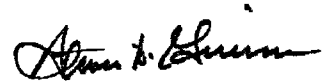
01/09/2015

Date

  
Signature of initiating party or representative

*See other side for family-related case filings.*

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01/09/2015 04:10:11 PM



CLERK OF THE COURT

1 **COMP**  
 2 GABROY LAW OFFICES  
 3 Christian Gabroy (#8805)  
 4 Ivy Hensel (#13502)  
 5 The District at Green Valley Ranch  
 6 170 South Green Valley Parkway, Suite 280  
 7 Henderson, Nevada 89012  
 8 Tel (702) 259-7777  
 9 Fax (702) 259-7704  
 10 christian@gabroy.com  
 11 **ATTORNEYS FOR PLAINTIFF**

**DISTRICT COURT**

**EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY NEVADA**

JANINE VIRGA, an Individual,

Plaintiff,

vs.

CFI SALES AND MARKETING, LTD.  
 d/b/a and a/k/a WESTGATE RESORTS;  
 CFI SALES & MARKETING, INC. d/b/a  
 and a/k/a WESTGATE RESORTS; CFI  
 RESORTS MANAGEMENT, INC.; CFI  
 SALES & MARKETING, LLC;  
 WESTGATE RESORTS, LTD;  
 WESTGATE RESORTS, INC;  
 WESTGATE MARKETING, LLC; DOES  
 1 through 10; and ROE Corporations 11  
 through 20, inclusive,

Defendants.

Case No.: A- 15- 712119- C

Dept.:

XXI V

**COMPLAINT**

**(Jury Demand)**

**COMPLAINT AT LAW**

COMES NOW Plaintiff, Janine Virga ("Plaintiff"), by and through her attorney  
 Christian Gabroy, Esq. and Ivy Hensel, Esq. of Gabroy Law Offices, and hereby alleges  
 and complains against Defendant CFI Sales and Marketing, LTD. d/b/a and a/k/a Westgate  
 Resorts ("Westgate" or "Defendant"), Defendant CFI Sales and Marketing, inc. d/b/a and  
 a/k/a Westgate Resorts, Defendant CFI Resorts Management, Inc., Defendant CFI Sales

**GABROY LAW OFFICES**  
 170 S. Green Valley Pkwy., Suite 280  
 Henderson, Nevada 89012  
 (702) 259-7777 FAX: (702) 259-7704

1 and Marketing, LLC., Defendant Westgate Resorts, LTD., Defendant Westgate Resorts,  
2 Inc., Defendant Westgate Marketing, LLC., and states as follows:

3 JURISDICTION

4 1. This is a civil action for damages under state and federal laws prohibiting  
5 unlawful employment actions and to secure the protection of and to redress deprivation of  
6 rights under these laws.

7 2. Jurisdiction and venue is based upon 42 U.S.C. §2000e-2, NRS Chapter  
8 613; and NRS Chapter 233.

9 3. All alleged unlawful employment actions occurred in this judicial district.

10 4. Plaintiff demands a jury trial on all issues triable by jury herein.

11 PROCEDURAL REQUIREMENTS

12 5. Plaintiff has satisfied all administrative and jurisdictional requirements  
13 necessary to maintain this lawsuit. Plaintiff timely filed her charge of discrimination with  
14 the Equal Employment Opportunity Commission ("EEOC") on or about January 6, 2011. A  
15 true and correct copy of Plaintiff's charge of discrimination is attached hereto as Exhibit I.  
16 Such allegations of Exhibit I are hereby incorporated herein in this Complaint.  
17

18 6. Subsequently, the EEOC engaged in an investigation in regards to Plaintiff's  
19 charge of discrimination.  
20

21 7. On or about April 23, 2014, the EEOC issued a determination letter in which  
22 the EEOC found reasonable cause to believe that Defendant had violated the  
23 requirements of Title VII of the Civil Rights Act of 1964. See a true and correct of the letter  
24 of determination from the EEOC attached hereto as Exhibit II. Such allegations of the  
25 letter of determination finding reasonable cause is hereby incorporated herein this  
26 Complaint.  
27

GABROY LAW OFFICES  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 259-7704

1 8. On or about October 17, 2014, the EEOC issued Plaintiff a Notice of Right  
2 to Sue. See a true and correct copy of Plaintiff's right to sue attached hereto as Exhibit III.  
3 As such, this matter has been timely filed.

