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18 **UNITED STATES DISTRICT COURT**
 19 **CENTRAL DISTRICT OF CALIFORNIA**

20 U.S. EQUAL EMPLOYMENT
 21 OPPORTUNITY COMMISSION,

22 Plaintiff,

23 vs.

24 ORANGE TREEIDENCE OPCO, LLC
 25 dba RIVERWALK POST ACUTE,
 26 PROVIDENCE GROUP, INC.,
 27 PROVIDENCE ADMINISTRATIVE
 28 CONSULTING SERVICES, INC., and
 DOES 1-10, inclusive,

Defendants.

Case No.:

**COMPLAINT—CIVIL RIGHTS /
 EMPLOYMENT
 DISCRIMINATION**

42 U.S.C. §§ 2000e, *et seq.*

JURY TRIAL DEMAND

1 **NATURE OF THE ACTION**

2 This is an action under Title VII of the Civil Rights Act of 1964 and Title I
3 of the Civil Rights Act of 1991 to correct unlawful employment practices on the
4 basis of race (Black) and retaliation and to provide appropriate relief to Charging
5 Party Montoyia Watson and other aggrieved individuals who were adversely
6 affected by such practices. As set forth in detail in this Complaint, Plaintiff United
7 States Equal Employment Opportunity Commission (“Plaintiff,” “Commission,” or
8 “EEOC”) alleges that Defendants Orange Treeidence OPCO, LLC dba Riverwalk
9 Post Acute (“Orange Treeidence”), Providence Group, Inc. (“PGI”), and
10 Providence Administrative Consulting Services, Inc. (“PACS”) (collectively,
11 “Defendants”) violated Title VII by subjecting Charging Party and similarly
12 aggrieved Black employees to racial discrimination including harassment based on
13 race (Black) resulting in a hostile work environment. The Commission further
14 alleges that Defendants violated Title VII by retaliating against Charging Party
15 after she complained about the harassment and hostile work environment and
16 engaged in protected activities.

17 **JURISDICTION AND VENUE**

18 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451,
19 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to
20 Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§
21 2000e-5(f)(1) and (3) (“Title VII”) and Section 102 of the Civil Rights Act of
22 1991, 42 U.S.C. § 1981a.

23 2. The employment practices alleged to be unlawful were and are now
24 being committed within the jurisdiction of the United States District Court for the
25 Central District of California.

26 **PARTIES**

27 3. Plaintiff EEOC is the agency of the United States of America charged
28 with the administration, interpretation, and enforcement of Title VII and is

1 expressly authorized to bring this action by Sections 706(f)(1) and (3) of Title VII,
2 42 U.S.C. §§ 2000e-5(f)(1) and (3).

3 4. At all relevant times, Defendant Orange Treeidence OPCO, LLC dba
4 Riverwalk Post Acute (“Orange Treeidence”) was and is a California limited
5 liability corporation continuously doing business in the State of California and the
6 City of Riverside and has continuously had at least 15 employees.

7 5. At all relevant times, Defendant Orange Treeidence has continuously
8 been an employer engaging in an industry affecting commerce under Sections
9 701(b), (c), (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (c), (g), and (h).

10 6. Defendant Providence Group, Inc. (“PGI”) was and is a California
11 corporation continuously doing business in the State of California and the City of
12 Riverside and has continuously had at least 15 employees.

13 7. At all relevant times, Defendant PGI has continuously been an
14 employer engaging in an industry affecting commerce under Sections 701(b), (c),
15 (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (c), (g), and (h).

16 8. Defendant Providence Administrative Consulting Services, Inc.
17 (“PACS”) was and is a California corporation continuously doing business in the
18 State of California and the City of Riverside and has continuously had at least 15
19 employees.

20 9. At all relevant times, Defendant PACS has continuously been an
21 employer engaging in an industry affecting commerce under Sections 701(b), (c),
22 (g), and (h) of Title VII, 42 U.S.C. § 2000e(b), (c), (g), and (h).

