

MAR 07 2006

at 8 o'clock and 56 min. AM
SUE BEITIA, CLERK

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Attorneys for Plaintiff

ORIGINAL

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

v.

CHAMINADE UNIVERSITY.

Defendant.

CIVIL ACTION NO.

CV 06 00136 SPK BMK

COMPLAINT- CIVIL RIGHTS
EMPLOYMENT DISCRIMINATION
(42 U.S.C. §§ 2000e, *et seq.*); SUMMONS

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, female, and to provide appropriate relief to Chie McCaughey who was adversely affected by such practices. As alleged below, Defendant, Chaminade University subjected Chie McCaughey to sex discrimination by withdrawing a job offer within one business day after learning that she was pregnant.

¹ Application for admission, as federal government attorney, to the bar of the U.S. District Court for the District of Hawaii is pending.

SCANNED

JURISDICTION AND VENUE

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

2. The employment practices alleged to be unlawful were and are now being committed within the County of Honolulu in the State of Hawaii which is within the jurisdiction of the United States District Court for the District of Hawaii

PARTIES

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

4. At all relevant times, Defendant, Chaminade University has continuously been doing business in the State of Hawaii and the City of Honolulu and has continuously had at least fifteen employees.

5. At all relevant times, Defendant Chaminade University has continuously been an employer engaged in an industry affecting commerce within the meaning of section 701(b), (g), and (h) of Title VII, 42 U.S.C. §2000e-(b), (g), and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Chie McCaughey filed a charge of discrimination with the EEOC alleging violations of Title VII by Defendant Chaminade University. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least February 4, 2004, Defendant Chaminade University has engaged in unlawful employment practices at its Honolulu, Hawaii job site in violation of section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a). These practices include

1 denying Chie McCaughey a position as Off Campus Program Coordinator on the basis
2 of her pregnancy and gender, female.

3 8. The effect of the practices complained of in paragraph 7 above has been to
4 deprive Ms. McCaughey of equal employment opportunities and otherwise to
5 adversely affect her status as an employee because of her pregnancy and gender,
6 female.

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

9 10. The unlawful employment practices complained of in paragraph 7 above were
10 and are done with malice and/or reckless disregard for the federally protected rights of
11 Ms. McCaughey.

12 PRAYER FOR RELIEF

13 WHEREFORE, the Commission respectfully requests that this Court:

14 A. Grant a permanent injunction enjoining Defendant Employer, its officers,
15 successors, assigns, and all persons in active concert or participation with it, from
16 engaging in any employment practice which discriminates on the basis of gender.

17 B. Order Defendant Employer to institute and carry out policies, practices,
18 and programs which provide equal employment opportunities for its female
19 employees and which eradicate the effects of its past and present unlawful
20 employment practices.

21 C. Order Defendant Employer to make whole Ms. McCaughey, by
22 providing appropriate backpay with prejudgment interest, in amounts to be determined
23 at trial, and other affirmative relief necessary to eradicate the effects of its unlawful
24 employment practices, including but not limited to rightful place hiring and front pay.

25 D. Order Defendant Employer to make whole Ms. McCaughey by providing
26 compensation for past and future pecuniary losses resulting from the unlawful
27 employment practices described above, including medical expenses, with interest, in
28 amounts to be determined at trial.

1 E. Order Defendant Employer to make whole Ms. McCaughey by providing
2 compensation for past and future non-pecuniary losses caused by the above unlawful
3 conduct, including pain and suffering, emotional distress, indignity, loss of enjoyment
4 of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

5 F. Order Defendant Employer to pay Ms. McCaughey punitive damages for its
6 malicious and reckless conduct described above, in amounts to be determined at trial.

7 G. Grant such further relief as the Court deems proper.

8 H. Award the Commission its costs in this action.

9 JURY TRIAL DEMAND

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

12
13 Respectfully submitted

14
15 JAMES LEE
16 Deputy General Counsel

17 U. S. EQUAL EMPLOYMENT
18 OPPORTUNITY COMMISSION
19 1801 L Street, N.W.
Washington, D.C. 20507

20 Date: 3/7/06

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22 WILLIAM R. TAMAYO
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27 U. S. EQUAL EMPLOYMENT
28 OPPORTUNITY COMMISSION

UNITED STATES DISTRICT COURT

District of Hawaii

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, Plaintiff

V.

CHAMINADE UNIVERSITY, Defendant

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

CV 06 00136 SPK BMK

TO: (Name and address of Defendant)

Mary Civile Wesselkamper -- Agent for Service of Process
Chaminade University
3140 Waiialae Avenue
Honolulu, HI 96816

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

William R. Tamayo
David F. Offen-Brown
Elizabeth Esparza-Cervantes
EEOC - San Francisco District Office
350 The Embarcadero, Suite 500
San Francisco, CA 94105


an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

SUE BEITIA

MAR 07 2006

CLERK

DATE

(By)  DEPUTY CLERK