4 THE PARTIES

5 9. At all times relevant, plaintiff was  
6 a. an individual residing in this judicial district  
7 b. an employee of Defendant as that term is defined in Title VII of the Civil  
8 Rights Act of 1964, 42 USCA §2000(e) and NRS Chapter 613.

9  
10 10. All incidents giving rise to this suit occurred in the city of Las Vegas, Clark  
11 County, State of Nevada.

12 11. Plaintiff is informed and believes and thereon alleges that, at all times  
13 relevant, Defendants were listed with the Nevada Secretary of State and were doing  
14 business in this Judicial District in Clark County, Nevada where the subject unlawful  
15 employment practices occurred.

16  
17 12. Plaintiff is informed and believes and thereon alleges that at all times  
18 relevant, Defendants were Plaintiff's employer, as that term is defined in 42 USC  
19 §2000e and NRS 613.310(2) in that Defendants had "fifteen or more employees for  
20 each working day in each of twenty or more calendar weeks in the current or preceding  
21 calendar year."

22 13. According to the Nevada Secretary of State, Defendant CFI Sales &  
23 Marketing, LTD. was originally organized on or about July 12, 2005. Subsequently,  
24 Defendant CFI Sales & Marketing, LTD. cancelled its limited partnership due to merger on  
25 or about February 8, 2007. Further, Defendants are liable as an employer under our law  
26 as successor entities, joint venturers, and or joint enterprises under our laws.  
27

GABROY LAW OFFICES  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 259-7704

**GABROY LAW OFFICES**  
170 S. Green Valley Pkwy., Suite 280  
Henderson, Nevada 89012  
(702) 259-7777 FAX: (702) 259-7704

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14. There is an unity of interest and ownership between all corporate Defendants.

15. Upon information and belief, the Defendants are affiliated corporations with the same owners, managers or officers between them. The Defendants are jointly and severally liable for Defendant's actions. The assets and liabilities of all Defendants were and are at relevant times treated as the assets of one and the same entity.

16. At all times pertinent hereto, Defendants were the agents and/or employees and/or co-adventurers and/or partners and/or alter egos and/or predecessors and/or successors of their Co-Defendants, and in doing the acts and omissions hereinafter alleged were acting in the course and scope of such agency, employment, co-adventure, partnership, or alter ego and with the permission, consent, and encouragement of their Co-Defendants. Upon information and belief, the named Defendants operate to some degree a single enterprise, pursue the same business, serve each other, and share common management and resources. Further, there is common ownership and financial control between the entities, centralized control of labor operations and interrelations of the operations. Under our law, they constitute an integrated enterprise and employer of Plaintiff.

17. Does 1-10 and Roe Corporations 11-20, at all times relevant, were entities, whether individual, corporate, limited liability company and/or companies, associates, partnership(s), agents or otherwise, who are in some manner responsible for the manner of events, happenings and/or negligence described herein, who were Plaintiff's employer and who are unknown to Plaintiff at this time and therefore Plaintiff sues said Defendant(s) by such fictitious names and will seek leave of the Court to Amend this Complaint to show their true names and capacities when ascertained.



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1 These Defendants who are sued by such fictitious names owed Plaintiff a duty of  
2 reasonable care and/or violated statutory provisions that apply to Plaintiff and protect  
3 Plaintiff. Plaintiff demands a trial by jury on all issues.

4 **FACTUAL ALLEGATIONS**

5 18. In or around August of 2008, Defendants hired Plaintiff as a sales associate.

6 19. At all times relevant, Plaintiff was an exemplary employee of Defendants.  
7 Plaintiff received positive performance reviews.

8 20. Plaintiff is a Caucasian female and, at all times relevant, while employed  
9 with Defendants was unmarried.

10 21. As a part of her duties as a sales associate, Plaintiff was required to engage  
11 in tours with potential clients. Plaintiff's supervisors, who were agents of Defendants,  
12 assigned potential clients to sales associates.