23 10. Defendant Orange Treeidence operates Riverwalk Post Acute care
24 facility (“Riverwalk”), a skilled nursing facility providing short or long-term care
25 for patients/residents in Riverside, California. Its corporate headquarters are in
26 Farmington, Utah, and it has an office in Riverside, California. It has common
27 management with the other Defendants.

28 11. Defendant PGI operates Riverwalk and other short or long-term

1 skilled nursing care facilities in California and other States. Its corporate
2 headquarters are in Farmington, Utah, and it has an office in Riverside, California.
3 It has common management with the other Defendants.

4 12. Defendant PACS operates Riverwalk and other short or long-term
5 skilled nursing care facilities in California and other States. Its corporate
6 headquarters are in Farmington, Utah, and it has an office in Riverside, California.
7 It has common management with the other Defendants.

8 13. At all relevant times since 2018, Defendants jointly employed the
9 Charging Party and other aggrieved Black employees. Specifically, Defendants
10 shared the authority to control, and exercised control, over the terms and
11 conditions of employment of the Charging Party and other aggrieved Black
12 employees. Defendants jointly determined and supervised Charging Party's and
13 aggrieved Black employees' daily work and job duties, recommended and/or took
14 employment actions and decisions including hiring, discipline, suspension, and
15 termination, and were responsible for preventing and responding to complaints and
16 reports of discrimination. Each of the Defendants shared control and served as an
17 employer to the Charging Party and other aggrieved Black employees.

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

28 15. Plaintiff is ignorant of the true names and capacities of each defendant

1 sued as DOES 1 through 10, inclusively, and therefore Plaintiff sues said
2 defendants by fictitious names. The Commission reserves the right to amend the
3 complaint to name each DOE defendant individually or corporately as it becomes
4 known. Plaintiff alleges that each DOE defendant was in some manner responsible
5 for the acts and omissions alleged herein and Plaintiff will amend the complaint to
6 allege such responsibility when this information has been ascertained.

7 **STATEMENT OF CLAIMS**

8 16. More than thirty days prior to the institution of this lawsuit, Charging
9 Party Montoyia Watson filed a charge of discrimination with the Commission
10 alleging violations of Title VII by Defendants.

11 17. On February 11, 2021, the Commission issued to Defendants Orange
12 Treidence and PGI a Letter of Determination finding reasonable cause to believe
13 Defendants violated Title VII. The Commission invited Defendants Orange
14 Treidence and PGI to join with the Commission in informal methods of
15 conciliation to endeavor to eliminate the unlawful employment practices and
16 provide appropriate relief.

17 18. On June 30, 2021, the Commission issued to Defendant PACS a
18 Letter of Determination finding reasonable cause to believe that Defendant PACS
19 violated Title VII. The Commission invited Defendant PACS to join with the
20 Commission in informal methods of conciliation to endeavor to eliminate the
21 unlawful employment practices and provide appropriate relief.

22 19. The Commission engaged in conciliation communications with
23 Defendants. The Commission was unable to secure from Defendants a conciliation
24 agreement acceptable to the Commission.

25 20. On September 15, 2021, the Commission issued to Defendants
26 Orange Treidence, PGI, and PACS a Notice of Failure of Conciliation advising
27 Defendants that the Commission was unable to secure from Defendants a
28 conciliation agreement acceptable to the Commission.

1 21. All conditions precedent to the institution of this lawsuit have been
2 fulfilled.

3 **Statement of Claims**

4 22. Charging Party is a Black woman. She began working for Defendants
5 in April of 2018 as a Certified Nursing Assistant at the Riverwalk facility. She
6 worked for Defendants until March 2019, when Defendants terminated her
7 employment.

