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

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff,

v.

LABOR READY, INC.,

Defendant.

CIVIL ACTION NO.

EEOC'S FIRST AMENDED COMPLAINT

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, and retaliation, and to provide appropriate relief to Janice Lowell ("Ms. Lowell") who was adversely affected by such practices. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), alleges that Labor Ready, Inc. and Labor Ready Northwest, Inc. (hereafter Labor Ready

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

#### 7 JURISDICTION AND VENUE

8  
9 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,  
10 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of  
11 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)  
12 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

13 2. The employment practices alleged to be unlawful were committed within the  
14 jurisdiction of the United States District Court for the Western District of Washington at  
15 Tacoma.

#### 16 PARTIES

17  
18 3. Plaintiff Commission is the agency of the United States of America charged with  
19 the administration, interpretation and enforcement of Title VII, and is expressly authorized to  
20 bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).

21 4. At all relevant times, Defendant Labor Ready, Inc. ("Labor Ready") and **Labor**  
22 **Ready Northwest** ~~have been a corporation~~ continuously doing business in the State of  
23 Washington and has continuously had at least 15 employees. **Defendant Labor Ready**  
24  
25

1 **Northwest at all material times has been a wholly-owned subsidiary of Defendant Labor**  
2 **Ready.**

3 5. At all relevant times, Defendant Labor Ready and **Defendant Labor Ready**  
4 **Northwest have** ~~has~~ continuously been ~~an~~ employers engaged in an industry affecting commerce  
5 within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and  
6 (h).

7 STATEMENT OF CLAIMS

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

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

18 8. The effect of the practices complained of in paragraph 7 ~~9~~ above has been to  
19 deprive Ms. Lowell of equal employment opportunities.

20 9. The unlawful employment practices complained of in paragraph 7 ~~9~~ above were  
21 intentional.



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

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

5 H. Award the Commission its costs of this action.

6 JURY TRIAL DEMAND

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

8 DATED this \_\_23\_\_ day of \_\_March\_\_, 2006

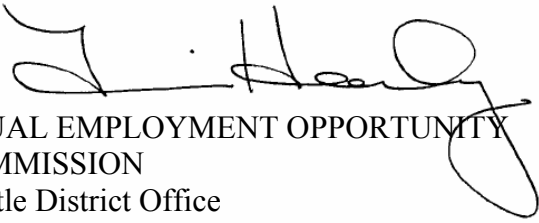
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