13 22. Agents of Defendants, including the Director of Sales, Victor Curry ("Curry"),  
14 established a policy and procedure in which sales associates were matched to potential  
15 clients based on race, ethnicity, and sex.

16 23. The Director of Sales stated that if the sales associates were more "similar"  
17 to the potential clients based on race, ethnicity, or sex, the sales associates would be  
18 able to sell more because the parties had more in common.

19 24. Based on Defendants' policy and procedure, Plaintiff was assigned to tours  
20 of potential clients who were Caucasian, typically were female, typically unmarried, and  
21 around the same age as Plaintiff.

22 25. While employed by Defendants, Plaintiff took two potential clients who were  
23 African-American on a tour.

24 26. Subsequently, the President, David Siegel ("Siegel"), an agent of  
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Defendants, asked why Plaintiff toured an African-American couple, because Plaintiff was Caucasian.

27. On another occasion, Plaintiff invited a potential client who was African-American to sit with her at a table. Siegel chastised Plaintiff for inviting an African-American client to sit at a "Caucasian table." Subsequently, when Plaintiff did not secure a deal with the potential clients at the table, Siegel stated it was because Plaintiff invited the African-American to the "Caucasian table."

28. Defendant continued to assign potential clients who were Caucasian, young, and unmarried females to Plaintiff. Plaintiff asked Curry why this practice was occurring, and he stated it was because he believed "she could only sell to Whites."

29. Defendants' discriminatory policy and practice of assigning potential clients to sales associates based on race limited Plaintiff's pool of potential sales prospects and, thus, Plaintiff's earning potential.

30. Plaintiff opposed the discriminatory matching policies and procedures used by Defendants.

31. Plaintiff opposed the discriminatory matching policies to her direct supervisors, Mario Urella and Andrew Sebastian. In response, her direct supervisors stated that the policies were not going to change and that the sales associates needed to accept the policies and procedures.

32. On or about November 2, 2010, Plaintiff informed her direct supervisor, Curry, that if the discriminatory matching practices did not cease, she planned to provide her two weeks' notice. In response, Curry discharged Plaintiff.

33. On or about November 2, 2010, Defendants discharged Plaintiff.

**FIRST CAUSE OF ACTION**  
**Race Discrimination / Harassment/Retaliation**

42 U.S.C. §2000e-2 (Title VII) / NRS 613.330/42 U.S.C. §2000e-3(a)

1  
2 34. Plaintiff repeats and realleges all of the allegations contained in Paragraphs  
3 1 through 33 of this complaint as though fully set forth herein.

4 35. Plaintiff is Caucasian and is identifiable based on her ancestry and ethnic  
5 characteristics.

6 36. At all relevant times, while working for Defendant, Plaintiff had two-toned  
7 hair and minor tattoos visible on her body.

8 37. Plaintiff's performance record shows that she was qualified for the position  
9 of sales associate.

10 38. Despite her qualifications, Defendants, through the actions of its agents and  
11 Plaintiff's supervisors as more fully set forth above, subjected Plaintiff to adverse  
12 employment actions, including according discriminatory treatment to employees by a  
13 pattern of racial discrimination and matching procedures based on race, by denying job  
14 opportunities, and eventually terminating Plaintiff on the basis of her race and opposition  
15 to discriminatory practices.

16 39. Defendants through its policies and procedures assigned potential clients to  
17 Plaintiff based on physical appearance. Defendants assigned potential clients to Plaintiff  
18 who were Caucasian and potential clients with tattoos.

19 40. Defendants through its agents reprimanded Plaintiff for interacting with  
20 potential clients who were African-American.

21 41. This disparate treatment created an abusive, severe, pervasive and hostile  
22 work environment in violation of Title VII and NRS 613.330.

23 42. Defendants, through its managers and directors, knew of this disparate  
24 treatment and took no action to stop it.  
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1 43. As a direct and proximate result of Defendants' conduct described  
2 hereinabove, Plaintiff has sustained damages in excess of Ten Thousand Dollars  
3 (\$10,000.00).