8 23. Since at least April of 2018, Defendants have engaged in unlawful
9 employment practices in violation of Sections 703(a)(1) and 704 of Title VII, 42
10 U.S.C. §§ 2000e-2(a), (b), 2000e-3 by subjecting Charging Party and similarly
11 aggrieved Black employees to unwelcome, severe or pervasive racial harassment
12 and creating and maintaining an offensive, abusive, intimidating, and hostile work
13 environment because of their race (Black). Such harassment included, but was not
14 limited to:

- 15 a. Non-Black patients/residents of Riverwalk made racially
16 offensive verbal remarks to Charging Party and similarly
17 aggrieved Black employees. Such race-based comments
18 included, but were not limited to, “fucking n—r,” “Black n—r
19 bitch,” “freaking Orangutan,” “n—r pig,” “monkey in the
20 jungle,” “big Black guy,” and “negra.”
- 21 b. Non-Black, management and non-management staff at
22 Riverwalk made racially offensive comments toward Charging
23 Party and similarly aggrieved Black employees including using
24 the n-word.

25 24. Since at least 2018, Defendants knew or should have known of the
26 racially offensive and derogatory comments and the racially hostile work
27 environment at Riverwalk. Race-based slurs and comments, including those made
28 by patients/residents toward staff, were ubiquitous, open, frequent, and consistent

1 in nature. These race-based comments were often within earshot of Defendants'
2 managers and supervisors.

3 25. As early as 2018, Charging Party and other similarly aggrieved Black
4 employees complained to supervisors about the harassment.

5 26. Charging Party complained to Defendants verbally and in writing
6 regarding the racial harassment and racially hostile work environment she endured.

7 27. Despite having actual and constructive notice of the harassment
8 herein, Defendants failed and refused to take prompt and appropriate action to stop
9 the harassment and the resulting hostile work environment.

10 28. Defendants directed employees to tolerate the harassment from
11 patients/residents, coworkers, and supervisors/managers.

12 29. As a result of Defendants' failure to take prompt and effective
13 remedial measures, the harassment based on race continued unabated. The
14 harassment was unwelcome and sufficiently severe or pervasive to alter the terms
15 and conditions of the Charging Party's and other Black employees' employment
16 and created a hostile work environment.

17 30. Defendants' unlawful practices also included subjecting the Charging
18 Party to retaliation for complaining about the harassment and engaging in protected
19 activity.

20 31. Charging Party engaged in activity protected under federal law by
21 complaining verbally and in writing about the racial harassment. Namely, the
22 Charging Party complained on various occasions to supervisors/managers
23 regarding racial harassment by patients/residents, co-workers, and by the
24 Administrator at Riverwalk, and by filing a charge of discrimination. Shortly
25 thereafter, as a result of her protected activities, Defendants retaliated against
26 Charging Party by suspending and then terminating her.

27 32. The effect of the practices complained of above has been to deprive
28 the Charging Party and other Black employees of equal employment opportunities

1 and otherwise adversely affect their working conditions because of their race.

2 33. The unlawful employment practices complained of above were
3 intentional.

4 34. The unlawful employment practices complained of above were done
5 with malice or with reckless indifference to the federally protected rights of
6 Charging Party and similarly situated Black employees.

7 **PRAYER FOR RELIEF**

8 Wherefore, the Commission respectfully requests that this Court:

9 A. Grant a permanent injunction enjoining Defendant Orange
10 Treeidence, its officers, agents, servants, employees, attorneys, successors,
11 assigns, and all persons in active concert or participation with them, from
12 engaging in any employment practices in violation of Sections 703(a) and (b) and
13 704(a) of Title VII.

14 B. Grant a permanent injunction enjoining Defendant PGI, its officers,
15 agents, servants, employees, attorneys, successors, assigns, and all persons in
16 active concert or participation with them, from engaging in any employment
17 practices in violation of Sections 703(a) and (b) and 704(a) of Title VII.

18 C. Grant a permanent injunction enjoining Defendant PACS, its officers,
19 agents, servants, employees, attorneys, successors, assigns, and all persons in
20 active concert or participation with them, from engaging in any employment
21 practices in violation of Sections 703(a) and (b) and 704(a) of Title VII.

22 D. Order Defendant Orange Treeidence to institute and carry out policies,
23 practices, and programs to ensure that it would not engage in further unlawful
24 practices in violation of Sections 703(a) and (b) and 704(a) of Title VII.

25 E. Order Defendant PGI to institute and carry out policies, practices, and
26 programs to ensure that it would not engage in further unlawful practices in
27 violation of Sections 703(a) and (b) and 704(a) of Title VII.

