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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 **WILLIAM R. TAMAYO - #084965 (CA)**
2 **DAVID F. OFFEN-BROWN - #063321 (CA)**
3 **ELIZABETH ESPARZA-CERVANTES - # 205412 (CA)**
4 **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
5 **San Francisco District Office**
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Attorneys for Plaintiff

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 **C 05 0962** **EMC**
13 **CIVIL ACTION NO.**

14 **EQUAL EMPLOYMENT**
15 **OPPORTUNITY COMMISSION,**

16 **Plaintiff,**

17 **v.**

18 **LEXUS OF SERRAMONTE, SONIC**
19 **AUTOMOTIVE, INC., AND FIRST**
20 **AMERICA AUTOMOTIVE,**

21 **Defendants.**

22 **COMPLAINT**
23 **Civil Rights**
24 **- Employment Discrimination**

25 **JURY TRIAL DEMAND**

26 **NATURE OF THE ACTION**

27 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
28 Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide
appropriate relief to Charging Party Anne Wei and other similarly situated individuals (the
claimants) who were adversely affected by such practices. As alleged below, defendants LEXUS
OF SERRAMONTE, SONIC AUTOMOTIVE, INC., and FIRST AMERICA AUTOMOTIVE

1 subjected the claimants to a hostile work environment based on sex, female.

2 **JURISDICTION AND VENUE**

3 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343,
4 and 1345. This action is authorized and instituted pursuant to §706(f)(1) and (3) of Title VII of the
5 Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §2000e-5(f)(1) and (3), and §102 of
6 the Civil Rights Act of 1991, 42 U.S.C. §1981a.

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8 2. The employment practices alleged to be unlawful were and are now being committed
9 in Serramonte, California, within the jurisdiction of the United States District Court for the Northern
10 District of California.

11 **PARTIES**

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13 3. Plaintiff, the Equal Employment Opportunity Commission (EEOC), is the agency of
14 the United States of America charged with the administration, interpretation, and enforcement of
15 Title VII and is expressly authorized to bring this action by §706(f)(1) and (3) of Title VII, 42
16 U.S.C. §2000e-5(f)(1) and (3).

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18 4. At all relevant times, Defendants are and were corporations doing business in the
19 State of California, and have continuously had at least 15 employees.

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21 5. At all relevant times, Defendants have continuously been employers engaged in an
22 industry affecting commerce, within the meaning of §701(b), (g), and (h) of Title VII, 42 U.S.C. §
23 2000e(b), (g), and (h).

24 **STATEMENT OF CLAIMS**

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26 6. More than thirty days prior to the institution of this lawsuit, Anne Wei filed a charge
27 of discrimination with the EEOC alleging violations of Title VII by Defendants All conditions
28

1 precedent to the institution of this lawsuit have been fulfilled.

2 7. Since at least December of 2001, Defendants have engaged in unlawful practices at
3 their Serramonte location in violation of §703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a)(1). These
4 practices, which continued on a regular basis, included subjecting the claimants to harassment on
5 the basis of their sex, female, which created an offensive, abusive, intimidating, and hostile work
6 environment. The harassment included both verbal and physical acts. For Ms. Wei, the harassment
7 became so intolerable that she was forced to resign in November 2002.

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9 8. The effect of the practices complained of in paragraph 7 above has been to deprive
10 the claimants of equal employment opportunities and to otherwise adversely affect them because of
11 their sex, female.

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13 9. The unlawful employment practices complained of in paragraph 7 above were and
14 are intentional.

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16 10. The unlawful employment practices complained of in paragraph 7 above were done
17 with malice and/or reckless disregard for the federally protected rights of the claimants.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, the Commission respectfully requests that this Court:

20 A. Grant a permanent injunction enjoining Defendant Employers, their officers,
21 successors, assigns, and all persons in active concert or participation with them, from engaging in
22 harassment based on sex and any other employment practice which discriminates on the basis of sex.

23 B. Order Defendant Employers to institute and carry out policies, practices, and
24 programs which provide equal employment opportunities for their employees and which eradicate
25 the effects of their past and present unlawful employment practices.
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C. Order Defendant Employers to make whole the claimants by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, with interest, in amounts to be determined at trial.

D. Order Defendant Employers to make whole the claimants by providing compensation for past and future non-pecuniary losses caused by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

E. Order Defendant Employers to pay the claimants punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems proper.

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G. Award the Commission its costs in this action.

JURY TRIAL DEMAND


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

Eric S. Dreiband
General Counsel
James L. Lee
Deputy General Counsel
Gwendolyn Young Reams
Associate General Counsel

**Equal Employment Opportunity
Commission**

1801 L Street, N.W.
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Date: 3/7, 2005


WILLIAM R. TAMAYO
Regional Attorney

Date: 3/7, 2005


DAVID F. OFFEN-BROWN
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Date: 3/7, 2005


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