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The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EQUAL EMPLOYMENT)	No. 3:05-cv-05671-RBL
OPPORTUNITY COMMISSION,)	
)	PLAINTIFF INTERVENOR JANICE
Plaintiff,)	LOWELL’S COMPLAINT FOR
)	DAMAGES AGAINST LABOR
v.)	READY, INC.
)	
LABOR READY, INC., and IFA)	JURY TRIAL DEMAND
NURSERIES, INC.,)	
)	
Defendants.)	
)	
)	

NATURE OF THE ACTION

This is a civil action brought pursuant to 42 U.S.C. § 2000e *et seq.* and pursuant to RCW Chapter 49.60. Intervenor Janice Lowell (hereafter “Lowell”) seeks monetary damages, punitive damages, costs and attorneys fees under 42 U.S.C. § 2000e *et seq.* and monetary damages, costs and attorneys fees under RCW Chapter 49.60.

JURISDICTION AND VENUE

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

1 pendent state law claims for unlawful sex discrimination and retaliation under RCW Chapter
2 49.60. This Court has supplemental jurisdiction of Plaintiff's pendent state law claims under 28
3 USC § 1367.

4 2. The employment practices alleged to be unlawful under Title VII and unfair under
5 RCW Chapter 49.60 were committed within the jurisdiction of the United States District Court for
6 the Western District of Washington at Tacoma.

7 PARTIES

8 3. This action was commenced by Plaintiff, the Equal Employment Opportunity
9 Commission (hereafter "EEOC").

10 4. Plaintiff Intervenor Janice Lowell (hereafter "Plaintiff Intervenor") was at all relevant
11 times a resident of the State of Washington and is now a resident of Oregon.

12 5. At all relevant times Defendant Labor Ready, Inc. (hereafter "Labor Ready") has
13 been a corporation continuously doing business in the state of Washington and has continuously
14 had at least 15 employees.

15 6. At all relevant times Defendant Labor Ready has been an employer engaged in an
16 industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42
17 U.S.C. §§ 2000e-(b), (g) and (h).

18 STATEMENT OF CLAIMS

19 First Claim for Relief

20 (Sexual Harassment - Title VII)

21 7. Plaintiff Intervenor physically worked through Labor Ready at IFA Nurseries, Inc.
22 in Toledo, Washington from in or about mid-December 2003 until in or about mid-January, 2004.

23 8. During the period of time Plaintiff Intervenor physically worked through Labor
24 Ready at IFA Nurseries, Inc., in Toledo, Washington she was subjected to sexual harassment and
25 retaliation for opposing sexual harassment in violation of §§ 703(a) and 704(a) of Title VII, 42
26 U.S.C. §§ 2000e-2(a) and -3(a). Further, Labor Ready engaged in unlawful practices by

1 retaliating against Plaintiff Intervenor for pursuing her complaints about sexual harassment by: (1)
2 terminating her in January 2003; and (2) interfering with her subsequent employment.

3 9. The EEOC investigated this matter and found reasonable cause to believe that
4 violations of Title VII had occurred in certain particulars. Thereafter, the EEOC filed this action
5 alleging that Labor Ready engaged in unlawful practices by subjecting her to sexual harassment
6 and retaliation in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -
7 3(a) .

8 10. As a result of Labor Ready's conduct, Plaintiff Intervenor suffered emotional
9 distress all to her non-economic damage in an amount to be proven at trial and lost back and front
10 pay all to her economic damage in an amount to be proven at trial.

11 11. Defendant Labor Ready acted with malice or with reckless indifference to
12 Plaintiff Intervenor's federally protected right to be free from sexual harassment in the
13 workplace and from retaliation for complaining about sexual harassment and Defendant Labor
14 Ready should be assessed punitive damages in amounts to be set by a jury pursuant to 42 U.S.C.
15 § 1981a(b)(1).

16 12. Plaintiff Intervenor further is entitled to recover her reasonable attorney's fees,
17 costs, expert witness fees, prejudgment interest, postjudgment interest and such other injunctive
18 relief as the Court deems just pursuant to 42 USC §2000e-(5)(g) and (k).

19 13. Plaintiff Intervenor has an absolute right to intervene in this action under 42 U.S.C.
20 §2000e-5(f)(1).

21 14. Plaintiff Intervenor has satisfied all requirements concerning exhaustion of
22 administrative remedies and all conditions precedent to institution of her claims.

23 Second Claim for Relief

24 (Sexual Harassment - RCW Chapter 49.60)

25 15. Plaintiff Intervenor realleges paragraphs 1 through 10, 13 and 14.

26 16. During the period of time Plaintiff Intervenor physically worked for Labor Ready at

1 IFA Nurseries, Inc. in Toledo, Washington she was subjected to sexual harassment in violation of
2 RCW 49.60.180.

3 17. Plaintiff Intervenor further is entitled to recover her reasonable attorney's fees,
4 costs, expert witness fees, prejudgement interest, postjudgment interest and such other injunctive
5 relief as the Court deems just pursuant to RCW 49.60.030(2) and Title VII of the Civil Rights
6 Act of 1964, as amended.

7 Third Claim for Relief

8 (Retaliation - RCW Chapter 49.60)

9 18. Plaintiff Intervenor realleges paragraphs 1 through 10, 13, 14, 16 and 17.

10 19. Labor Ready violated RCW 49.60.210 by retaliating against Plaintiff Intervenor for
11 pursuing her complaints about sexual harassment by: (1) terminating her in January 2003; and (2)
12 interfering with her subsequent employment.

13 WHEREFORE, Plaintiff Intervenor prays for the relief requested in each of her claims for
14 relief alleged above and for such other relief that the Court deems just and equitable and demands
15 a jury trial.

16 DATED this 15th day of December, 2005.

17
18 /s/ Donald B. Potter
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