28 F. Order Defendant PACS to institute and carry out policies, practices,

1 and programs to ensure that it would not engage in further unlawful practices in
2 violation of Sections 703(a) and (b) and 704(a) of Title VII.

3 G. Order Defendant Orange Treeidence to make whole the Charging
4 Party and other aggrieved Black employees by providing appropriate back pay
5 with prejudgment interest, in amounts to be determined at trial, and other
6 affirmative relief necessary to eradicate the effects of its unlawful employment
7 practices.

8 H. Order Defendant PGI to make whole the Charging Party and other
9 aggrieved Black employees by providing appropriate back pay with prejudgment
10 interest, in amounts to be determined at trial, and other affirmative relief necessary
11 to eradicate the effects of its unlawful employment practices.

12 I. Order Defendant PACS to make whole the Charging Party and other
13 aggrieved Black employees by providing appropriate back pay with prejudgment
14 interest, in amounts to be determined at trial, and other affirmative relief necessary
15 to eradicate the effects of its unlawful employment practices.

16 J. Order Defendant Orange Treeidence to make whole the Charging
17 Party and other aggrieved Black employees by providing compensation for past
18 and future non-pecuniary losses pursuant to Title VII, resulting from the unlawful
19 practices described above, including but not limited to emotional pain, suffering,
20 inconvenience, mental anguish, humiliation, and loss of enjoyment of life, in
21 amounts to be determined at trial.

22 K. Order Defendant PGI to make whole the Charging Party and other
23 aggrieved Black employees by providing compensation for past and future non-
24 pecuniary losses pursuant to Title VII, resulting from the unlawful practices
25 described above, including but not limited to emotional pain, suffering,
26 inconvenience, mental anguish, humiliation, and loss of enjoyment of life, in
27 amounts to be determined at trial.

28 L. Order Defendant PACS to make whole the Charging Party and other

1 aggrieved Black employees by providing compensation for past and future non-
2 pecuniary losses pursuant to Title VII, resulting from the unlawful practices
3 described above, including but not limited to emotional pain, suffering,
4 inconvenience, mental anguish, humiliation, and loss of enjoyment of life, in
5 amounts to be determined at trial.

6 M. Order Defendant Orange Treeidence to make whole the Charging
7 Party and other aggrieved Black employees by providing compensation for any
8 past and future pecuniary losses, including, but not limited to, expenses suffered
9 by them that resulted from the unlawful employment practices described above, in
10 amounts to be determined at trial.

11 N. Order Defendant PGI to make whole the Charging Party and other
12 aggrieved Black employees by providing compensation for any past and future
13 pecuniary losses, including, but not limited to, expenses suffered by them that
14 resulted from the unlawful employment practices described above, in amounts to
15 be determined at trial.

16 O. Order Defendant PACS to make whole the Charging Party and other
17 aggrieved Black employees by providing compensation for any past and future
18 pecuniary losses, including, but not limited to, expenses suffered by them that
19 resulted from the unlawful employment practices described above, in amounts to
20 be determined at trial.

21 P. Order Defendant Orange Treeidence to pay the Charging Party and
22 the other aggrieved Black employees punitive damages, pursuant to Title VII, for
23 its malicious or reckless conduct as described above, in amounts to be determined
24 at trial.

25 Q. Order Defendant PGI to pay the Charging Party and the other
26 aggrieved Black employees punitive damages, pursuant to Title VII, for its
27 malicious or reckless conduct as described above, in amounts to be determined at
28 trial.

1 R. Order Defendant PACS to pay the Charging Party and the other
2 aggrieved Black employees punitive damages, pursuant to Title VII, for its
3 malicious or reckless conduct as described above, in amounts to be determined at
4 trial.

5 S. Grant such further relief as the Court deems necessary and proper in
6 the public interest.

7 T. Award the Commission its costs of this action.

8 **JURY TRIAL DEMAND**

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


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12 Dated: March 9, 2022

Respectfully Submitted,

13
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Deputy General Counsel

15
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