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6 ATTORNEYS FOR PLAINTIFF

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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

11
12 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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14 Plaintiff,

15 v.

16 LABOR READY, INC.,

17
18 Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

19 NATURE OF THE ACTION

20 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil
21 Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and retaliation,
22 and to provide appropriate relief to Janice Lowell (“Ms. Lowell”) who was adversely affected by
23 such practices. Plaintiff, the Equal Employment Opportunity Commission (the “Commission”),
24 alleges that Labor Ready, Inc. subjected Ms. Lowell to sexual harassment. Furthermore, the
25

1 Commission alleges that Labor Ready, Inc. retaliated against Ms. Lowell when she complained
2 about the sexual harassment by discharging her, and then engaged in post-employment
3 retaliation against her. Plaintiff seeks monetary relief, including pecuniary and nonpecuniary
4 compensatory and punitive damages and injunctive relief, on behalf of Ms. Lowell.

5 JURISDICTION AND VENUE

6 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
7 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of
8 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)
9 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.
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11 2. The employment practices alleged to be unlawful were committed within the
12 jurisdiction of the United States District Court for the Western District of Washington at
13 Tacoma.

14 PARTIES

15 3. Plaintiff Commission is the agency of the United States of America charged with
16 the administration, interpretation and enforcement of Title VII, and is expressly authorized to
17 bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).
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19 4. At all relevant times, Defendant Labor Ready, Inc. ("Labor Ready") has been a
20 corporation continuously doing business in the State of Washington and has continuously had at
21 least 15 employees.

22 5. At all relevant times, Defendant Labor Ready has continuously been an employer
23 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
24 Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).
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STATEMENT OF CLAIMS

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2 6. More than thirty days prior to the institution of this lawsuit, Ms. Lowell filed a
3 charge with the Commission alleging violations of Title VII by Defendant Labor Ready. All
4 conditions precedent to the institution of this lawsuit have been fulfilled.

5 7. From at least December 15, 2003, Defendant Labor Ready, at its Longview,
6 Washington facility and elsewhere engaged in unlawful employment practices in violation of
7 §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendant subjected Ms.
8 Lowell to sexual harassment. Furthermore, Labor Ready, Inc. engaged in unlawful practices by:
9 (1) retaliating against Ms. Lowell for her complaints about sexual harassment by terminating her
10 in January 2003; and (2) retaliating against Ms. Lowell by interfering with her subsequent
11 employment.

12 8. The effect of the practices complained of in paragraph 9 above has been to
13 deprive Ms. Lowell of equal employment opportunities.

14 9. The unlawful employment practices complained of in paragraph 9 above were
15 intentional.

16 12. The unlawful employment practices complained of in paragraph 9 above were
17 done with malice or with reckless indifference to Ms. Lowell's federally protected rights.

PRAYER FOR RELIEF

18 Wherefore, the Commission respectfully requests that this Court:

19 A. Grant a permanent injunction enjoining Defendant, its officers, successors, agents,
20 assigns, and all persons in active concert or participation with it, from engaging in any
21 employment practices which discriminate or retaliate.
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1 B. Order Defendant to institute and carry out policies, practices, and programs which
2 provide equal employment opportunities for all employees, and which eradicate the effects of its
3 past and present unlawful employment practices.

4 C. Order Defendant to make whole Ms. Lowell by providing appropriate back pay
5 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief
6 necessary to eradicate the effects of its unlawful employment practices.

7 D. Order Defendant to make whole Ms. Lowell by providing compensation for past
8 and future pecuniary losses resulting from the unlawful employment practices described in
9 paragraph 7 above, including past and future out-of-pocket expenses, in amounts to be
10 determined at trial.

11 E. Order Defendant to make whole Ms. Lowell by providing compensation for past
12 and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph
13 7 above, including without limitation emotional pain, suffering, and loss of enjoyment of life, in
14 amounts to be determined at trial.

15 F. Order Defendant to pay Ms. Lowell punitive damages for its malicious and
16 reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

17 G. Grant such further relief as the Court deems necessary and proper in the public
18 interest.

19 H. Award the Commission its costs of this action.
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JURY TRIAL DEMAND

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

DATED this 12th day of October, 2005.

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