4 44. As a result of Defendants' conduct, as set forth herein, Plaintiff has been  
5 required to retain the services of an attorney, and, as a direct, natural, and foreseeable  
6 consequence thereof, has been damaged thereby and is entitled to reasonable attorneys'  
7 fees and costs.

8 45. Defendants have acted willfully and maliciously, and with oppression, fraud,  
9 or malice, and as a result of Defendants' wrongful conduct, Plaintiff is entitled to an award  
10 of exemplary or punitive damages.  
11

12 **SECOND CAUSE OF ACTION**  
13 **Sex Discrimination / Harassment/Retaliation**  
14 **42 U.S.C. §2000e-2 (Title VII) / NRS 613.330/42 U.S.C. §2000e-3(a)**

15 46. Plaintiff repeats and realleges all of the allegations contained in Paragraphs  
16 1 through 45 of this complaint as though fully set forth herein.

17 47. As set forth above, Plaintiff is a member of a protected class, female.

18 48. Plaintiff was discriminated against and terminated on the basis of her sex.

19 49. Plaintiff was qualified for the position of sales associate. Plaintiff received  
20 consistently positive performance reviews.  
21

22 50. Despite her qualifications, Defendants, through the actions its agents and  
23 Plaintiff's supervisors as more fully set forth above, subjected Plaintiff to adverse  
24 employment actions, including according discriminatory treatment by conduct of a pattern  
25 of sex discrimination, by matching potential clients to sales associates based on sex, by  
26 denying job opportunities, and eventually terminating Plaintiff on the basis of her sex and  
27 opposition to discriminatory practices.  
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51. Defendants through its policies and procedures assigned potential clients to Plaintiff based on physical appearance. Defendants assigned potential clients to Plaintiff who were female, young, and Caucasian.

52. This disparate treatment created an abusive and hostile work environment in violation of Title VII and NRS 613.330.

53. Defendants, through its managers and directors, knew of this disparate treatment and took no action to stop it.

54. As a direct and proximate result of Defendants' conduct described hereinabove, Plaintiff has sustained damages in excess of Ten Thousand Dollars (\$10,000.00).

55. As a result of Defendants' conduct, as set forth herein, Plaintiff has been required to retain the services of an attorney, and, as a direct, natural, and foreseeable consequence thereof, has been damages thereby and is entitled to reasonable attorneys' fees and costs.

56. Defendants acted willfully and maliciously, and with oppression, fraud, or malice, and as a result of Defendants' wrongful conduct, Plaintiff is entitled to an award of exemplary or punitive damages.

**WHEREFORE**, Plaintiff prays for a judgment against Defendants in as follows:

1. For general damages in excess of \$10,000.00;
2. For special damages in excess of \$10,000.00;
3. For consequential damages in excess of \$10,000.00;
4. For punitive damages in excess of \$10,000.00;
5. For reasonable attorneys' fees and costs of suit incurred herein; and,
6. Such other and further relief as this Honorable Court may deem just and

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proper.

Dated this 9th day of January 2015.

Respectfully submitted,

GABROY LAW OFFICES

By h

CHRISTIAN GABROY  
The District at Green Valley Ranch  
170 South Green Valley Parkway, Suite  
280  
Henderson, Nevada 89012  
Tel (702) 259-7777  
Fax (702) 259-7704

**GABROY LAW OFFICES**  
170 S. Green Valley Hwy., Suite 280  
Henderson, Nevada 89012  
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# EXHIBIT I





<p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p><input checked="" type="checkbox"/> FEPA 0106-11-0005L</p> <p><input checked="" type="checkbox"/> EEOC 34B-2011-00164</p>
<p><b>Nevada Equal Rights Commission</b> and EEOC</p> <p><small>State or local Agency, if any</small></p>	
<p><small>THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):</small></p> <p>This discriminatory practice greatly affected my earning potential, by limiting the pool of potential sale prospects.</p> <p>On November 2, 2010, Mr. Curry discharged me, I was discharged along with Sales Associates, Raphael Ernest, Arielle Anderson, and Sales Manager, Brandon Beerbohm.</p> <p>It is my contention that we were discharged because we opposed the discriminatory practice of racial profiling of potential sales clients.</p> <p>I believe the Respondent's actions violate Title VII of the Civil Rights Act of 1964, as amended and Nevada State Law.</p>	
<p><small>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</small></p> <p><small>I declare under penalty of perjury that the above is true and correct.</small></p>	<p><small>NOTARY - When necessary for State and Local Agency Requirements</small></p> <p><small>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</small></p> <p>SIGNATURE OF COMPLAINANT</p> <p><i>[Handwritten Signature]</i></p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p><small>(month, day, year)</small></p>
<p><i>x</i> 1/16/2011 _____</p> <p align="center"><small>Date</small></p>	<p><i>x</i> <i>[Handwritten Signature]</i> _____</p> <p align="center"><small>Charging Party Signature</small></p>

# EXHIBIT II



**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-2011-00164**

Janine Virga

[REDACTED]  
[REDACTED]

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 she was discriminated against because of her sex, female, and her race, White, in that she 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 her protected class, as well as being terminated, in violation of 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 her to the potential customers and possible sales to only those of her 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-2011-00164**

**Page 2 of 2**

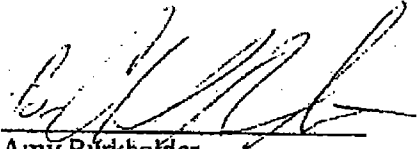
against persons who have cooperated in EEOC investigations is also prohibited. These protections apply regardless of the EEOC's determination on the merits of the charge.

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 III

EEOC Form 161-A (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE  
(CONCILIATION FAILURE)

To: Janine Virga  
[Redacted]  
[Redacted]

From: Los Angeles District Office  
255 E. Temple St. 4th  
  
Los Angeles, CA 90012

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.	EEOC Representative	Telephone No.
34B-2011-00164	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.

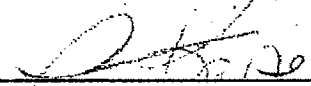
- NOTICE OF SUIT RIGHTS -  
(See the additional information attached to this form.)

**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

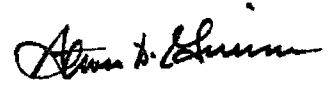
  
\_\_\_\_\_  
Rosa M. Viramontes,  
Acting District Director

10-17-14  
\_\_\_\_\_  
(Date Mailed)

Enclosures(s)

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

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CLERK OF THE COURT

1 **IAFD**  
2 GABROY LAW OFFICES.  
3 Christian Gabroy (#8805)  
4 Ivy Hensel (#13502)  
5 The District at Green Valley Ranch  
6 170 South Green Valley Parkway, Suite 280  
7 Henderson, Nevada 89012  
8 Tel (702) 259-7777  
9 Fax (702) 259-7704  
10 *Attorneys for Plaintiffs*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 JANINE VIRGA, an Individual,  
10  
11 Plaintiff,  
12 vs.

Case No. A-15-712119-C  
Dept. XXIV

13 CFI SALES AND MARKETING, LTD.  
14 d/b/a and a/k/a WESTGATE RESORTS;  
15 CFI SALES & MARKETING, INC. d/b/a  
16 and a/k/a WESTGATE RESORTS; CFI  
17 RESORTS MANAGEMENT, INC.; CFI  
18 SALES & MARKETING, LLC;  
19 WESTGATE RESORTS, LTD;  
20 WESTGATE RESORTS, INC;  
21 WESTGATE MARKETING, LLC; DOES  
22 1 through 10; and ROE Corporations 11  
23 through 20, inclusive,  
24  
25 Defendants.

**Initial Appearance Fee Disclosure**


26 Pursuant to NRS Chapter 19, filing fees are submitted for parties appearing in the  
27 above-captioned action as indicated below:

28	Janine Virga, Plaintiff	\$270.00
	<b>TOTAL REMITTED</b>	<b>\$270.00</b>

Dated this 9th day of January 2015.

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GABROY LAW OFFICES.

By: 

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Ivy Hensel (#13502)  
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christian@gabroy.com  
*ATTORNEYS FOR PLAINTIFF*